

Legislative History for Connecticut Act

HB 688 PA 76 1929

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STATE PARK AND RESERVATIONS HEARING, FEBRUARY 21, 1929

✓ H.B. NO. 688 (Mr. Allen) AN ACT CONCERNING THE APPOINTMENT OF TREE WARDENS AND PROVIDING FOR THE CARE OF TREES.

Dr. Britton wished to be recorded in favor  
Rep. Bradley " " " " " "

Rep. Allen, introducer of the bill, explained it. This is intended as a codification and a revision of all shade tree laws now on the statutes, and the bill was drawn up in conjunction with the Statute Revision Committee. The changes from the present law were explained by Mr. Allen, as follows:

On page 3, Sec. 2, he thought there was a great deal of red tape for tree wardens to go through, and under ordinary conditions he did not think it necessary and wait for five days before a tree could be removed as he might have men working there and it would entail more expense to come back again.

In Sec. 3, last paragraph, it refers to planting trees on private property with the consent or approval of tree warden, these to be removed only upon written permission of the warden to the owner for the purpose of making improvements or for farming purposes outside the limits of the public highway. There is a question whether that is just right. they form an encumbrance on the land which might be serious in settling an estate or in selling the property. On the other hand the owner might not wish to have them taken out and the warden would insist upon removing them.

In Sec. 5, Paragraph A, referring to advertising on highways on trees or rocks, that is all right so far as it goes, but there should be a time limit. If there is going to be an auction on a cross road leading from the state highway it is good advertising and of assistance to the public by having a sign advertising the auction. I think these signs should be limited to 48 hours, an auctioneer has these signs printed and uses them over and over.

In Sec. 6 it refers to the repeal of certain sections. Sec. 2142 refers to a bounty for setting out trees of 25¢ a year for five years to anyone setting out a tree on a public highway and caring for it. That is listed to be repealed but think it would be well to carry it out. Mr. Cook has a substitute to offer making the reimbursement 50¢ instead of 25¢. This has been a dead letter but it seems well to write it into the present statutes. The State Highway Department takes care of the state highways and has charge of planting shade trees, but there is no provision for the side streets, and I wish to submit this substitute:

(A) Every person planting, protecting and cultivating shade or ornamental trees not more than sixty nor less than forty feet apart along any public highway, except a trunk or state aid highway, shall be entitled to receive from the general funds of the state, an annual bounty of fifty cents for each tree; but such bounty shall not be paid for more than five years nor any longer than such trees are maintained. Trees planted under the provisions of this section shall not be less than one and one-half inches in diameter measured two feet from the ground.

(B) Any person planting trees under the provisions of this section shall, having first obtained from the tree warden of the town or borough in which he desires to plant trees as herein provided, permission as to the location and variety of such trees, file with the state park and forest commission a true statement of the number of trees so planted, the variety of the same, together with the name of the town or borough in which such trees are located and the name of the road or street upon which they are planted, and the date of planting, which statement shall be fully attested by the tree warden of such town or borough.

Mr. Cook: Two years ago the Legislature enacted a law placing the supervision of town tree wardens with the State Park and Forest Commission. While there has been a law on the appointment of tree wardens for twenty-five years only 40% of the towns have tree wardens. The laws relating to shade trees have been changed several times, and sometimes without repealing the existing law, and the result is confusing and ambiguous. We have tried to codify all existing laws, incorporating the good features of each, with a few minor changes and additions.

Sec. 1 of the old law did not apply to towns with cities within their boundaries. Shelton and Torrington have considerable rural areas and at present do not come under the tree warden act. We have written it to include cities which have large rural areas. Also made provision for tree wardens in boroughs. We have found several towns that do not appoint tree wardens and we have provided that if no appointment is made the State Parks Commission may make such appointment.

Sec. 2, at present the tree warden has authority only over trees of 6 inches in circumference, and we have changed it to include shrubs. At present permission of the selectmen would have to be secured before removing brush and many times two inch growth is found that could be left and would produce good shade trees. We have also included his authority to include branches and roots growing on private property adjoining the highway. Also to remove signs illegally erected on highways, giving him the right to remove trees which are an immediate hazard without going to the formality of getting permission from the selectmen. We have not 100% tree wardens at the present time, many of them are

in name only. If he had the right to go ahead and remove any tree he liked I can see the possibility of some particularly valuable tree being removed and the public would know nothing of it until too late, and perhaps it would be advisable to save the tree. If this condition is written in the bill it would be well. We have made a change in regard to hearings, the decision to be given within three days, and then the aggrieved party may apply within ten days to the State Park and Forest Commission instead of the County Commissioners, as at present.

Sec. 3, in regard to trees on private property by mutual consent. It might be well if that clause was changed from "discretion" to "consent of tree warden".

Sec. 4 A, tree surgery, at the present a person is allowed to solicit a contract for tree surgery in his own town without a certificate from the Commission examining board. This does not protect the public in the way it was intended and we have eliminated that.

Sec. 5 A, we have included the public in the law. At present it is not legal to put any sign on any shade tree exception for the protection of the tree. You see many signs on trees saying they have been sprayed with poison, and that is illegal, as it is not protecting the tree but the public.

B, We have increased the penalty from \$50. to \$100. or imprisonment of six months for one who injures or defaces trees wilfully.

C has been rewritten because of another bill introduced, and I am herewith giving you a substituted:

(C) Any person, firm or corporation who shall deposit or throw any advertisement within the limits of any public way or grounds, or upon private premises or property, unless the same be left at the door of the residence or place of business of the occupant of such premises or property, or who shall deposit or throw any refuse paper, camp or picnic refuse, junk or other material within the limits of any public way or grounds, or upon private premises or property without permission of the owner thereof; or who shall affix to or maintain upon any tree, rock or other natural object within the limits of a public way or grounds any paper or advertisement other than notices posted in accordance with the provisions of the general statutes; or affix to or maintain upon the property of another without his consent, any word, letter, character or device intended to advertise the sale of any article, may be fined not more than fifty dollars or imprisoned not more than six months or both for each violation.

Section E, at the bottom of the page is new.

We have eliminated all the present laws by re-writing all into three or four.

Committee: What is meant by Sec. D, page 6, affixing a notice to a pole? Can not the people who own the pole have a sign saying for instance "1,000 volts"?

Mr. Cook: That is a violation of our present law. That is covered in detail under the advertising law. At the present time all advertisements on highways are illegal.

Committee: How about trespassing signs?

Mr. Cook: If on the highway, they are illegal. They can be placed just off the highway, the only signs that are legal relate to tree protection.

LUTHER M. KEITH, STATE HIGHWAY DEPARTMENT: I think the law as rewritten is a good document and I am specially interested in some of the provisions. I think the law as finally rewritten should take into consideration Chap. 309, P.A. 1927, which covers the State Highway work on trees and there should be nothing in this law which would conflict with our law. On page 5, Sec. 5, paragraph A refers to climbing spurs, I am in favor of that. Somthing over a year ago I forbid the use of spurs at all on our work and we have at the present time 11 crews at work, we use ropes instead. There are some trees that climbers will not hurt but the first you know a beautiful maple tree has been punctured all the way up, and causes diseases and fungus growth.

MR. SHERWOOD, SOUTHERN NEW ENGLAND TELEPHONE CO. It is part of our rules that no spurs be used in climbing trees as the spur wounds may lead to disease germs entering or cause a scar.

MRS. GADD, AMERICAN FEDERATION OF WOMEN'S CLUBS, having a membership of 12,000, stated that a meeting was held and this bill discussed, and were in favor of it.

J.A. CROMBIE, CONNECTICUT PROTECTIVE ASSOCIATION, State Forester for New Haven for 18 years, appeared for the Association and personally for the bill. He was opposed the use of spurs and use ladders and ropes instead, although it is more expensive, and it is difficult to get men to climb, especially far out on the branches, unless they are allowed spurs.

MR. LANDERS, BRISTOL: Appeared in favor of the bill.

W. O. FILLEY, STATE FORESTER, NEW HAVEN: Appeared in favor of bill, said Mr. Allen misunderstood the 5 day notice and he thought adjoining property owners should have some notice of a tree to be removed. At the present time a man may solicit in

his **own town**, and if he gets a chance is very liable to overstep the boundaries, **and** in **this** bill we have made it obligatory upon everyone who does tree surgery to get a license from the Tree Protection Examining Board. Anyone who goes out and solicits this **work** ought to be under the supervision of the Commission. If you want to hire a man to work around your grounds under your supervision, he is just a laborer, but if he **tells** you **what** to do, he is a tree surgeon.

H.B. NO. 179 (Mr. Gold) AN ACT CONCERNING THE FORMATION OF CO-OPERATIVE FORESTRY ASSOCIATION.

MR. HAWES, STATE FORESTER, said the state now owned about 43,000 acres and are acquiring land at the rate of about 10,000 acres a year. But not much headway is being made with owners of private land to take up the practice of forestry. After 25 years experience find there is a lot of waste energy in trying to co-operate with individual owners who own from 25 to 50 acres. For the past five years this land has been given fire protection through the police association, and six of these associations are started. The land owners form themselves into an association and assess themselves 4¢ an acre and the state will put in the same amount of money, that money being used to hire patrolmen with autos who cover 100 miles a day, and they are paid a small salary and 7¢ a mile for the use of their car. The damage by forest fires has been cut, of the 72,000 acres protected last year only 149 acres were burned. It is working out nicely in regards to fire. Many land owners are more interested in the protection of their land against laurel and hemlock theft than against fire. We want to extend the scope of the association to cover theft. There is a ready market in the large cities for laurel for decorations and before the Christmas season there is a demand for the hemlocks, and if we can stop this theft we will be doing something of value to the land owners. We are now selling laurel for \$25. on a back lot and in two or three years we will be able to sell another crop, and there is no reason why the farmer should not have the benefit of this crop. This would also give authority on protection from insects such as the blister rust on the white pines and if the members would pay 5¢ an acre would take care of the pulling of currant and goose berry bushes. If this bill goes through the associations would receive co-operation along these lines: fire, stealing, prevention of disease and improvement and development of the forests. We believe there