

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 861

H.P. 612

House of Representatives, February 16, 2005

### An Act To Amend Arborist Licensing Law

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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 LERMAN of Augusta.  
Cosponsored by Representatives: FLOOD of Winthrop, PIOTTI of Unity.

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

4 **Sec. 1. 7 MRSA §2174, sub-§1**, as enacted by PL 1999, c. 84,  
§3, is amended to read:

6 **1. Certain property.** Any A person with reference to trees  
on that person's own premises ~~or on the property of that person's~~  
8 ~~regular employer;~~

10 **Sec. 2. 7 MRSA §2174, sub-§3**, as enacted by PL 1999, c. 84,  
§3, is amended to read:

12 **3. Certain employees.** State, county, or municipal,  
14 ~~quasi-municipal--or--public--utility~~ employees while engaged in  
their regular line of duty or those individuals contracted during  
16 emergencies that result in public hardships, During all times  
other than emergencies, individuals contracted by state, county,  
18 municipal or quasi-municipal agencies or public utilities who  
perform the services of an arborist must be licensed;

20 **Sec. 3. 7 MRSA §2174, sub-§5**, as enacted by PL 1999, c. 84,  
22 §3, is amended to read:

24 **5. Others.** Highway contractors, subcontractors and their  
employees who remove trees during the performance of contracts  
26 for the construction or maintenance of highways ~~and--general~~  
~~contractors who remove interfering shade or ornamental trees or~~  
28 ~~interfering parts of shade or ornamental trees in the conduct of~~  
~~their regular business.~~

30 **Sec. 4. 7 MRSA §2176, sub-§1**, as enacted by PL 1999, c. 84,  
32 §3, is amended to read:

34 **1. Licenses; enforcement.** The department shall evaluate  
the qualifications and supervise the examination of applicants  
36 for licensure under this chapter and shall investigate or cause  
to be investigated all formal complaints made to it and all cases  
38 of noncompliance with this chapter.

40 **SUMMARY**

42 This bill amends arborist licensing law by eliminating  
44 licensing exemptions for certain individuals. The bill allows  
only state, county and municipal employees and contractors of  
46 those governments to perform the services of an arborist without  
having licenses during emergencies that result in public  
48 hardships but requires those contractors to be licensed all other  
times. The bill limits the requirement of the Department of  
50 Agriculture, Food and Rural Resources to investigate all  
complaints made to it to only those complaints that are formally  
52 made.