

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWELFTH LEGISLATURE

SECOND REGULAR SESSION
January 8, 1986 to April 16, 1986

SECOND SPECIAL SESSION
May 28, 1986 to May 30, 1986

AND AT THE

THIRD SPECIAL SESSION
October 17, 1986

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND TWELFTH LEGISLATURE
1985

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:

17-A MRSA §253, sub-§4, as amended by PL 1985, c. 247, §2, and c. 414, §3, is repealed and the following enacted in its place:

4. Violation of subsection 1 is a Class A crime. It is a defense to prosecution under subsection 1, paragraph A, which reduces the crime to a Class B crime that the other person was a voluntary social companion of the defendant at the time of the offense and had, on that occasion, permitted the defendant sexual contact or voluntarily engaged in sexual contact with the defendant.

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

Effective February 28, 1986.

CHAPTER 545

H.P. 1410 - L.D. 1991

AN ACT Revising the Mandatory Vaccination Requirement for Livestock.

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

7 MRSA §1812, as amended by PL 1981, c. 197, §2, is further amended to read:

§1812. Brucellosis

The commissioner shall, in a manner consistent with the Maine Administrative Procedure Act, Title 5, chapter 375, formulate and implement rules, regulations and methods of procedure generally adopted for the prevention, control and eradication of brucellosis.

All female cattle born in the State after January 1, 1982, and all female cattle born after January 1, 1982, brought into the State under 120 days of age that ~~are not~~ have not been officially vaccinated, shall be vaccinated against brucellosis between the ages of 120 and 240 days ~~if they are to be sold for purposes other than immediate slaughter.~~ This shall not be construed to prohibit the sale of any female calf under the age of 120 days. This requirement shall not apply to cattle in any of the following classifications: Cattle which at no time will be sold; cattle which will be sold only for purposes of immediate slaughter; and cattle which are to be permanently shipped out-of-state and which, at the time of shipment, are certified to be free of brucellosis and meet all applicable health requirements of the Federal Government and of the state or country of destination.

All female cattle brought into the State born after January 1, 1982, shall have been officially vaccinated against brucellosis, except in the case of calves under 120 days of age and except in the case of cattle brought in for immediate slaughter.

For the prevention and control of brucellosis, the commissioner or his agent in charge of livestock sanitary work shall continue to conduct recognized tests on all the herds in the State. Such tests shall be conducted by regularly employed federal or state veterinarians or technicians or authorized veterinarians and tested by the state laboratory. All animals showing a positive reaction to the test shall be identified by a "reactor" ear tag and brand and shall be slaughtered, except vaccinated animals under ~~20~~ 14 months of age.

Officially vaccinated calves, if purebred, shall be properly identified by ear tag or registration papers or tattoo number. Grade animals shall be tagged. All officially vaccinated calves must be tattooed with the official state tattoo mark. Evidence of vaccination shall be the official state tattoo mark and either a vaccination ear tag or a tattoo number.

Vaccine for cattle owned by residents of this State shall be provided by the commissioner or through the commissioner ~~from the Federal Government~~ as long as the vaccine is supplied by the Federal Government. If the Federal Government does not supply the vaccine, the commissioner shall establish rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, establishing fees to cover

costs of obtaining, storing and distributing vaccine to accredited veterinarians and defining approved sources and procedures to regulate the use of this vaccine. The fees will accrue to a nonlapsing dedicated account to be used for obtaining, storing and distributing vaccine.

Any person who tampers, with an intent to change or destroy, with a vaccination identification ear tag, official state tattoo mark, tattoo number or the identification on a registration paper shall be subject to a civil penalty of \$5,000 for each incident, payable to the State, to be recovered in a civil action.

For the purpose of this section, the term "officially vaccinated" means a vaccination against brucellosis that complies with the requirements for such vaccination established by the United States Department of Agriculture.

Effective July 16, 1986.

CHAPTER 546

S.P. 655 - L.D. 1693

**AN ACT to Permit the Transfer of Protection
from Abuse Hearings from Superior
Court to District Court.**

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

Whereas, it is important that the people of the State have available to them the most expeditious process possible for receiving protection from abuse orders from the courts; and

Whereas, receipt of these orders will be expedited if the Superior Court may issue an emergency temporary protection from abuse order and then transfers the case to the District Court for further proceedings; 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 preser-