

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 761

S. P. 219

In Senate, February 26, 1979

Taken from Table by President and referred to the committee on Agriculture.
Sent down for concurrence and ordered printed.

Presented by Senator Redmond of Somerset.

Cosponsor: Senator O'Leary of Oxford.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

**AN ACT to Authorize Municipalities of Under 2,500 Inhabitants to Permit Persons
other than Arborists to Remove Trees within Municipal Boundaries.**

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 32 MRSA § 1951, sub-§ 1, as last amended by PL 1971, c. 347, § 1, is further amended to read:

1. Arborist. "Arborist" means a person who, for compensation, diagnoses or evaluates the condition of shade or ornamental trees; or solicits, recommends or supervises the treatment of such trees; or in any manner or for any purpose treats or cares for such trees or parts thereof; or takes down or fells such trees by topping or by sections, **except pursuant to a permit issued under section 2051-A**; or for control of any diseases, injuries or insects, sprays or treats by any other method such trees or forest trees.

Sec. 2. 32 MRSA § 2051, as amended by PL 1965, c. 226, § 73, is further amended to read:

§ 2051. License required

No Except as provided in section 2051-A, no person shall advertise, solicit, contract or in any way engage for compensation in the business of an arborist, or

make representation as being able to do so, without being licensed as an arborist except that licensees under the current arborist law shall remain eligible for renewal provided they meet the provisions of this subchapter.

Sec. 3. 32 MRSA § 2051-A is enacted to read:

§ 2051-A. Exemptions to licensing requirements for tree removal in municipalities of under 2,500 persons.

A municipality having a population of fewer than 2,500 persons may adopt, amend or repeal an ordinance regulating and permitting the removal of trees without an arborist's license, as otherwise required under section 2051. The ordinance may authorize the municipal officers to issue a permit to a person to remove trees in the municipality without an arborist's license. The ordinance may establish qualifications and conditions of financial responsibility for the permittee, provided those qualifications and conditions do not exceed those required for an arborist's license under this subchapter.

A permit issued under a municipal ordinance shall state the name of the permittee, the location and number of trees to be removed, the date on which the trees shall be removed and any other restrictions which the municipal officers or their designee deem necessary to ensure the safe and responsible removal of the trees. The ordinance may provide for a fee for the issuance of permits which is reasonable and necessary to cover the expenses of issuing permits and otherwise administering this section.

STATEMENT OF FACT

The purpose of this bill is to provide for the limited issuance of permits by municipalities having a population of fewer than 2,500 to persons without an arborist's license who wish to remove trees in that municipality. The municipality may issue a permit if it is satisfied that the person to remove the trees is competent to do so. The municipality may also impose restrictions on the removal to prevent abuse of this privilege.

Small towns are currently filled with dead elms whose legal removal now requires that they be taken down by a licensed arborist. However, very few arborists are active in small towns, and thus the dead elms, which need removal for safety reasons, still stand.

This bill provides a method for small towns to permit selected persons to remove trees from within their borders under safety rules which the municipalities think necessary. The bill does not attempt to take business away from licensed arborists, but it does attempt to give small towns a way to rid themselves of dead elm trees with which arborists haven't concerned themselves.