

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION

December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION

January 8, 1992 to March 31, 1992

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PUBLISHED BY THE REVISOR OF STATUTES
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J.S. McCarthy Company
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1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 30-A MRSA §934, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

§934. Loans

The county commissioners may obtain loans of money for the use of their county and cause notes or obligations, with coupons for lawful interest, to be issued for payment of the loans. These loans may not exceed \$10,000, except in Franklin County and Aroostook County as provided in ~~section~~ sections 935 and 935-A, without first obtaining the consent of the county, substantially as provided in section 122.

Sec. 2. 30-A MRSA §935-A is enacted to read:

§935-A. Aroostook County loans

The county commissioners of Aroostook County may obtain loans of money for the use of Aroostook County, not to exceed \$95,000, and cause notes or obligations, with coupons for lawful interest, to be issued for payment of the loans. Any loans of money in excess of \$10,000 may be incurred only for the purpose of building, rebuilding, altering or otherwise improving county-owned real estate and personal property in that real estate.

Sec. 3. Aroostook County. Notwithstanding the Maine Revised Statutes, Title 30-A, sections 922 and 924, the commissioners of Aroostook County may make a one-time transfer of accrued interest to the county's contingent fund in an amount not to exceed \$85,000. This interest was earned on \$3,000,000 in bonds issued to finance the renovations and additions to the Aroostook County Jail. The funds transferred must be used for the construction and installation of a new jail master control panel.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective March 30, 1992.

CHAPTER 779

S.P. 696 - L.D. 1861

An Act to Amend the Animal Welfare Laws

Emergency preamble. **Whereas**, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Animal Welfare Board has many powers and duties; and

Whereas, effective use of these powers and performance of these duties are essential to animal welfare in this State; and

Whereas, full-time humane agents are essential to enforcement of animal welfare laws; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 5 MRSA §12004-G, sub-§3, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. 2. 5 MRSA §12004-I, sub-§§2-B and 2-C are enacted to read:

2-B.	<u>Animal Wel-</u>	<u>Expenses</u>	<u>7 MRSA</u>
<u>Agriculture</u>	<u>fare Board</u>	<u>Only</u>	<u>§3903-A</u>

2-C.	<u>Animal Wel-</u>	<u>Expenses</u>	<u>7 MRSA</u>
<u>Agriculture</u>	<u>fare Advisory</u>	<u>Only</u>	<u>§3906-C</u>
	<u>Committee</u>		

Sec. 3. 7 MRSA §3903, as amended by PL 1991, c. 267, §1, is repealed.

Sec. 4. 7 MRSA §3903-A is enacted to read:

§3903-A. Animal Welfare Board; membership

The Animal Welfare Board, as established by Title 5, section 12004-I, subsection 2-B, is an independent board. The department shall provide office space for the board.

1. Designated members. The board consists of 5 members appointed by the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over agricultural matters and confirmation by the Legislature. The membership must consist of:

A. Two members representing humane societies. In making the appointments, the Governor shall consider nominations made by humane societies incorporated under the law, except that not more than one member may represent a particular society;

B. Two members representing the general public; and

C. One veterinarian with experience in both large and small animal practice who is or has been licensed to practice in this State. In making the appointment, the Governor shall consider nominations made by the Maine Veterinary Medical Association. A veterinarian is not eligible for membership on the board if the license of the veterinarian has ever been suspended or revoked by the Administrative Court pursuant to Title 32, chapter 71-A.

2. Compensation. Members of the board are entitled to expenses only.

Sec. 5. 7 MRSA §3904, as enacted by PL 1987, c. 383, §3, is amended to read:

§3904. Terms of office

Except for initial appointees ~~and the state member~~, each member ~~shall serve~~ serves for a term of ~~4~~ 3 years or until ~~his~~ a successor has qualified. In the case of a vacancy for any reason, the Governor shall appoint a member to fill the unexpired term.

1. Initial terms of office. Initially, ~~3~~ 2 appointed members ~~shall serve~~ serve for one year; 2 members ~~serve~~ serve for 2 years; ~~2 members and one member serves~~ for 3 years; ~~and 2 members for 4 years~~, provided that no more than one member represents the same interest group in the same class.

Sec. 6. 7 MRSA §3905, as enacted by PL 1987, c. 383, §3, is amended to read:

§3905. Administration

The board shall elect one of its members as ~~chairman~~ chair. The chair serves for a 2-year period and may not serve as chair for consecutive 2-year periods.

The board shall hold regular monthly meetings, but may waive, by majority vote, a succeeding monthly meeting. The ~~chairman~~ chair shall call special meetings of the board whenever requested in writing by 2 or more members.

Sec. 7. 7 MRSA §3906, as amended by PL 1991, c. 267, §§2 and 3, is repealed.

Sec. 8. 7 MRSA §3906-A is enacted to read:

§3906-A. Powers and duties of board

The board has the powers and duties set forth in this section.

1. Cruelty to pet animals. The board, in cooperation with animal control officers, shall investigate complaints of cruelty to pet animals and enforce cruelty-to-animal laws in accordance with chapter 739 and Title 17, chapter 42 when the animal affected is a pet animal as defined in section 3907. The Attorney General and the district attorneys shall assist the board with its enforcement responsibilities. The board may apply to the commissioner for the assistance of state veterinarians.

2. Employees. The board shall appoint intermittent humane agents as necessary to assist the board in carrying out its duties and responsibilities. The board shall train and coordinate efforts of intermittent agents. These intermittent agents are unclassified employees whose training, compensation and hours of employment are determined by the board. The jurisdiction of each intermittent humane agent extends throughout the State.

3. Spaying and neutering fund. The board may accept funds from any private or public source for the purpose of subsidizing spaying and neutering. The board shall deposit all funds accepted for this purpose in a separate, nonlapsing spaying and neutering account. The board shall establish guidelines for payments and make payments from the fund. All payments from the fund must be used to subsidize spaying and neutering of dogs and cats.

4. Information. The board may obtain, develop or disseminate any information useful or convenient for carrying out any purpose or power of the board.

5. Annual report. The board shall report annually by March 1st to the joint standing committee of the Legislature having jurisdiction over agricultural matters on the activities of the board. This report must include a summary of cases of cruelty to pet animals investigated by the board and an account of deposits into and payments from the spaying and neutering fund.

Sec. 9. 7 MRSA §3906-B is enacted to read:

§3906-B. Powers and duties of commissioner

The commissioner has the powers and duties set forth in this section.

1. Dog licensing laws. The commissioner shall carry out the dog licensing laws and furnish to municipalities all license blanks and tags.

2. Animal Welfare Fund. The commissioner shall deposit all license fees received pursuant to chapters 719, 721, 723, 725 and 743 in a separate account established by the Treasurer of State and known as the Animal Welfare Fund. This account does not lapse, but continues from year to year. The commissioner shall pay from the Animal Welfare Fund the expense of furnishing blanks

and tags, travel expenses and salaries for necessary personnel, payments to shelters and expenses incurred in the administration of this Part.

3. Dog recorders. The commissioner shall appoint dog recorders in unorganized territories and establish fees for services rendered.

4. Training and certification of animal control officers. The commissioner shall develop a program to train animal control officers. This program must include training in investigation of complaints of cruelty to pet animals and training in enforcement of dog licensing laws and rabies immunization laws. The commissioner shall certify all animal control officers who complete the training program and all persons who have been employed full time in the capacity of animal control officer for a period of one year or longer prior to the effective date of this subsection.

5. Cruelty to animals. The commissioner shall refer all complaints of cruelty to pet animals received by the department to the board. The commissioner shall refer all other complaints of cruelty to animals to the appropriate division within the department for investigation.

6. Inspections. The commissioner shall inspect licensed facilities as provided in chapters 719, 723 and 743.

7. Payment of fees. The commissioner may authorize payments to providers of special services to animals when the commissioner determines those services are in the public interest.

8. Copies of law. The commissioner shall seasonably forward to the clerks of municipalities copies of this Part.

9. Employees. The commissioner shall employ personnel, subject to the Civil Service Law, as necessary to assist in enforcing this Part and in carrying out the duties and responsibilities of the department. The commissioner, in consultation with the board, shall employ, subject to the Civil Service Law, one full-time humane agent to assist the board in carrying out its duties and responsibilities.

10. Rules. Pursuant to Title 5, chapter 375, the commissioner shall adopt, amend and repeal rules, including emergency rules, necessary for the proper administration, implementation, enforcement and interpretation of any provision of law that the commissioner is charged with administering.

Sec. 10. 7 MRSA §3906-C is enacted to read:

§3906-C. Animal Welfare Advisory Committee

The Animal Welfare Advisory Committee, as established by Title 5, section 12004-I, subsection 2-C, shall advise the commissioner on matters pertaining to animal welfare.

1. Membership. The committee consists of 6 members appointed by the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over agricultural matters and confirmation by the Legislature. The Governor shall appoint members as follows:

A. One municipal clerk;

B. One animal control officer;

C. One member representing licensed animal shelters;

D. One member representing licensed boarding or breeding kennels;

E. One member representing licensed pet shops; and

F. One member representing humane societies.

2. State member. The commissioner or the commissioner's designee serves as an ex officio, nonvoting member.

3. Compensation. Members of the committee are entitled to expenses only.

4. Terms of office. Except for initial appointees and the state member, each member serves for a term of 3 years or until the member's successor has qualified. In the case of a vacancy for any reason, the Governor shall appoint a member to fill the unexpired term.

5. Initial terms of office. Initially, 2 appointed members serve for one year, 2 members serve for 2 years and 2 members serve for 3 years.

6. Administration; meetings. The committee shall elect one of its members as chair. The chair serves for a 2-year period and may not serve as chair for consecutive 2-year periods.

The committee shall hold regular monthly meetings but may waive by majority vote a succeeding monthly meeting. The chair shall call special meetings of the committee whenever requested in writing by 2 or more members.

Sec. 11. 7 MRSA §3907, sub-§1-A is enacted to read:

1-A. Abandoned dog. "Abandoned dog" means a dog that has been deserted or given up by its owner.

"Abandoned dog" includes litters left in a public place and dogs left with a note indicating abandonment. "Abandoned dog" does not include a dog wearing a collar and tags or a dog at large, as defined in subsection 6.

Sec. 12. 7 MRSA §3907, sub-§5, as enacted by PL 1987, c. 383, §3, is amended to read:

5. Animal control shelter. "Animal control shelter" means the an animal shelter designated by municipal officers in accordance with section 3949.

Sec. 13. 7 MRSA §3907, sub-§§5-A, 8-A and 12-A are enacted to read:

5-A. Animal shelter. "Animal shelter" means a facility that includes a physical structure or part of a physical structure that provides temporary or permanent shelter to stray, abandoned, abused or owner-surrendered animals. "Animal shelter" includes animal control shelters as defined in subsection 5.

8-A. Breeding kennel. "Breeding kennel" means a kennel operated for the purpose of breeding or buying, selling or in any way exchanging dogs that exchanges more than 12 dogs in a 12-month period.

12-A. Equine facility. "Equine facility" means a boarding stable or commercial riding facility that requires a license under section 4102.

Sec. 14. 7 MRSA §3907, sub-§15, as enacted by PL 1987, c. 383, §3, is repealed and the following enacted in its place:

15. Humane agent. "Humane agent" means an employee of the department or an intermittent employee of the board who assists in enforcing this Part.

Sec. 15. 7 MRSA §3907, sub-§§15-A and 22-A are enacted to read:

15-A. Humane society. "Humane society" means a nonprofit group or organization incorporated for the purpose of providing physical service directly to abused and abandoned animals, improving the conditions of animals, providing education concerning animals or fundraising to promote animal welfare.

22-A. Pet animal. "Pet animal" means an animal kept by a private individual and not excluded by this subsection. "Pet animal" includes dogs kept in a kennel as defined in subsection 17. "Pet animal" does not include an animal kept and used by a commercial farmer, a harness racing horse or animal used in a pulling event. "Pet animal" does not include an animal kept in a boarding kennel, breeding kennel, animal control shelter, equine facility or pet shop.

Sec. 16. 7 MRSA §3909, as enacted by PL 1987, c. 383, §3, is amended to read:

§3909. Enforcement

Whenever, in the judgment of the ~~board commissioner~~, any person has engaged in or is about to engage in any acts or practices ~~which that~~ constitute or will constitute a violation of this Act or any rule, order, license, permit, approval or decision of the ~~board commissioner~~ or decree of court, as the case may be, the Attorney General, at the request of the ~~board commissioner~~, may institute proceedings before the District Court or Superior Court for an order enjoining those acts or practices, for an order directing compliance or a civil or criminal action or any appropriate combination of actions. Upon a showing by the ~~board commissioner~~ that the person has engaged or is about to engage in any such act or practice, the court may grant a permanent or temporary injunction, restraining order or other order as appropriate.

Whenever, in the judgment of the board, a person has engaged in or is about to engage in acts or practices that constitute or will constitute a violation of chapter 739 or Title 17, chapter 42 as the provisions of those chapters apply to pet animals, the Attorney General, at the request of the board, may institute proceedings before the District Court or the Superior Court for an order enjoining those acts or practices, for an order directing compliance or a civil or criminal action or any appropriate combination of actions. Upon a showing by the board that the person has engaged or is about to engage in any such act or practice, the court may grant a permanent or temporary injunction, restraining order or other order as appropriate.

Sec. 17. 7 MRSA §3912, as amended by PL 1987, c. 643, §1, is further amended to read:

§3912. Disposition of dogs at large

Any animal control officer or person acting in that capacity shall seize, impound or restrain any dog found in violation of section 3911 and deliver it to ~~any an animal control~~ shelter as provided for in section 3913, subsection ~~2~~ 2-A, or shall take the dog to its owner, if known. If ownership ~~cannot~~ ~~can not~~ be established, such animals may be handled as strays for the purposes of acceptance by an approved shelter.

Sec. 18. 7 MRSA §3912-A is enacted to read:

§3912-A. Animal shelter

1. License necessary. A person operating an animal shelter as defined in section 3907, subsection 5-A shall obtain a license from the department. The license expires December 31st annually.

2. License fee. The license fee for an animal shelter is \$25, except that the license fee for an animal shelter operated by an incorporated nonprofit organization is \$10.

3. Inspection. The commissioner, a state humane agent or a veterinarian employed by the State, at any reasonable time, may enter any animal shelter and make examination and conduct any recognized test for the existence of any contagious or infectious disease or condition. The department may inspect animal shelters to determine compliance with the department's sanitation, health and other rules.

A veterinarian employed by the State or any licensed veterinarian may quarantine an animal shelter in person or by registered mail and the quarantine is maintained as long as the department determines necessary. The decision and order for this quarantine is not considered licensing or an adjudicatory proceeding under the Maine Administrative Procedure Act.

Sec. 19. 7 MRSA §3913, sub-§1, as enacted by PL 1987, c. 383, §3, is amended to read:

1. Persons finding dogs. Any person finding a sick, stray, injured or abandoned dog may take that dog to any animal control shelter within the State.

Sec. 20. 7 MRSA §3913, sub-§2, as enacted by PL 1987, c. 383, §3, is repealed.

Sec. 21. 7 MRSA §3913, sub-§2-A is enacted to read:

2-A. Animal control shelters. An animal control shelter, as defined in section 3907, to which a sick, stray, injured or abandoned dog is taken, shall accept the dog for a period of 6 days, unless the shelter is in quarantine or has a bona fide lack of adequate space or unless the dog has or is suspected of having a contagious disease. The acceptance entitles the animal control shelter to receive from the department the sum of \$2.50 a day for the period for which food and shelter are furnished to the dog. An animal control shelter may refuse to accept dogs from municipalities not contracting with that shelter.

Sec. 22. 7 MRSA §3913, sub-§§3, 4 and 5, as enacted by PL 1987, c. 383, §3, are amended to read:

3. Claims; fees. The procedure for filing claims and calculating fees ~~shall be~~ is as follows.

A. On the business day next following the date of acceptance of the dog, the animal control shelter shall notify the clerk of the respective municipality of the acceptance of the dog, its description and the circumstances of its finding.

B. ~~A~~ An animal control shelter which that accepts a dog under this section, within 45 days of acceptance of the dog, shall submit a claim on a ~~board-approved~~ department-approved form to the clerk of the respective municipality for fees incurred in providing food and shelter and, upon verification of proper notification and holding period by the clerk, the animal control shelter shall forward the claim to the board department.

C. If the owner claims the dog within the ~~8-day~~ 6-day period, the owner may have and receive the dog upon payment of all ~~board-approved~~ department-approved fees as provided in subsection 2 ~~2-A,~~ the municipal impoundment fee and actual fees incurred for food, shelter, veterinary care and any other fees required by this chapter for each day that the dog has been sheltered, provided that the dog is licensed in accordance with chapter 721.

4. Ownership of dog. Upon expiration of the ~~8-day~~ 6-day period, ownership of the dog ~~shall vest~~ is vested in the animal control shelter. The animal control shelter may then:

A. Sell or give away the dog, provided that a license is first obtained in accordance with section 3922; or

B. Otherwise dispose of the dog humanely in accordance with Title 32, section 4872, if a veterinarian determines that the dog is not adoptable due to illness. Except as provided in this section, an animal control shelter must hold a dog at least 8 days before euthanasia.

~~None of the proceeds obtained from the sale, donation, adoption or other disposition of the dog shall be deducted from the fee claimed.~~

~~Notwithstanding subsection 3, paragraph C, the previous owner may reacquire the dog at any time prior to its sale, donation or disposal upon payment of the municipal impoundment fee and actual fees incurred for food, shelter, veterinary care and any other fees required by this chapter for each day that the dog has been sheltered. In this case no fee may be allowed by the board.~~

Notwithstanding this subsection, ownership of a dog for the purposes of adoption is immediately vested in a shelter if the shelter makes a determination that the dog is obviously abandoned. An obviously abandoned dog does not include a dog roaming at large.

An animal control shelter shall establish and collect fees for reclaimed or adopted animals to offset costs of keeping a dog beyond 6 days.

None of the proceeds obtained from the sale, donation, adoption or other disposition of the dog may be deducted from the fee claimed.

Notwithstanding subsection 3, paragraph C, the previous owner may reacquire the dog at any time prior to its sale, donation or disposal upon payment of the municipal impoundment fee and actual fees incurred for food, shelter, veterinary care and any other fees required by this chapter for each day that the dog has been sheltered. In this case, no fee may be allowed by the department.

5. Euthanasia for sick or injured dogs. A veterinarian may authorize in writing euthanasia of a sick or injured dog received by ~~him~~ the veterinarian, by a humane agent or by ~~a~~ an animal shelter within the State if:

A. Forty-eight hours have elapsed since receipt of the sick or injured dog by ~~him~~ the veterinarian, by the humane agent or by ~~a~~ an animal shelter;

B. The clerk of the respective municipality has been notified of the dog's presence in accordance with subsection 3, paragraph A, and the owner of the dog, if known, has been notified;

C. The dog is not rabid or suspected of rabies; and

D. The dog's recovery from its sickness or injury, given reasonable time and reasonable care, is doubtful.

Notwithstanding paragraphs A to D, a veterinarian may authorize immediate euthanasia if, in ~~his~~ the veterinarian's judgment, there is no possibility of recovery for a sick or injured dog.

Sec. 23. 7 MRSA §3913, sub-§§8 and 9, as enacted by PL 1987, c. 383, §3, are repealed.

Sec. 24. 7 MRSA §3914, as enacted by PL 1987, c. 383, §3, is amended to read:

§3914. Purchase and sale of dogs

Shelters, kennels, breeding kennels, boarding kennels and pet shops engaged in buying or selling dogs shall keep records of the buyer and seller in each transaction for a 2-year period commencing at the time of purchase or sale. The records ~~shall~~ must be open to inspection by the ~~board~~ department or law enforcement officers.

Sec. 25. 7 MRSA §3915 is enacted to read:

§3915. Violation

Any person who violates this chapter commits a civil violation for which a forfeiture of not less than \$25 nor more than \$100 may be adjudged.

Sec. 26. 7 MRSA c. 720 is enacted to read:

CHAPTER 720

RABIES PREVENTION

§3916. Rabies vaccinations

1. Required for cats. An owner or keeper of a cat over 3 months of age shall have that cat vaccinated against rabies. Rabies vaccine must be administered by a licensed veterinarian or under the supervision of a licensed veterinarian. An owner or keeper of a cat that is vaccinated after one year of age shall get booster vaccinations for that cat every 2 years thereafter. A cat vaccinated prior to one year of age is considered protected for one year and an owner or keeper of that cat shall get a booster vaccination for that cat one year after the initial vaccination and every 2 years thereafter.

2. Certificate. A licensed veterinarian who vaccinates or supervises the vaccination of a cat shall issue to the owner or keeper a vaccination certificate.

3. Enforcement. A humane agent, an animal control officer or a law enforcement officer may ask an owner or keeper of a cat to present proof of vaccination. A certificate of vaccination issued in accordance with subsection 2 is proof of vaccination. Notwithstanding section 16, there is no penalty for a violation of this section.

4. Exception. Notwithstanding any provision of this chapter, an animal shelter operated by a nonprofit organization is not required to vaccinate an abandoned or stray cat received by the shelter.

§3917. Antirabies clinics

The following provisions apply to low-cost antirabies clinics.

1. Clinic establishment. The department shall assist in the establishment of low-cost antirabies clinics, to be offered at locations and on dates as appropriate. In assisting in the establishment of antirabies clinics, the department shall cooperate with local veterinarians and local organizations.

2. Veterinarians participating in low-cost antirabies clinics. This subsection applies to a veterinarian licensed under Title 32, chapter 71-A or an assistant under the direction of the veterinarian providing professional services within the scope of the veterinarian's license who participates in a low-cost antirabies clinic established under this section. Adherence by the veterinarian or assistant to the standards of care within the profession creates a rebuttable presumption that the conduct of the veterinarian or assistant was not negligent.

Sec. 27. 7 MRSA §3923, sub-§1, ¶A, as amended by PL 1991, c. 591, Pt. S, is further amended to read:

A. A fee of \$6.50 must be paid to the municipal clerk for each a license on all dogs a dog 6 months of age or older capable of producing young, of which \$1 must be transferred to the Treasurer of State to be deposited as undedicated revenue to the General Fund. The municipal clerk shall pay all fees received for dogs capable of producing young to the department for deposit in the Animal Welfare Fund. All dogs are A dog is considered capable of producing young, unless:

- (1) A veterinarian issues a written certificate stating that the veterinarian made the dog incapable of producing young by spaying, if female, or by sterilization, if male;
- (2) A veterinarian issues a written certificate that, upon examination, the dog is incapable of producing young; or
- (3) By previous registration, the owner has declared that the dog is incapable of producing young.

When such certificate or registration accompanies the application, a fee of \$3 must be paid for each license, of which ~~\$2~~ \$1 is retained by the municipality in accordance with section 3945 and ~~\$1 must be transferred to the Treasurer of State to be deposited as undedicated revenue to the General Fund~~ \$2 is paid to the department for deposit in the Animal Welfare Fund; and

Sec. 28. 7 MRSA §3931, sub-§§2 and 3, as enacted by PL 1987, c. 383, §3, are amended to read:

2. Determination of fees. License and recording fees are determined according to the number of dogs kept.

A. When the number of dogs kept over 6 months of age does not exceed 10, the fee for the license ~~shall be \$15~~ is \$20 and, in addition, \$1 for each license as a fee for recording and making the monthly report required by the ~~board~~ department.

B. When the number of dogs kept over 6 months of age exceeds 10, the fee for the license ~~shall be \$30~~ is \$40 and, in addition, \$1 for each license as a fee for recording and making the monthly report required by the ~~board~~ department.

3. Kennel tags. Dogs covered by a kennel license ~~shall~~ must be furnished suitable kennel tags as prescribed by the ~~board~~ department and ~~shall~~ are not be required to be individually licensed.

Sec. 29. 7 MRSA §3931-A is enacted to read:

§3931-A. Breeding kennels

1. License necessary. A person maintaining a breeding kennel, as defined in section 3907, subsection 8-A, shall obtain a license from the department. The license expires December 31st annually or in a manner consistent with the license provisions of the Maine Administrative Procedure Act, whichever is later.

2. License fees. The fee for a breeding kennel license is \$50.

3. Dog licenses. Nothing in this section may be construed to exempt breeding kennel operators from the license requirements of chapter 721.

Sec. 30. 7 MRSA §3932, sub-§§1 and 2, as enacted by PL 1987, c. 383, §3, are amended to read:

1. License necessary. Any person maintaining a boarding kennel shall obtain a license from the ~~board~~ department. The license ~~shall expire~~ expires December 31st annually or in a manner consistent with the license provisions of the Maine Administrative Procedure Act, ~~Title 5, chapter 375~~, whichever is later.

2. License fees. The fee for a boarding kennel license ~~shall be \$25~~ is \$50.

Sec. 31. 7 MRSA §3933, as enacted by PL 1987, c. 383, §3, is amended to read:

§3933. Pet shops

1. License necessary. Any person maintaining a pet shop shall obtain a license from the ~~board~~ department. The license ~~shall expire~~ expires December 31st annually or in a manner consistent with the license provisions of the Maine Administrative Procedure Act, ~~Title 5, chapter 375~~, whichever is later.

2. License fees. The fee for a pet shop license ~~shall be \$50~~ is \$100.

Sec. 32. 7 MRSA §3934, as enacted by PL 1987, c. 383, §3, is repealed.

Sec. 33. 7 MRSA §3936, as enacted by PL 1987, c. 383, §3, is amended to read:

§3936. Inspection and quarantine

1. Inspection and quarantine. The ~~board~~ commissioner, a state humane agent, a veterinarian employed by the State or a licensed veterinarian at the direction of the ~~board~~ commissioner may, at any reasonable time, enter any kennel, boarding kennel, breeding kennel or pet shop, except any building used for human habitation

recognized as not subject to search warrant, and make examinations and conduct any recognized tests for the existence of any contagious or infectious diseases or conditions. The board commissioner may inspect kennels, boarding kennels, breeding kennels and pet shops in accordance with the sanitation and health rules established by the Department of Agriculture, Food and Rural Resources department. A veterinarian employed by the State or any licensed veterinarian may quarantine the kennel, boarding kennel, breeding kennel or pet shop, in person or by registered mail, and the quarantine shall must be maintained as long as the board department determines necessary. The decision and order for this quarantine shall is not be considered licensing or an adjudicatory proceeding as defined by the Maine Administrative Procedure Act, Title 5, chapter 375.

2. Suspension of license. The Administrative Court, upon complaint of the board commissioner or the Attorney General, may revoke or suspend a kennel, boarding kennel, breeding kennel or pet shop license; provided that any if a person maintaining the kennel, boarding kennel, breeding kennel or pet shop violates any quarantine or maintains animals contrary to the rules promulgated adopted by the board department or fails to keep records required by the board department.

Sec. 34. 7 MRSA §3942, as enacted by PL 1987, c. 383, §3, is amended to read:

§3942. Issuance of dog licenses

Municipal clerks shall issue dog licenses in accordance with chapter 721, receive the license fees and pay to the board department all fees received for dogs capable of producing young and \$2 from each license fee received for dogs incapable of producing young. The clerks shall keep a record of all licenses issued by them, with the names of the owners or keepers of dogs licensed and the sex, registered numbers and description of all dogs except those covered by a kennel license. The clerks shall make a monthly report to the board department on a board-approved department-approved form of all dog licenses issued and fees received.

~~All license fees received from owners or keepers of~~ The clerks shall retain \$1 from each license fee received for dogs incapable of producing young shall be retained by the municipality and use these fees in accordance with section 3945.

Sec. 35. 7 MRSA §3943, sub-§1, as amended by PL 1991, c. 264, §1, is further amended to read:

1. Procedure. Between January 1st and April 30th annually, the municipal officers of each municipality shall issue a warrant with the names and addresses of all owners or keepers of unlicensed dogs to one or more police officers, constables, sheriffs or animal control officers, directing them to send a notice of violation by

certified mail, return receipt requested, to the last-known address of the owners or keepers or call on the owners or keepers. The warrant must further direct that demand be made on the owners or keepers to obtain a license from the municipal clerk within 7 days from the date of demand and remit to the clerk the license and recording fees plus a late fee of ~~\$6~~ \$10. Finally, the warrant must direct the police officer, constable, sheriff or animal control officer to enter summons and complaint as soon as possible for all owners or keepers so notified who fail to comply with the order.

Sec. 36. 7 MRSA §3943, sub-§3, as amended by PL 1991, c. 264, §2, is further amended to read:

3. Payments to officers. Payment to certain officers shall must be as follows.

A. The municipal clerk shall deposit the ~~\$6~~ \$10 late fee collected from all dog owners and keepers in a separate account pursuant to section 3945.

B. Officers rendering services shall receive are entitled to compensation as the municipal officers may determine.

Sec. 37. 7 MRSA §3944, as enacted by PL 1987, c. 383, §3, is amended to read:

§3944. Issuance of kennel licenses

Municipal clerks shall issue kennel licenses to kennel owners or operators in accordance with section 3931, provided that the dogs are kept within a proper enclosure as defined by the board department. The clerks shall receive the license fees, pay them to the board department and make a monthly report to the board department on a board-approved department-approved form of all kennel licenses issued and fees received.

Sec. 38. 7 MRSA §3946, as enacted by PL 1987, c. 383, §3, is amended to read:

§3946. Dog recorders in unorganized territories

Dog recorders appointed by the board commissioner in unorganized territories shall issue dog licenses, receive the license fees and pay them to the board department. The recorders shall keep a list of all licenses issued by them as of January 1st of each year, with the names of the owners or keepers of dogs licensed and setting forth the sex, registered numbers and description of all dogs, except those covered by a kennel license, opposite the names of their respective owners or keepers.

A return of the list shall must be made to the board department on a board-approved department-approved form on or before June 1st of each year.

Sec. 39. 7 MRSA §3947, as amended by PL 1987, c. 643, §3, is further amended to read:

§3947. Animal control officers

Each municipality shall appoint one or more animal control officers whose duties ~~shall be~~ are enforcement of sections 3911, 3912, 3921, 3924, 3943, 3948, 3950, 3950-A and 3966 to 3970 and such other duties to control animals as the municipality may require.

Animal control officers must be certified in accordance with section 3906-B, subsection 4. Upon initial appointment, an animal control officer must complete training and be certified by the commissioner within 6 months of appointment.

Sec. 40. 7 MRSA §3950, as enacted by PL 1987, c. 383, §3, is amended to read:

§3950. Local regulations

Each municipality is empowered to adopt or retain more stringent ordinances, laws or regulations dealing with the subject matter of this chapter, except that municipalities may not adopt breed-specific ordinances, laws or regulations. Any less restrictive municipal ordinances, laws or regulations are invalid and of no force and effect.

Sec. 41. 7 MRSA c. 743 is enacted to read:

CHAPTER 743

EQUINE ACTIVITIES

§4101. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Boarding stable. "Boarding stable" means a place, building or tract of land in or on which privately owned equines are kept for their owners in return for a fee.

2. Commercial riding facility. "Commercial riding facility" means a place, building or tract of land in or on which equines are kept for the purpose of offering to the public recreational riding or instruction in riding or driving.

3. Engage in an equine activity. "Engage in an equine activity" means to ride, train, drive or be a passenger on an equine, whether mounted or unmounted. "Engage in an equine activity" does not mean to observe an equine activity or participate in an equine activity in a capacity other than riding, training, driving or riding as a passenger on an equine.

4. Equine. "Equine" means a horse, pony, mule, donkey or hinny. "Equine" does not mean a standard-bred horse owned or kept for harness racing in accordance with Title 8, chapter 11.

5. Equine activity. "Equine activity" means one or more of the following:

A. Equine shows, fairs, competitions, performances or parades that involve any breeds of equines and any of the equine disciplines, including, but not limited to, dressage, hunter and jumper horse shows, grand prix jumping, 3-day events, combined training, rodeos, driving, pulling, cutting, polo, steeplechasing, endurance trail riding, western games and hunting;

B. Equine training or teaching activities;

C. Boarding equines;

D. Riding, inspecting or evaluating an equine belonging to another person, whether or not the owner has received some monetary consideration or other thing of value for the use of the equine or is permitting a prospective purchaser of the equine to ride, inspect or evaluate the equine; and

E. Rides, trips, hunts or other equine activities of any type, however informal or impromptu, that are sponsored by an equine activity sponsor.

"Equine activity" does not include harness racing.

6. Equine activity sponsor. "Equine activity sponsor" means an individual, group, club, partnership or corporation, whether operating for profit or nonprofit, that sponsors, organizes or provides the facilities for an equine activity, including, but not limited to: pony clubs; 4-H clubs; hunt clubs; riding clubs; classes or programs sponsored by a school or college; therapeutic riding programs; and operators, instructors and promoters of equine facilities at which equine activities are held, including, but not limited to, stables, clubhouses, ponyride strings, fairs and arenas.

7. Equine professional. "Equine professional" means a person engaged for compensation:

A. In instructing a participant or renting to a participant an equine for the purpose of riding, driving or being a passenger on the equine; or

B. In renting equipment or tack to a participant.

8. Participant. "Participant" means a person, whether amateur or professional, who directly engages in an equine activity, whether or not a fee is paid to participate in the equine activity.

§4102. Boarding stables and commercial riding facilities; equine activities

1. License required. A person who boards more than 2 equines for payment or operates a commercial riding facility with more than 2 equines shall obtain a license from the department. The license expires December 31st annually.

2. Equine activity permits. The department shall adopt rules for issuing a permit to an equine activity sponsor when the sponsor is not licensed under subsection 1.

3. License and permit fees. The department shall by rule establish license fees for boarding stables and commercial riding facilities and permit fees for equine activities sufficient to generate \$5,000 in revenue annually. A license or permit fee may not exceed \$50. The department in establishing fees and criteria for licensing facilities and permitting activities shall consult with the Maine Equine Advisory Council.

4. Inspection. The commissioner, a state humane agent or a veterinarian employed by the State, at any reasonable time, may enter a boarding stable or commercial riding facility and make examination and conduct any recognized test for the existence of any contagious or infectious disease or condition. The department may inspect boarding stables or commercial riding facilities to determine compliance with the department's sanitation, health and other rules.

A veterinarian employed by the State or any licensed veterinarian may quarantine a boarding stable or commercial riding facility in person or by registered mail and the quarantine is maintained as long as the department determines necessary. The decision and order for this quarantine is not considered licensing or an adjudicatory proceeding under the Maine Administrative Procedure Act.

§4103. Liability for equine activities

1. Adherence to standards of care. Adherence by an equine activity sponsor or an equine professional with a valid license or permit issued under section 4102 to the standards of care within the profession creates a rebuttable presumption that the conduct of the equine activity sponsor or equine professional was not negligent.

2. Exceptions. Nothing in this section applies to the horse racing industry or prevents or limits the liability of an equine activity sponsor or an equine professional:

A. If the equine activity sponsor or the equine professional:

(1) Provides equipment or tack to a participant and the equipment or tack causes an injury; or

(2) Provides an equine to a participant and fails to make reasonable and prudent efforts to determine the ability of the participant to engage safely in the equine activity, the ability of the equine to behave safely with the participant and the ability of the participant to safely manage the particular equine and an injury occurs;

B. If the equine activity sponsor or the equine professional owns, leases, rents or otherwise is in lawful possession and control of the land or facilities upon which a participant sustains injuries because of a dangerous latent condition that was known or should have been known to the equine activity sponsor or the equine professional and for which warning signs were not conspicuously posted;

C. If the equine activity sponsor or equine professional commits an act or omission that constitutes negligent disregard for the safety of the participant and that act or omission causes an injury;

D. If the equine activity sponsor or the equine professional intentionally injures the participant; or

E. Under liability provisions as provided in Title 14, section 221.

§4104. Equine professional; contracts

1. Statement of inherent risks. A written contract entered into by an equine professional for the provision of professional services, instruction or the rental of equipment, tack or an equine to a participant, whether or not the contract involves equine activities on or off the location or site of the equine professional's business, must include a statement of the inherent risks of equine activities including, but not limited to:

A. The propensity of an equine to behave in ways that may result in injury, harm or death to persons on or around the equine;

B. The unpredictability of an equine's reaction to such things as sounds, sudden movement and unfamiliar objects, person or other animals;

C. Certain hazards, such as surface or subsurface conditions;

D. Collisions with other equines or objects; and

E. The potential of a participant to act in a negligent manner that may contribute to injury to the

participant or others, such as failing to maintain control over the equine or not acting within the participant's ability.

Sec. 42. 17 MRSA §1011, sub-§5, as enacted by PL 1987, c. 383, §4, is amended to read:

5. Animal control shelter. "Animal control shelter" means the an animal shelter designated by municipal officers in accordance with Title 7, section 3949.

Sec. 43. 17 MRSA §1011, sub-§§5-A, 8-A and 12-A are enacted to read:

5-A. Animal shelter. "Animal shelter" means a facility that includes a physical structure or part of a physical structure that provides temporary or permanent shelter to stray, abandoned, abused or owner-surrendered animals. "Animal shelter" includes animal control shelters as defined in subsection 5.

8-A. Breeding kennel. "Breeding kennel" means a kennel operated for the purpose of breeding or buying, selling or in any way exchanging dogs that exchanges more than 12 dogs in a 12-month period.

12-A. Equine facility. "Equine facility" means a boarding stable or commercial riding facility that requires a license under Title 7, section 4102.

Sec. 44. 17 MRSA §1011, sub-§15, as enacted by PL 1987, c. 383, §4, is repealed and the following enacted in its place:

15. Humane agent. "Humane agent" means an employee of the Department of Agriculture, Food and Rural Resources or an intermittent employee of the board who assists in enforcing this chapter.

Sec. 45. 17 MRSA §1011, sub-§§15-A and 22-A are enacted to read:

15-A. Humane society. "Humane society" means a nonprofit group or organization incorporated for the purpose of providing physical service directly to abused and abandoned animals, improving the conditions of animals, providing education concerning animals or fundraising to promote animal welfare.

22-A. Pet animal. "Pet animal" means an animal kept by a private individual and not excluded by this subsection. "Pet animal" includes dogs kept in a kennel as defined in subsection 17. "Pet animal" does not include an animal kept and used by a commercial farmer, a harness racing horse or an animal used in a pulling event. "Pet animal" does not include an animal kept in a boarding kennel, breeding kennel, animal control shelter, equine facility or pet shop.

Sec. 46. 17 MRSA §1021, sub-§1, as enacted by PL 1987, c. 383, §4, is amended to read:

1. Possession. ~~The board,~~ a humane agent, sheriff, deputy sheriff, constable, police officer, animal control officer, ~~or~~ person authorized to make arrests or, in a case involving a pet animal, the board may apply to the District Court or the Superior Court for authorization:

A. To take possession of any maimed, disabled, diseased, dehydrated, malnourished or injured animal or any animal whose owner has cruelly abandoned or cruelly treated it and turn over the animal to the applicant or other suitable person; or

B. To cause the animal to be disposed of humanely.

Sec. 47. 17 MRSA §1021, sub-§4, ¶A, as amended by PL 1987, c. 736, §27, is further amended by amending the first paragraph to read:

A. ~~The board,~~ a humane agent, sheriff, deputy sheriff, constable, police officer, animal control officer ~~or,~~ person authorized to make arrests or, in a case involving a pet animal, the board may apply to the District Court, Superior Court or a justice of the peace for an ex parte order for authorization to take possession of any maimed, disabled, diseased, dehydrated, malnourished or injured animal or any animal whose owner has cruelly abandoned or cruelly treated it and turn it over to the applicant or any other suitable person.

Sec. 48. 17 MRSA §1021, sub-§5, ¶A, as enacted by PL 1987, c. 383, §4, is amended to read:

A. Whenever ~~the board,~~ a humane agent ~~or,~~ a person authorized to make arrests or, in a case involving a pet animal, the board has reason to believe that an animal may be disabled, diseased, dehydrated or malnourished, the board, humane agent or person shall apply to the District Court or Superior Court for authorization to take possession of the animal and turn it over to the applicant or other suitable person for examination and observation for a 30-day period. At the end of 30 days, the court ~~shall~~ must receive a report from the person in possession of the animal and either dissolve the possession order or set the matter for hearing within 30 days.

Sec. 49. 17 MRSA §1022, as enacted by PL 1987, c. 383, §4, is amended to read:

§1022. Prevention of cruelty

The ~~board~~ commissioner or any person authorized to make arrests may lawfully interfere to prevent the

perpetration of any act of cruelty upon an animal in ~~his~~ that person's presence. The board may lawfully interfere to prevent the perpetration of any act of cruelty upon a pet animal.

Sec. 50. 17 MRSA §1023, as amended by PL 1989, c. 701, §5 and affected by §6, is further amended to read:

§1023. Investigation and reporting of cruelty

1. Investigation. Sheriffs, deputy sheriffs, police officers, constables, animal control officers and humane agents shall investigate cases of cruelty to animals coming to their attention and report them to the ~~board~~ Department of Agriculture, Food and Rural Resources on a board-approved form department-approved forms. The department shall refer all cases of cruelty to pet animals to the board. Upon completion of an investigation, the ~~board for a case involving a pet animal and the department for any other case~~ shall, if requested, report the result of the investigation to the person complaining of alleged cruelty.

2. Commissioner role. The commissioner ~~may assume~~ has responsibility for the investigation of any complaints received ~~by the board~~ that involve commercial farmers, harness racing horses ~~or~~, animals used in pulling events or any animal other than a pet animal as defined in section 1011. When conducting an investigation, the commissioner shall determine if acceptable animal husbandry practices are or were complied with and shall ~~report any findings and recommendations to the board for its consideration~~ make recommendations accordingly.

Sec. 51. 17 MRSA §1045, as enacted by PL 1987, c. 383, §4, is amended to read:

§1045. Inspection

The ~~board~~ Department of Agriculture, Food and Rural Resources may inspect or investigate any facility in which cats or dogs are destroyed.

Sec. 52. PL 1991, c. 622, Pt. X, §15 and Pt. FF, §§1 to 17 and §18, sub-§§1 to 4 are repealed.

Sec. 53. Department charged. The Commissioner of Agriculture, Food and Rural Resources shall review all statutes that relate to animal welfare and shall prepare legislation needed to amend the laws to conform to the provisions of this Act.

The commissioner shall review the cash flow operations of the Animal Welfare Fund and submit a report by January 10, 1993 to the joint standing committee of the Legislature having jurisdiction over agricultural matters and to the Office of the Executive Director of the Legislative Council on the findings of this review. The commissioner shall prepare any implementing legis-

lation necessary to alleviate cash flow problems for the fund arising from the current collection schedule for license fees. This legislation may include revising the expiration dates of various licenses that pay into the fund.

The commissioner shall submit any legislation developed in accordance with this section to the First Regular Session of the 116th Legislature by January 30, 1993.

Sec. 54. Transition. To ensure the orderly transfer of the duties of the former Animal Welfare Board to the Department of Agriculture, Food and Rural Resources and to the newly established Animal Welfare Board, the following transition provisions apply.

1. Upon the effective date of this Act, all funds in the Animal Welfare Board account are transferred to the department for deposit in the Animal Welfare Fund.

2. The Animal Welfare Board, as established in the Maine Revised Statutes, Title 5, section 12004-G, is abolished on the effective date of this Act. The terms of all members expire on the effective date of this Act, except that, notwithstanding the Maine Revised Statutes, Title 7, section 3903-A, the most recently appointed humane society representative may serve out the remainder of that person's term and the incumbent member who is a veterinarian may serve the remainder of that person's term. The department shall assume all duties and responsibilities of the board until the newly created board is appointed.

3. All positions within the former Animal Welfare Board are abolished on the effective date of this Act.

4. All existing rules and procedures in effect, in operation or promulgated by the former Animal Welfare Board continue in effect until rescinded, revised or amended by the department.

Sec. 55. Implementation. The Department of Agriculture, Food and Rural Resources shall assign the following responsibilities:

1. To the division of regulation:
 - A. Promulgation of rules;
 - B. Enforcement of dog licensing laws;
 - C. Licensing and inspection of animal shelters, boarding kennels, breeding kennels and pet shops;
 - D. Payment of animal shelter claims;
 - E. Operation of a referral system to refer all complaints of cruelty to animals to the appropriate agency; and

F. Investigation of complaints of animal cruelty involving animal shelters, boarding kennels, breeding kennels and pet shops; and

2. To the division of veterinary services:

A. Adoption of rules for licensing equine facilities;

B. Licensing and inspecting equine facilities; and

C. Investigation of complaints of cruelty to animals when the complaints involve commercial farmers, harness racing horses, pulling animals or licensed equine facilities.

Sec. 56. Outstanding obligations. Any outstanding obligations of the Animal Welfare Board may be repaid after June 30, 1992.

Sec. 57. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1992-93

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Public Services - Agriculture

All Other \$150,000

Provides funds for a working capital advance to the Animal Welfare Fund to assist with the department's cash flow to administer the dedicated revenue program. Funds required for this purpose must be returned to the General Fund no later than June 30, 1993.

DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES TOTAL

\$150,000

ANIMAL WELFARE BOARD

Animal Welfare

All Other (\$100,000)

Provides for the deappropriation of funds from the elimination of contractual services to privatize the Animal Welfare Board.

ANIMAL WELFARE BOARD TOTAL

(\$100,000)

TOTAL APPROPRIATIONS

\$50,000

Sec. 58. Allocation. The following funds are allocated from the Animal Welfare Fund to carry out the purposes of this Act.

1991-92

1992-93

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Public Services - Agriculture

Positions	(4.0)	(4.0)
Personal Services	\$37,977	\$151,906
All Other	30,730	142,000
TOTAL	\$68,707	\$293,906

Provides funds for 2 District Humane Agent positions, intermittent Humane Agent positions, one part-time Clerk Typist II position (32 hours), one part-time Account Clerk II position (32 hours), animal shelter claims, Animal Welfare Board expenses, outstanding bills and other general operating expenses.

Agricultural Production

Positions	(1.0)	(1.0)
Personal Services	\$8,313	\$33,250
All Other	2,375	9,500
TOTAL	\$10,688	\$42,750

Provides funds for one District Humane Agent position and general operating expenses to respond to animal abuse complaints and license equine facilities.

Public Services - Agriculture

All Other \$150,000

Provides funds for the repayment of the working capital advance to the General Fund. These funds must be repaid by the Department of Agriculture, Food and Rural Resources to the General Fund no later than June 30, 1993.

DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES TOTAL

\$79,395

\$486,656

Sec. 59. Retroactivity. Section 51 of this Act takes effect retroactively to December 23, 1991.

Sec. 60. Effective date. Those sections of this Act that amend the Maine Revised Statutes, Title 7, section 3923, subsection 1; section 3943, subsection 1; and section 3943, subsection 3 and that section that enacts Title 7, chapter 743 take effect July 1, 1992.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved, except as otherwise indicated.

Effective March 31, 1992,
unless otherwise indicated.

CHAPTER 780

H.P. 1547 - L.D. 2185

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years ending June 30, 1992 and June 30, 1993 and to Change Certain Provisions of the Laws

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

PART A

Sec. A-1. Supplemental appropriations from General Fund. There are appropriated from the General Fund for the fiscal years ending June 30, 1992 and June 30, 1993, to the departments listed, the following sums.

	1991-92	1992-93
ADMINISTRATION, DEPARTMENT OF		
Buildings and Grounds Operations		
Positions-Legislative Count Personal Services		(-3.0) (\$85,393)
Provides for the deappropriation of funds through the transfer of one Auto Mechanic Foreman position, one Auto Mechanic I position and one Storekeeper I position to the Central Motor Pool Fund as a continuation of reductions from fiscal year 1991-92.		
Information Services		
Positions-Legislative Count Personal Services		(-7.0) (394,533)
All Other		(32,657)
TOTAL		<u>(427,190)</u>

Provides for the deappropriation of funds through the transfer of the following positions to the Office of Information Services Internal Service Fund: one Administrative Secretary position, one Assistant Deputy Commissioner position, one Deputy Commissioner for Information Services position and 4 Systems Analyst positions as a continuation of reductions from fiscal year 1991-92.

Public Improvements - Planning - Construction - Administration

Positions-Legislative Count
Personal Services

(-3.0)
(152,207)

Provides for the deappropriation of funds through the elimination of one Director of Division of Facility Services position and 2 Engineering Technician IV positions as a continuation of reductions in fiscal year 1991-92.

Public Improvements - Division of Safety and Environmental Services

Positions-Legislative Count
Personal Services

(-4.0)
(140,663)

Provides for the deappropriation of funds through the elimination of one Planning and Research Associate II position, 2 Engineering Technician IV positions and one Clerk Typist III position as a continuation of reductions in fiscal year 1991-92.

Purchases - Bureau of

Positions-Legislative Count
Personal Services

(-2.0)
(97,044)

Provides for the deappropriation of funds through the elimination of one State Purchasing Agent position and one Buyer II position as a continuation of reductions from fiscal year 1991-92.

Risk Management - Operations

All Other

(930,000)

Provides for the deappropriation of funds resulting from the forgiveness of the estimated General Fund portion of the