

MAINE STATE LEGISLATURE

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Date: 4/26/17

L.D. 1264

(Filing No. H-136)

Minority

STATE AND LOCAL GOVERNMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 892, L.D. 1264, Bill, "An Act To Resolve Differences in the Laws Regarding Public Shade Trees"

Amend the bill by striking out all of sections 3 to 6 and inserting the following:

'Sec. 3. 30-A MRSA §3283, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

§3283. Removal of trees

Public shade trees may be planted, trimmed, cut down or removed by the owner of the land only with the consent of a municipal arborist, a tree warden or the conservation commission. Public shade trees may be trimmed, cut down or removed by a municipal arborist, tree warden or conservation commissioner only with the consent of the landowner.

1. **Trimming, cutting or removal authorized.** This section does not prevent the trimming, cutting or removal of public shade trees when the trimming, cutting or removal is ordered by proper authority to:

- A. Lay out, alter or widen the location of highways;
- B. Lessen the danger of travel on highways; ~~or~~
- C. Suppress tree pests or insects;
- D. Remove dead or dying trees or branches;
- E. Remove trees or branches that interfere with public works projects; or
- F. Promote pedestrian safety on public walkways.

2. **Municipal standards.** Notwithstanding any other provision of law, a municipality may adopt ordinances or standards governing the planting, trimming, cutting and removal of public shade trees and other vegetation within the limits of the rights-of-

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 892, L.D. 1264

1 way of public highways except that the ordinances or standards may not include
2 restrictions on utilities.'

3 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
4 section number to read consecutively.

5 **SUMMARY**

6 This amendment, which is the minority report, amends the bill so that municipalities
7 are able to adopt ordinances or standards except that those ordinances or standards may
8 not contain restrictions on utility companies. The amendment removes the requirements
9 for utilities to comply with municipal standards or to provide additional notice to
10 customers other than those requirements that currently exist in state law. It also removes
11 the authority of municipalities proposed in the bill for planting, trimming, cutting and
12 removing of trees in rights-of-way as well as the requirement for municipalities to adopt
13 standards and appeals procedures.