

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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Kennebec Journal  
Augusta, Maine  
1979

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

Sec. 1. 24 MRSA § 2403, sub-§ 2, as amended by PL 1977, c. 7, § 3, is repealed and the following enacted in its place:

2. **Purpose.** The purpose of the association shall be to provide, until July 1, 1980, a market for medical malpractice insurance on a self-supporting basis without subsidy from its members.

Sec. 2. 24 MRSA § 2405, sub-§ 1, first sentence, as repealed and replaced by PL 1977, c. 643, § 1, is repealed and the following enacted in its place:

The association shall not issue any policies with an inception date after July 1, 1980, and in no event shall issue a policy providing for coverage after July 1, 1981.

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

Effective May 25, 1979

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## CHAPTER 291

H. P. 291 — L. D. 388

### 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Sec. 1. 32 MRSA § 4859, sub-§ 2, as repealed and replaced by PL 1977, c. 694, § 638, is amended to read: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Sec. 3. 32 MRSA § 4859-A, as amended by PL 1975, c. 623, § 51-A, is repealed.

Sec. 4. 32 MRSA § 4860, sub-§ 11, as enacted by PL 1975, c. 477, § 4, is repealed.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 have~~ **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 medical finding of mental incompetency;**

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 medical finding of mental incompetency;**

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 **he has reason to believe has been** 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 ~~15~~ 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 ~~15~~ 10 days to elapse after such publication before disposing of such ~~animals~~ animal. **The animal shall be deemed abandoned if the owner was not located by registered mail or notice by publications and did not reply in person or by mail within the time periods outlined stating his intent to claim the animal.**

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.

Effective September 14, 1979

## CHAPTER 292

S. P. 462 — L. D. 1428

### AN ACT to Eliminate the Termination Provisions of the "Food Products" Sales Tax Exemption.

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

Sec. 1. 36 MRSA § 1752, sub-§ 11, 3rd sentence, as enacted by PL 1977, c. 443, § 1, is amended to read:

Until ~~December 31, 1980~~ **October 15, 1981**, the term "retail sale" or "sale at retail" shall also mean sale of products to a person for resale through coin-