

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 388

H. P. 291

House of Representatives, February 7, 1979

Referred to the Committee on Agriculture. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Hunter of Benton.

Cosponsor: Mr. Torrey of Poland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Amend the Maine Veterinary Practice Act of 1975.

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

Sec. 1. 32 MRSA § 4859, sub-§ 2, as repealed and replaced by PL 1977, c. 694, § 638, is amended to read:

2. License; register; set standards. The power to ~~license~~ **grant and deny licenses and**, register and to set standards for practice for veterinarians practicing veterinary medicine in this State and for the performance of duties by animal technicians.

Sec. 2. 32 MRSA § 4859, sub-§ 3, first sentence, as enacted by PL 1975, c. 477, § 4, is amended to read:

After hearing, adopt, amend or repeal rules and regulations **in accordance with the Maine Administrative Procedure Act, Title 5, section 8051, et. seq.**, necessary to carry into effect this chapter.

Sec. 3. 32 MRSA § 4859-A, as amended by PL 1975, c. 623, § 51-A, is repealed.

Sec. 4. 32 MRSA § 4860, sub-§ 11, as enacted by PL 1975, c. 477, § 4, is repealed.

Sec. 5. 32 MRSA § 4861, 2nd ¶, last sentence, as enacted by PL 1975, c. 477, § 4, is amended to read:

An applicant found unqualified may request a hearing on the question of his qualifications under the procedure set forth in ~~section 4867~~ **Title 5, chapter 375, subchapter IV.**

Sec. 6. 32 MRSA § 4863, 2nd ¶, as enacted by PL 1975, c. 477, § 4, is amended to read:

Any person who practices veterinary medicine after the expiration of his license and willfully or by neglect fails to renew such license shall be practicing in violation of this chapter; provided that any person may renew an expired license within ~~2 years~~ **one year** of the date of its expiration by making written application for renewal and paying the current renewal fee plus all delinquent renewal fees. After ~~2 years~~ **one year** has elapsed since the date of the expiration, the holder must make application for a new license.

Sec. 7. 32 MRSA § 4864, sub-§ 5, as enacted by PL 1975, c. 477, § 4, is repealed.

Sec. 8. 32 MRSA § 4864, sub-§ 5-A is enacted to read:

5-A. Mental illness. A condition so as to prevent the licensee from competently practicing his profession;

Sec. 9. 32 MRSA § 4864, sub-§ 12, first sentence, as enacted by PL 1975, c. 477, § 4, is amended to read:

A veterinarian shall practice only in an individual capacity under his own name or in association with a licensed practitioner of veterinary medicine **or professional association.**

Sec. 10. 32 MRSA § 4865-A, sub-§ 5, as enacted by PL 1975, c. 477, § 4, is repealed and the following enacted in its place:

5. Mental illness. A condition so as to prevent the licensee from competently practicing his profession;

Sec. 11. 32 MRSA § 4865-A, sub-§ 10, ¶ C, as enacted by PL 1975, c. 477, § 4, is amended to read:

C. Fraud or dishonesty in the application or reporting of any test for disease in animals, or making a false report of any contagious or infectious disease or while performing any other duties of a licensed animal technician.

Sec. 12. 32 MRSA § 4872, as enacted by PL 1975, c. 477, § 4, is amended to read:

§ 4872. Disposal of abandoned animals

Any veterinarian may dispose of any animal abandoned in his establishment, provided he shall give notice of his intention to do so to the owner at his last known address by registered or certified mail, return receipt requested and shall allow a period of ~~45~~ **5** days to elapse after the receipt is returned before disposing of such animal; but if the owner cannot be located at such address, the veterinarian shall give such notice by publication in a newspaper having a circulation in the town in which such owner was last known to reside, and shall allow a period of ~~45~~ **5** days to elapse after such publication before disposing of such animals.

Sec. 13. 32 MRSA § 4874 is enacted to read:

§ 4874. Immunity from civil liability

Notwithstanding any inconsistent provisions of any public or private and special law, any person who voluntarily, without the expectation of monetary or other compensation renders first aid, emergency treatment or rescue assistance to an animal who is ill, injured or in need of rescue assistance, shall not be liable for damages for injuries alleged to have been sustained by the animal nor for damages for the death of the animal alleged to have occurred by reason of an act or omission in the rendering of the first aid, emergency treatment or rescue assistance, unless it is established that the injuries or the death were caused willfully, wantonly or recklessly or by gross negligence on the part of the person.

STATEMENT OF FACT

This bill updates and corrects wording where applied to the Maine Administrative Procedure Act and makes other changes and amendments as the board deems necessary.