

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 414

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H.P. 281

House of Representatives, February 12, 2015

### **An Act To Remove Certain Exemptions to the Laws Concerning Tree Specialists**

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative THERIAULT of China.  
Cosponsored by Representatives: ESPLING of New Gloucester, HOBART of Bowdoinham,  
Senator: CUSHING of Penobscot.

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

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

4 **3. Certain employees.** State, county, municipal, quasi-municipal or public utility  
5 employees while engaged in their regular line of duty or those individuals contracted  
6 during emergencies that result in public hardships; or

7 **4. Scientific specialists.** Scientific specialists such as plant pathologists,  
8 entomologists, botanists, foresters, horticulturists and others who are not arborists but  
9 who by academic training are professionally qualified to perform certain services  
10 performed by licensed arborists. Services performed by those specialists for a fee are  
11 limited to consultation, advisory or expert diagnostic services. Those specialists are  
12 prohibited from performing all other activities of practicing arborists without  
13 examination; ~~or~~.

14 **Sec. 2. 7 MRSA §2174, sub-§5**, as enacted by PL 1999, c. 84, §3, is repealed.

15 **Sec. 3. 7 MRSA §2175, sub-§1**, as amended by PL 2001, c. 299, §3, is further  
16 amended to read:

17 **1. Penalties.** A person who violates this subchapter must be informed of the  
18 violation and issued a warning. A person who has been issued a warning pursuant to this  
19 subsection who violates this subchapter again commits a civil violation for which a  
20 forfeiture of up to ~~\$500~~ \$1,000 a day for each day the violation continues may be  
21 adjudged. All penalties collected must be deposited in a nonlapsing account in the  
22 department and must be used for the expenses of administering this chapter.

23 **SUMMARY**

24 This bill eliminates the arborist licensing exemption for highway contractors,  
25 subcontractors and their employees who remove trees during the performance of  
26 contracts for the construction or maintenance of highways and general contractors who  
27 remove interfering shade or ornamental trees or interfering parts of shade or ornamental  
28 trees in the conduct of their regular business. This bill also increases the penalty for  
29 violating a provision of the laws regarding arborists from up to \$500 per day to up to  
30 \$1,000 per day but provides for a warning for a first offense.