

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2010

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Legislative Document

No. 1592

H.P. 1130

House of Representatives, December 22, 2009

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**An Act To Update the Laws Affecting the Maine Center for Disease  
Control and Prevention**

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Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.

Received by the Clerk of the House on December 18, 2009. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative MARTIN of Eagle Lake.

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

2       **Sec. 1. 22 MRSA §1313**, as amended by PL 2007, c. 133, §1, is further amended  
3       to read:

4       **§1313. Procedures for the transportation, quarantine, euthanasia and testing of**  
5       **animals suspected of having rabies**

6       **1. Establishment of procedures.** The commissioner, in consultation with the  
7       Commissioner of Agriculture, Food and Rural Resources and the Commissioner of Inland  
8       Fisheries and Wildlife, shall adopt rules, in accordance with the Maine Administrative  
9       Procedure Act, establishing procedures for responding to a report of an animal suspected  
10      of having rabies. The procedures must include provisions for the transportation,  
11      quarantine, euthanasia and testing of an animal suspected of having rabies and, when  
12      reasonable cause exists to believe that the animal has bitten either exposed a person or  
13      other animal to rabies or has been exposed to rabies, provisions for the notification of the  
14      animal control officer in the locality where the bite exposure occurred. The procedures  
15      may differ based on the perceived public health threat determined in part by consideration  
16      of the following factors:

17           A. Whether the animal is a domesticated animal for which a known effective  
18           vaccine exists and, if so, whether the animal's vaccination status can be verified;

19           B. Whether the animal has bitten a person or exhibited other aggressive behavior;  
20           and

21           C. Whether the animal is a wolf hybrid that has bitten or may have otherwise  
22           exposed a person or a domesticated animal to rabies.

23      **2. Role of animal control officer; game warden.** An animal control officer  
24      appointed in accordance with Title 7, section 3947 receiving a report of an animal  
25      suspected of having rabies shall ensure that the procedures established pursuant to this  
26      section and sections 1313-A and 1313-B are carried out. ~~If the animal is~~ When  
27      reasonable cause exists to believe that an undomesticated animal, other than a wolf  
28      hybrid, has exposed a person to rabies, a game warden shall assist the animal control  
29      officer.

30      **3. Costs associated with transportation, quarantine, testing and euthanasia.** The  
31      ~~Department of Inland Fisheries and Wildlife shall provide for or pay all necessary costs~~  
32      ~~for transportation and euthanasia of an undomesticated animal suspected of having rabies.~~  
33      ~~The owner of a domesticated animal or a wolf hybrid suspected of having rabies shall pay~~  
34      ~~all costs for transportation, quarantine, euthanasia and testing of the animal. If a~~  
35      ~~domesticated animal or a wolf hybrid is a stray or the owner is unknown, the municipality~~  
36      ~~in which the animal was apprehended is responsible for~~ following provisions govern costs  
37      associated with the transportation, quarantine, testing and euthanasia and testing costs of  
38      animals suspected of having rabies. ~~Cost of testing animals judged by the department to~~  
39      ~~have created a public health risk of rabies must be borne by the department through its~~  
40      ~~General Fund appropriations.~~

1        A. The Department of Inland Fisheries and Wildlife shall provide for or pay all  
2        necessary costs for transportation and euthanasia of an undomesticated animal when  
3        reasonable cause exists to believe that the undomesticated animal has exposed a  
4        person to rabies.

5        B. The owner or keeper of a domesticated animal, wolf hybrid or undomesticated  
6        animal suspected of having rabies shall pay all costs for transportation, quarantine,  
7        euthanasia and testing of the animal.

8        C. The owner or keeper of a domesticated animal exposed to an undomesticated  
9        animal suspected of having rabies shall pay all costs for transportation, quarantine  
10       and euthanasia of the undomesticated animal.

11       D. If a domesticated animal or a wolf hybrid is a stray or the owner is unknown, the  
12       municipality in which the animal was apprehended is responsible for transportation,  
13       quarantine, euthanasia and testing costs.

14       E. The cost of testing animals judged by the department to have created a public  
15       health risk of rabies must be borne by the department through its General Fund  
16       appropriations.

17       **Sec. 2. 22 MRSA §1313-A**, as amended by PL 2007, c. 598, §11, is repealed and  
18       the following enacted in its place:

19       **§1313-A. Provisions for immediate destruction of certain animals**

20       Euthanasia of certain animals must be carried out as follows.

21       **1. Undomesticated animal that exposed person to rabies.** If reasonable cause  
22       exists to believe that an undomesticated animal has exposed a person to rabies, an animal  
23       control officer or a game warden shall immediately remove the undomesticated animal,  
24       or cause the undomesticated animal to be removed, and cause the undomesticated animal  
25       to be euthanized for testing.

26       **2. Undomesticated animal that exposed domesticated animal to rabies.** If  
27       reasonable cause exists to believe that an undomesticated animal has exposed a  
28       domesticated animal to rabies, an animal control officer, law enforcement officer, owner  
29       or owner's agent may immediately cause the undomesticated animal to be euthanized for  
30       testing.

31       **3. Wolf hybrid that exposed person or domesticated animal to rabies.** If  
32       reasonable cause exists to believe that a wolf hybrid has exposed a person or  
33       domesticated animal to rabies, an animal control officer or a law enforcement officer  
34       shall immediately cause the wolf hybrid to be euthanized for testing.

35       **4. Domesticated or undomesticated animal poses an immediate threat of a**  
36       **rabies exposure.** If reasonable cause exists to believe that a domesticated or  
37       undomesticated animal poses an immediate threat of a rabies exposure to a person or  
38       domesticated animal, an animal control officer, game warden or law enforcement officer  
39       may immediately kill or order killed an animal without destroying the head.

1       **5. Transportation of head of undomesticated animal to laboratory.** If reasonable  
2       cause exists to believe that an undomesticated animal has exposed a person to rabies, the  
3       Department of Inland Fisheries and Wildlife shall arrange for the transportation of the  
4       head of that undomesticated animal to the State Health and Environmental Testing  
5       Laboratory, except that the animal control officer shall make the arrangements if the  
6       animal is a wolf hybrid.

7       The Department of Inland Fisheries and Wildlife shall pay transportation costs for  
8       undomesticated animals that are involved in a human exposure, except that the owner or  
9       keeper of an undomesticated animal that is owned, kept by permit or is illegally held shall  
10      pay transportation, confinement and testing costs for that animal. The owner of any  
11      domesticated animal, including livestock or a ferret, dog, cat or wolf or wolf hybrid kept  
12      as a domesticated animal, shall pay transportation, confinement and testing costs for that  
13      animal.

14      **Sec. 3. 22 MRSA §1313-B, sub-§1,** as enacted by PL 1997, c. 704, §12, is  
15      amended to read:

16      **1. Violation.** A person who violates a rule established under this chapter commits a  
17      civil violation for which a forfeiture fine of not less than \$100 \$500 nor more than \$500  
18      \$1,000 may be adjudged for each offense. In addition, the court may include an order of  
19      restitution as part of the sentencing for costs including removing, controlling and  
20      confining the animal.

21      **Sec. 4. 22 MRSA §1313-B, sub-§2,** as amended by PL 2007, c. 133, §3, is  
22      further amended to read:

23      **2. Court authorization for removal.** When ~~home~~ reasonable cause exists to believe  
24      ~~that~~ quarantine procedures, as described on the official notice of quarantine, have been  
25      ~~violated, or in the case of a wolf hybrid, when if the owner or keeper of a wolf hybrid or~~  
26      ~~other legally or illegally possessed undomesticated animal fails to bring the animal to a~~  
27      ~~veterinarian for euthanasia and testing or to turn~~ fails to relinquish the animal ~~over~~  
28      authorities as required by rules established pursuant to this chapter, an animal control  
29      officer, person acting in that capacity or law enforcement officer shall apply to the  
30      District Court or Superior Court for authorization to take possession of the animal ~~for~~  
31      ~~placement, at the owner's expense, in a veterinary hospital, boarding kennel or other~~  
32      ~~suitable location for the remainder of the quarantine period or, in the case of a wolf~~  
33      ~~hybrid, removal for euthanasia. At the end of the quarantine period for domestic animals,~~  
34      ~~or if the animal shows signs of rabies, the person in possession of the animal shall report~~  
35      ~~to the court, and the court shall either dissolve the possession order or order the animal~~  
36      ~~euthanized and tested for rabies.~~

37      A. A domesticated animal must be placed at the owner's expense in a veterinary  
38      hospital, boarding kennel or other suitable location for the remainder of the  
39      quarantine period. If reasonable cause exists to believe that the domesticated animal  
40      shows any symptoms of rabies during the quarantine, the person in possession of the  
41      animal shall immediately notify the animal control officer and have the animal  
42      examined by a licensed veterinarian. If the licensed veterinarian has reasonable cause  
43      to believe that the animal has symptoms consistent with rabies, the person in

1 possession of the animal shall report to the court and the animal must immediately be  
2 euthanized and tested for rabies. At the end of the specified quarantine period, the  
3 person in possession of the animal shall report to the court and, if reasonable cause  
4 exists to believe that the domesticated animal has not developed symptoms consistent  
5 with rabies, the court shall dissolve the possession order or order the animal  
6 euthanized.

7 B. Wolf hybrids or other legally or illegally possessed undomesticated animals must  
8 be euthanized and tested for rabies.

9 **Sec. 5. 22 MRSA §1313-B, sub-§3, ¶A**, as enacted by PL 1997, c. 704, §12, is  
10 amended to read:

11 A. The municipality may record a lien for costs of confinement, quarantine and  
12 testing against the property of the owner or keeper of an animal if the person fails or  
13 refuses to comply with an order to confine or quarantine the animal;

14 **Sec. 6. 22 MRSA §1313-B, sub-§3, ¶D**, as enacted by PL 1997, c. 704, §12, is  
15 amended to read:

16 D. If the owner or keeper of the animal fails to pay the costs of confinement ~~or~~  
17 quarantine or euthanasia within 30 days after written demand from the municipal  
18 officers, the municipal assessors may file a record of lien against the property of the  
19 owner or keeper of the animal.

20 **Sec. 7. 22 MRSA §2494, sub-§3**, as amended by PL 2007, c. 539, Pt. F, §1, is  
21 further amended to read:

22 **3. Three hundred dollars.** ~~One hundred seventy-five~~ Three hundred dollars for all  
23 other establishments, places and camps not included in subsection 1 or 2.

24 **Sec. 8. 22 MRSA §2502** is enacted to read:

25 **§2502. Transaction fee for electronic renewal of license**

26 The department may collect a transaction fee from a licensee who renews a license  
27 electronically under this chapter. The fee may not exceed the cost of providing the  
28 electronic license renewal service. The department may adopt rules necessary to  
29 implement this section. Rules adopted pursuant to this section are routine technical rules  
30 as defined in Title 5, chapter 375, subchapter 2-A.

31 **Sec. 9. 30-A MRSA §2652, sub-§1, ¶C**, as amended by PL 2005, c. 683, Pt. C,  
32 §8, is further amended to read:

33 C. Affidavit establishing or correcting a record of birth, marriage or death as  
34 provided by Title 22, sections 2705 and 2764, §4;

35 (1) Issuance of a copy of the record to the applicant, ~~\$10~~ \$15 for the first copy  
36 and ~~\$5~~ \$6 for each additional copy;

37 **Sec. 10. 30-A MRSA §2652, sub-§1, ¶D**, as amended by PL 2005, c. 683, Pt. C,  
38 §8, is further amended to read:

1 D. Affidavit legitimating a birth as provided by Title 22, section 2765, §4;  
2 (1) Issuance of a copy of the amended birth record to the applicant, ~~\$10~~ \$15 for  
3 the first copy and ~~\$5~~ \$6 for each additional copy;

4 **Sec. 11. 30-A MRSA §2652, sub-§2**, as amended by PL 2005, c. 86, §1, is  
5 further amended to read:

6 **2. Marriage intentions and license.** Recording marriage intentions and issuing a  
7 marriage license, ~~\$30~~ \$40, except, when the laws of this State require 2 licenses, the fee is  
8 ~~\$15~~ \$20 each;

9 **Sec. 12. 30-A MRSA §2652, sub-§3**, as amended by PL 2005, c. 112, §§1 and 2,  
10 is further amended to read:

11 **3. Birth, marriage or death certificates.** Issuing the following:

12 A. Certificate of birth, marriage or death, the clerk may charge up to ~~\$10~~ \$15 for  
13 the first copy and ~~up to \$5~~ \$6 for each additional copy; and

14 B. Burial permit, ~~\$5~~ \$40; and

15 **Sec. 13. 30-A MRSA §2652, sub-§4**, as enacted by PL 1987, c. 737, Pt. A, §2  
16 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is  
17 further amended to read:

18 **4. Marginal release.** Entering in the margin of a record the release of an  
19 attachment, no charge;

20 A. The person making the marginal release must sign it; and

21 **Sec. 14. 30-A MRSA §2652, sub-§5** is enacted to read:

22 **5. Fees owed to the department.** Of the fees collected under subsection 1,  
23 paragraphs C and D; subsection 2; and subsection 3, paragraphs A and B, 25% of each  
24 fee collected is owed to and must be remitted to the Department of Health and Human  
25 Services.

26 Each clerk shall remit the Department of Health and Human Services' share of the fees  
27 collected at the end of each calendar year quarter. These fees must be deposited in a  
28 nonlapsing special revenue account to be used by the Department of Health and Human  
29 Services, Maine Center for Disease Control and Prevention for the support of the Office  
30 of Health Data and Program Management, Division of Data, Research and Vital  
31 Statistics.

32 **Sec. 15. 30-A MRSA §2652, last ¶**, as enacted by PL 1987, c. 737, Pt. A, §2 and  
33 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is  
34 further amended to read:

35 If a municipality provides for a salary to be paid to the clerk as full compensation, all  
36 revenues received by the clerk on behalf of the town accrue to the municipality, except  
37 for those portions that must be remitted to the Department of Health and Human Services.

1           **Sec. 16. 30-A MRSA §4211, sub-§5**, as amended by PL 2009, c. 213, Pt. FFFF,  
2           §1, is further amended to read:

3           **5. Permit fees.** The following permit fees may be charged.

4           A. A plumbing permit fee of ~~\$6~~ not to exceed \$10 per internal fixture may be  
5 charged.

6           C. A minimum fee, not to exceed ~~\$24~~ \$40, may be charged for all internal plumbing  
7 permits combined.

8           D. A nonengineered subsurface wastewater disposal system fee not to exceed  
9 ~~\$100~~ \$250 may be charged, and a surcharge of \$15 must be charged. The surcharge  
10 must be paid by the municipality to the Treasurer of State, who shall credit the  
11 amount to the Water Quality Improvement Fund established under Title 38, section  
12 424-B.

13           **Sec. 17. 32 MRSA §1243**, as amended by PL 1991, c. 416, §5, is further amended  
14 to read:

15           **§1243. Inspections**

16           Upon any person's request and payment of a ~~\$50 license~~ fee not to exceed \$150, the  
17 department shall inspect that person's training, place of practice and equipment for  
18 compliance with the rules adopted by the department under this chapter. All fees  
19 collected by the department must be deposited in ~~the General Fund~~ a special revenue  
20 account dedicated to a health inspection program.

21           **Sec. 18. 32 MRSA §4252**, as amended by PL 1975, c. 293, §4 and PL 2003, c.  
22 689, Pt. B, §6, is further amended to read:

23           **§4252. Issuance of licenses**

24           The Department of Health and Human Services is empowered to license persons to  
25 practice the art of tattooing. Such licenses ~~shall be~~ are issued annually by the department  
26 upon the payment of a fee of ~~\$50~~ not to exceed \$250. Licenses ~~shall~~ expire on September  
27 30th of each year. All fees collected by the department pursuant to this section must be  
28 deposited in a special revenue account dedicated to a health inspection program.

29           **Sec. 19. 32 MRSA §4314**, as enacted by PL 1997, c. 383, §1, is amended to read:

30           **§4314. Fee**

31           The fee for a license under this chapter may not exceed ~~\$50~~ \$150. The fee required  
32 by this section includes the cost of a biennial inspection of the micropigmentation facility  
33 by the department. However, the department may inspect the facility at any time. All  
34 fees collected by the department pursuant to this section must be deposited into a special  
35 revenue account dedicated to a health inspection program.

36           **Sec. 20. 32 MRSA §4325**, as enacted by PL 1997, c. 206, §1, is amended to read:



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