

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

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No. 1463

H.P. 1068

House of Representatives, March 27, 2003

An Act To Amend Maine's Arborist Licensing Laws

Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 204.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative McKEE of Wayne.
Cosponsored by Senator BRYANT of Oxford and
Representatives: CARR of Lincoln, PINEAU of Jay, PIOTTI of Unity, Senator: KNEELAND
of Aroostook.

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

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4 **Sec. 1. 7 MRSA §2181, first ¶**, as enacted by PL 1999, c. 84, §3, is amended to read:

6 A license may not be issued under this subchapter, except to
8 an individual who is 18 years of age or older, who is
10 specifically qualified as defined in this subchapter, who passes
12 an examination and who gives proof of financial responsibility in
14 amounts to be determined under rules of the department. ~~When a
16 company is under the control of one person who is solely
18 responsible for the contracts, methods of work and supervision of
20 each piece of work, this person alone must procure a license but
22 when more than one person is responsible for contracts, methods
24 of work and supervision of the same, each person must procure a
26 license.~~

18 **Sec. 2. 7 MRSA §2189**, as enacted by PL 1999, c. 84, §3, is
20 amended by adding at the end a new paragraph to read:

22 If a nonresident applicant for a license holds a valid
24 certificate issued by the International Society of Arboriculture,
26 or successor organization, examination of the applicant may also
28 be waived by the department, providing the testing process of the
30 International Society of Arboriculture or a successor
32 organization does not drop below the standards set forth in this
34 subchapter.

30 **Sec. 3. 7 MRSA §2190, sub-§§6 and 7**, as enacted by PL 1999, c.
32 84, §3, are amended to read:

32 **6. False advertising.** Pursuing a continued course of
34 misrepresentation or of making false promises through
36 advertising, sales representatives, agents or otherwise in
38 connection with the business of an arborist; e*

38 **7. Qualifications.** Failure to possess the necessary
40 qualifications or to meet the requirements of this subchapter for
42 the issuance or holding of a license; or

42 **Sec. 4. 7 MRSA §2190, sub-§8** is enacted to read:

44 8. Continued course of unprofessional conduct. Pursuing a
46 continued course of unprofessional conduct demonstrated by
48 repeated verified complaints against a licensed arborist.

SUMMARY

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4 This bill makes several changes to Maine's arborist
licensing laws designed to simplify the current arborist
6 licensing laws and to provide the public with additional
protection against unprofessional conduct of arborists doing
8 business in the State. The changes bring the current law into
conformity with actual practices in the arborist profession and
allow individuals who are certified by the International Society
10 of Arboriculture, ISA, which currently maintains a testing and
certification process as rigorous as the Department of
12 Agriculture, Food and Rural Resource's examination, providing the
ISA testing process does not drop below the standards set forth
14 in the State's arborist licensing law. The bill provides the
department with the opportunity to suspend, revoke or refuse to
16 issue or renew an arborist license, pursuant to other relevant
statutes or provides the District Court with the opportunity to
18 suspend, revoke or refuse to renew a license, if an arborist
pursues a continued course of unprofessional conduct as
20 demonstrated by repeated verified complaints against the licensed
arborist.

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