

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

## Ninety-fourth Legislature

OF THE

# STATE OF MAINE

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

As Passed by the Ninety-fourth Legislature

**1949**

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or not being guided by a dog, of the rights and privileges conferred by law upon pedestrians crossing streets or highways, nor shall the failure of such totally or partially blind or otherwise incapacitated person to carry a cane or walking stick, or to be guided by a guide dog upon the streets, highways or sidewalks of this state, be held to constitute nor be evidence of contributory negligence.

Sec. III-D. Penalty. Any person who violates any provision of sections III-A to III-C, inclusive, shall be punished by a fine of not more than \$25 or imprisonment for not more than 10 days, or by both such fine and imprisonment.'

Effective August 6, 1949

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## Chapter 149

### AN ACT Concerning the Improvement, Protection or Preservation of Shade, Forest or Ornamental Trees.

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

Sec. 1. R. S., c. 32, § 51, amended. Section 51 of chapter 32 of the revised statutes is hereby amended to read as follows:

'Sec. 51. Qualification to work on trees. No person, firm or corporation shall advertise, solicit or contract to improve the condition of shade, forest or ornamental trees by pruning, trimming or filling cavities, or to protect such trees from damage by insects or disease, either by spraying or any other method, or to spray such trees for control of any insect, without having secured a certificate as specified in section 52; except that any person may improve or protect any trees on his own premises or on the property of his employer without securing such a certificate.'

Sec. 2. R. S., c. 32, § 52, amended. Section 52 of chapter 32 of the revised statutes is hereby amended to read as follows:

'Sec. 52. Certificate may be issued; examination and forms; fees; rates; application; penalty. The forest commissioner, state entomologist and a botanist, to be appointed by the forest commissioner, shall constitute a board which shall, upon application from any person, firm or corporation, determine the qualifications of the applicant to improve, protect or preserve shade, ornamental or forest trees, or to spray such trees, and if satisfied that the applicant is qualified, may issue a certificate so stating; which certificate shall be valid for 1 year from the date of its issue, unless sooner

revoked as provided in this section, and may be renewed by the board for succeeding years without further examination, upon payment of the fee hereinafter required, provided any person, firm or corporation receiving such certificate shall be responsible for the acts of all employees in the performance of such work.

Said board shall prepare all necessary forms and prescribe all rules and regulations governing examinations, and any certificate issued under the provisions of this section may be revoked by it upon proof that improper methods have been used or for other sufficient cause.

Each applicant for an examination shall pay a fee of ~~\$5~~ \$10 in advance, and a fee of ~~\$2~~ \$3, for each certificate of renewal issued; which fees shall be credited to the appropriation for ~~general forestry purposes~~ entomology, and which may be expended by the board for any expense incurred by it in making examinations ~~or~~, issuing certificates or to carry out the purposes of the law.

For all work to be performed a fixed hourly rate must be stated, and if involving a sum in excess of \$50 must be done under a written contract form describing the work and fixing the maximum cost.

The provisions of this and the preceding section shall not apply to state, county or municipal employees while engaged in their regular line of duty.

Any person, firm or corporation failing to comply with the terms of this and the preceding section shall be punished by a fine of not more than \$100 and costs or not more than 60 days in jail.'

Effective August 6, 1949

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## Chapter 150

### AN ACT Relating to Extinguishing Forest Fires by Backfiring.

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

R. S., c. 85, § 35, amended. Section 35 of chapter 85 of the revised statutes is hereby amended by adding at the end thereof the following sentence:

'The provisions of this section shall not apply to the duties of state forest fire wardens to set a backfire to extinguish a forest fire actually burning.'

Effective August 6, 1949