

# 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  
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ONE HUNDRED AND THIRTEENTH LEGISLATURE  
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(2) If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size with a floor above ground and waterproof roof shall be provided to accommodate the dog and protect it from the weather and, in particular, from severe cold. Inadequate shelter may be indicated by the shivering of the dog due to cold weather for a continuous period of 30 minutes.

C. No animal may be confined in a building, enclosure, car, boat, vehicle or vessel of any kind when extreme heat or extreme cold will be harmful to its health.

3. Space standards. Minimum space requirements for both indoor and outdoor enclosures shall include the following.

A. The housing facilities shall be structurally sound and maintained in good repair to protect the animal from injury and to contain the animal.

B. Enclosures shall be constructed and maintained to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of overcrowding, debility, stress or abnormal behavior patterns.

4. Humanely clean conditions. Minimum standards of sanitation necessary to provide humanely clean conditions for both indoor and outdoor enclosures shall include periodic cleanings to remove excretions and other waste materials, dirt and trash to minimize health hazards.

#### SUBCHAPTER IV

#### EUTHANASIA OF CATS AND DOGS

##### §1041. Euthanasia by prescribed methods

No cat or dog may be destroyed by any method, agent or device except as described in this subchapter.

##### §1042. Mandatory method

The mandatory method of euthanasia of cats and dogs shall be the administration of a barbiturate overdose. The mandatory method of euthanasia shall be implemented according to the following methods and under the following conditions.

1. Intravenous, intraperitoneal, intrathoracic or intracardial injection. Intravenous, intraperitoneal, intrathoracic or intracardial injection of a lethal solution may be used.

2. Use of undamaged hypodermic needle. If euthanasia is by injection, an undamaged hypodermic needle of a size suitable for the size and species of animal shall be used.

3. Administration by a licensed veterinarian. Ad-

ministration shall only be by a licensed veterinarian or by a person trained for this purpose and subject to regular observation concerning continued efficiency.

##### §1043. Emergency methods

The following methods shall be used only in an emergency situation in which the safety of people or other animal life is threatened or in a situation in which the mandatory method of euthanasia of cats and dogs cannot be implemented expeditiously and will cause undue suffering. The following methods shall not be used as a substitute for the mandatory method.

1. Shooting. The animal may be destroyed by shooting, provided that:

A. The animal is restrained in a humane manner;

B. Shooting is performed by highly skilled and trained personnel utilizing a weapon and ammunition of suitable caliber and other characteristics to produce instantaneous death by a single shot; and

C. Maximum precaution is taken to protect the general public, employees and other animals.

##### §1044. Tranquilizing cats and dogs

Prior to the euthanasia of cats and dogs, sedatives may be administered to these animals. Curariform immobilizers shall not be used on cats and dogs prior to euthanasia, except by veterinarians in extreme circumstances.

##### §1045. Inspection

The board may inspect or investigate any facility in which cats or dogs are destroyed.

##### §1046. Penalty for violation

Any person, firm or corporation found in violation of this subchapter is guilty of a Class E crime.

Sec. 5. 17 MRSA c. 43, as amended, is repealed.

Sec. 6. 17 MRSA §3853-B, as enacted by PL 1977, c. 671, §18-A, is repealed.

Sec. 7. 17-A MRSA §510, as amended by PL 1979, c. 120, is repealed.

Effective September 29, 1987.

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## CHAPTER 384

H.P. 1280 — L.D. 1753

AN ACT Relating to the Payment of Dues to Grower Organizations by Handlers and Processors of Farm Products.

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

Sec. 1. 7 MRSA §1091, as enacted by PL 1971, c. 438, is amended to read:

§1091. Dues

If a member of a cooperative agricultural marketing association as defined in Title 13, section 1774, subsection 3 ~~shall make~~ makes a written assignment of dues to such that association, such those dues shall be paid out of funds due or to become due to such that member for any farm product produced or to be produced by such that member, or for any services performed or to be performed by such that member in the production of farm products. Pursuant to a collective marketing contract any Any person who accepts or receives such the product or services under such contract from the member is bound by such that assignment after receiving written notice from the association and or from the member, and such that person shall withhold the assigned dues from amounts payable by him to the member thereafter during the period of such the assessment.

Sec. 2. 7 MRSA §1092, as enacted by PL 1971, c. 438, is amended to read:

§1092. Assignment

No provision which is inserted in any contract or other instrument that is prepared by a dealer or processor which makes an assignment of the dues described in section 1091 ineffective is valid.

An assignment of dues may not exceed 1% of the total value of the product or services delivered by the member to the dealer or processor.

Sec. 3. 7 MRSA §1093, as enacted by PL 1971, c. 438, is repealed and the following enacted in its place:

§1093. Remittance of dues; accounting

1. Sale of farm products. Subject to subsection 3, a dealer or processor shall, on or before the 15th day of each month, pay to an association all dues assigned to the association pursuant to section 1091 with respect to farm products received from members by the dealer or processor during the preceding calendar month. At the time of each monthly payment of dues, the dealer or processor shall provide to the association a summary statement showing, for each member, the quantity of farm products received, the payment due to the member for those farm products prior to the deduction of dues and the amount of dues deducted therefrom pursuant to the assignment.

2. Performance of farm services. Subject to subsection 3, a dealer or processor shall, on or before the 15th day of each month, pay to an association all dues assigned to the association pursuant to section 1091 with respect

to services performed by members in the production of farm products which were received by the dealer or processor during the preceding calendar month. At the time of each monthly payment of dues, the dealer or processor shall provide to the association a summary statement showing, for each member, the quantity of farm products for which services were performed and the amount of dues deducted therefrom pursuant to the assignment.

3. Flat rate dues deduction. In the event that the dues assigned to the association pursuant to section 1091 are not calculated on the quantity of farm products sold or tendered by members to the dealer or processor, the dealer or processor shall pay the dues to the association according to the payment schedule contained in the assignment. No payment schedule may require the payment of assigned dues more frequently than once a month.

Sec. 4. 7 MRSA §1096 is enacted to read:

§1096. Violation; penalties

1. Civil violation. Failure of a dealer or processor to pay assigned dues to an association within the time required by section 1093 is a civil violation for which a forfeiture of double the amount of the assigned dues that were not timely paid to the association shall be adjudged. The court shall order payment of the forfeiture to the association. In the event of a willful violation, the dealer or processor shall be subject to an additional civil penalty, payable to the State, of not more than \$1,000 for a first violation and not more than \$2,000 for each subsequent violation. The forfeiture and civil penalty created by this subsection are recoverable by the commissioner in a civil action.

2. Private action. Any dealer or processor that fails to pay assigned dues to an association within the time required by section 1093 is liable to that association in a civil action for double the amount of the assigned dues that were not timely paid to the association, plus reasonable attorneys fees, provided that the filing of a civil violation action, pursuant to subsection 1, shall bar the filing of a private action under this subsection arising from the same events of nonpayment.

Effective September 29, 1987.

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## CHAPTER 385

H.P. 1298 — L.D. 1776

AN ACT to Enhance the Marketability of Titles.

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

Sec. 1. 23 MRSA §3027, sub-§1, as enacted by PL 1981, c. 683, §2, is amended to read: