

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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

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Twin City Printery  
Lewiston, Maine  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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Effective September 29, 1987.

**CHAPTER 111**

S.P. 266 — L.D. 747

**AN ACT to Revise the Law Prohibiting the Use of Drugs in Animals Competing in Pulling Events.**

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

Whereas, it is necessary to take action well before the summer fair season begins in Maine; 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:

7 MRSA §74, as amended by PL 1979, c. 541, Pt. A, §44, is repealed and the following enacted in its place:

**§74. Certain substances prohibited**

1. **Prohibition.** No person may feed, inject, insert or otherwise administer any drug or other substance, including depressants, stimulants, local anesthetics or sedatives, which may affect the conduct, actions, endurance, strength, speed or performance of any animal, to any animal entered in any pulling competition. The Commissioner of Agriculture, Food and Rural Resources may require that any such animal be tested for the detection of drugs or other substances before, during or after the competition.

A. No person who owns, trains, has custody of or is otherwise responsible for any animal entered into any pulling competition may refuse to secure or restrain or may interfere with the securing and restraining of any such animal as may be necessary for expeditious application of such tests or necessary identification. All tests shall be administered by an authorized agent of the commissioner.

B. If the result of any test conducted under this section indicates the presence of a drug or other substance described in this section, this fact shall be prima facie evidence in any civil action or administrative proceeding brought pursuant to subsection 3 or 4 that such a drug or other substance has been administered to the animal.

C. For purposes of this section, each animal to which any drug or other substance prohibited by this section

was administered and each occasion on which any drug or other substance was administered in violation of this section shall constitute a separate violation.

2. **Therapeutic drugs.** This section does not prohibit the administration to an animal of a drug, the use of which is required for treatment of an illness or condition unrelated to the performance of the animal in a pulling competition. The circumstances in which such a drug may be administered and the conditions of its administration shall be specified by rules adopted by the commissioner pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375. The rules shall limit to the greatest extent possible the potential that the animal's performance in a pulling competition would be affected by the administration of such a drug.

3. **Violation.** Any person who violates subsection 1 commits a civil violation for which the following forfeitures may be adjudged and collected by the commissioner in a civil action:

A. For the first violation, a forfeiture of not more than \$500; and

B. For each subsequent violation, a forfeiture of not more than \$1,000.

4. **Authority of the commissioner.** In addition to or in lieu of the civil action authorized by subsection 3, the commissioner may institute an administrative proceeding. If he does so, he shall give notice and an opportunity for hearing under the Maine Revised Statutes, Title 5, chapter 375, subchapter IV, on any alleged violation of subsection 1. If the person against whom the violation is alleged does not request a hearing or if, after a hearing, the commissioner finds a violation of subsection 1, the commissioner shall bar that person from competing in any pulling contest within the State for a period of 2 years and shall also bar the animal from competing in any pulling contest within the State for a period of one year.

5. **Authority of the commissioner to take immediate action.** Upon giving notice and opportunity for hearing under subsection 4, the commissioner shall immediately bar the person against whom the violation is alleged from competing in any pulling contest within the State. This prohibition shall remain in effect until the expiration of 30 days or until receipt of the commissioner's decision, whichever first occurs, exclusive of any delays resulting from continuances requested by the person against whom the violation is alleged.

6. **Authority of the commissioner to make rules.** The commissioner may adopt rules relating to the administration of tests, the care and custody of test samples and such other matters as may be necessary to carry out the purposes of this section.

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

Effective May 12, 1987.

**CHAPTER 112**

S.P. 440 — L.D. 1349

**AN ACT Relating to Enforcement of  
Accessibility Standards for Places of  
Public Accommodations.**

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

5 MRSA §4594-B is enacted to read:

§4594-B. Public accommodations constructed, remodeled or enlarged after January 1, 1988

1. Definitions. As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

A. "Builder" means the applicant for a building permit in a municipality that requires such permits or the owner of the property in a municipality that does not require building permits.

B. "Design professional" means an architect or professional engineer registered to practice under Title 32.

C. "Standards of construction" means the 1986 standards set forth by the American National Standards Institute in the publication "Specifications for Making Buildings and Facilities Accessible to and Usable by Physically Handicapped People," ANSI A 117.1-1986.

2. Facilities attested. This section applies to any building or facility constructed specifically as a place of public accommodation on or after January 1, 1988, or when the estimated total costs for remodeling or enlarging an existing building exceeds \$150,000 and the remodeling or enlarging is begun after January 1, 1988.

3. Application. Facilities subject to this section shall meet the following standards.

A. Facilities subject to this section constructed on or after January 1, 1988, shall meet the standards of construction.

B. Plans to reconstruct, remodel or enlarge an existing place of public accommodation, when the estimated total cost exceeds \$150,000, shall be subject to this section when the proposed reconstruction, remodeling or enlargement will substantially affect that portion of the building normally accessible to the public.

Facilities subject to this section which are remodeled, enlarged or renovated on or after January 1, 1988, shall meet the requirements of the following 4 parts of the

standards of construction:

(1) 4.3 accessible routes;

(2) 4.3 doors;

(3) 4.17 toilet stalls; and

(4) 4.29.3 tactile warnings on doors to hazardous areas.

4. Certification; inspection. The builder of a facility to which this section applies shall obtain a certification from a design professional that the plans of the facility meet the standards of construction required by this section. Prior to commencing construction of the facility, the builder shall submit the certification to:

A. The municipal authority who reviews plans in the municipality where the facility will be constructed; or

B. If the municipality where the facility will be constructed has no authority who reviews plans, the municipal officers of the municipality.

If municipal officials of the municipality where the facility will be constructed inspect buildings for compliance with construction standards, that inspection shall include an inspection for compliance with the standards required by this section. The municipal officials shall require the facility inspected to meet the construction standards of this section before the municipal officials permit the facility to be occupied.

Effective September 29, 1987.

**CHAPTER 113**

H.P. 1003 — L.D. 1350

**AN ACT Relating to Social Worker License Fees.**

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

Whereas, the Committee on Audit and Program Review has determined that, in the absence of an increase in license fees, as of the January 1, 1987, renewal date the expenditures of the State Board of Social Worker Registration will exceed their revenues during the licensing period 1987-88; and

Whereas, a deficit in the board's budget will induce obligations for the Department of Professional and Financial Regulation; and

Whereas, at the recommendation of the Joint Standing Committee on Audit and Program Review, the board has not mailed renewal notices for renewals due January 1987, pending passage of this Act; and