

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

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

Twin City Printery
Lewiston, Maine
1988

PUBLIC LAWS

OF THE

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AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
and
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ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

Sec. 14. Transitional provisions. Transitional provisions are as follows.

1. **Personnel transferred.** The chairman of the Unemployment Insurance Commission shall serve until his term expires and a successor has been nominated and confirmed. The person serving as the director, adjudication, also known as the Director of the Division of Appeals, shall become the Chief Administrative Hearing Officer of the Division of Administrative Hearings. The persons serving as adjudication officers shall become administrative hearing officers. Personnel and support staff of the Appeals Division shall continue as staff for the Division of Administrative Hearings.

2. **Funds.** Funds allocated to the Division of Appeals shall be allocated in the same manner to the Division of Administrative Hearings.

3. **Equipment and property.** All equipment and property of the State used by the Division of Appeals shall be used by the Division of Administrative Hearings.

4. **Rules and procedures.** All rules and procedures currently in effect for the Division of Appeals shall be in effect for the Division of Administrative Hearings until amended or rescinded as provided by state law.

Effective August 4, 1988.

CHAPTER 642

H.P. 1817 — L.D. 2487

AN ACT to Prohibit Publication of Names of Concealed Weapon Permit Holders.

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

30 MRSA §2225, sub-§5-A is enacted to read:

5-A. Names of those issued concealed firearms permits. The names of persons issued concealed firearms permits under Title 25, chapter 252, may not be printed in the annual report.

Effective August 4, 1988.

CHAPTER 643

H.P. 1819 — L.D. 2493

AN ACT to Amend the Animal Control Laws.

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

Whereas, some courts have expressed concern that the

laws regarding dog control do not make it clear that the owner of the dog is responsible for its control; and

Whereas, in at least one case a law suit has been dismissed on this basis; and

Whereas, it is necessary to revise the laws promptly so that similar dismissals will not occur; 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:

Sec. 1. 7 MRSA §§3911 and 3912, as enacted by PL 1987, c. 383, §3, are amended to read:

§3911. Dogs not to run at large

It is unlawful for any dog, licensed or unlicensed, to run at large, except when used for hunting. The owner or keeper of any dog found running at large shall be subject to the penalties provided in this chapter.

§3912. Disposition of dogs at large

Any animal control officer or person acting in that capacity shall seize, impound or restrain any dog found in violation of section 3911 and deliver it to any shelter as provided for in section 3913, subsection 2, or shall take the dog to its owner, if known. ~~Such dogs shall be handled as stray and abandoned dogs.~~ If ownership cannot be established, such animals may be handled as strays for the purposes of acceptance by an approved shelter.

Sec. 2. 7 MRSA §3922, sub-§3, as enacted by PL 1987, c. 383, §3, is amended to read:

3. **Proof of immunization.** No municipal clerk may issue a license for any dog until the applicant has filed with the clerk proof that the dog has been immunized against rabies in accordance with rules promulgated by the Commissioner of Human Services, provided that the requirement of immunization may be waived by the clerk under conditions set forth by the Commissioner of Human Services.

~~In the case of any guide dog or hearing dog kept prior to training or for breeding purposes, the board shall accept valid proof of immunization against rabies provided by another state. The commissioner shall promulgate rules which allow the clerk and the board to accept valid proof of immunization against rabies provided by another state.~~

Sec. 3. 7 MRSA §3947, as enacted by PL 1987, c. 383, §3, is amended to read:

§3947. Animal control officers

Each municipality shall appoint one or more animal control officers whose duties shall be enforcement of sections 3911, 3912, 3921, 3924, 3943, 3948, 3950 and, 3950-A and 3966 to 3970 and such other duties to control animals as the municipality may require.

Sec. 4. 7 MRSa §3948, sub-§1, as enacted by PL 1987, c. 383, §3, is amended to read:

1. Control. Municipalities shall control dogs and ferrets running at large.

Sec. 5. 7 MRSa c. 730 is enacted to read:

CHAPTER 730FERRETS§3966. Control of ferrets; seller's obligation

1. Control. Except as provided in this section, it is unlawful for any domesticated ferret to be off the premises of the owner. If the owner of a ferret cannot locate the ferret, the owner shall immediately notify the municipal office serving the area in which the ferret was lost.

Ferrets may be transported from one place to another provided that they are confined at all times in a carrying device in which any openings are so small as to prohibit the insertion of human fingers, including those of children. Ferrets may be allowed out of the carrying device in connection with a show or exhibition.

In the event that a person approaches a ferret, the owner shall warn that person that ferrets have been known to bite without warning or provocation. If found in violation of this section, the owner or keeper of any domesticated ferret shall be subject to the penalties provided in this chapter.

2. Transfer of ownership. Any licensed kennel, pet shop, shelter or veterinarian which transfers ownership of a ferret shall provide notification in writing as to the following.

A. Ferrets have been known to attack humans, particularly children, for no reason and without warning.

B. There is no proven vaccine for rabies in ferrets nor is there an accepted procedure for judging a rabid ferret without sacrificing the ferret. A ferret which bites a person may be immediately seized and put to death by the State in order to obtain necessary test samples.

§3967. Seizing of ferrets

Any animal control officer or person acting in that capacity shall seize, impound or restrain any domesticat-

ed ferret found in violation of section 3966, subsection 1, and deliver it to any shelter, as provided for in section 3968, or shall take it to its owner if known. If ownership cannot be established, such animals may be handled as stray ferrets for the purposes of acceptance by an approved shelter as provided in this chapter.

§3968. Disposition of ferrets

1. Shelter. A shelter to which a stray ferret is taken, as a condition of approval by the board, shall accept the ferret for a period of 8 days, unless the shelter is in quarantine or has a bona fide lack of adequate space or unless the ferret has or is suspected of having a contagious disease. The acceptance entitles the shelter to receive from the board the sum of \$2.50 a day for the period for which food and shelter are furnished to the ferret. Shelters accepting ferrets from municipalities not contracting with them may seek assistance from the board. Shelters which are not approved by the board to receive state funds shall not be required to accept sick, stray, injured or abandoned ferrets.

2. Claims; fees. The procedure for filing claims and calculating fees shall be as follows.

A. On the next business day following the date of acceptance of the ferret, the shelter shall notify the clerk of the respective municipality of the acceptance of the ferret, its description and the circumstances of its finding.

B. A shelter which accepts a ferret under this section, within 45 days of acceptance of the ferret, shall submit a claim on a board-approved form to the clerk of the respective municipality for fees incurred in providing food and shelter and, upon verification of proper notification and holding period by the clerk, the shelter shall forward the claim to the board.

C. If the owner claims the ferret within the 8-day period, the owner may have and receive the ferret upon payment of all board-approved fees, plus any pick-up fees that the municipality may impose.

3. Ownership of ferret. Upon expiration of the 8-day period, ownership of the ferret shall vest in the shelter. The shelter may then:

A. Sell or give away the ferret with the warning notice required by section 3966; or

B. Otherwise dispose of the ferret humanely in accordance with Title 32, section 4872.

None of the proceeds obtained from the sale, donation, adoption or other disposition of the ferret shall be deducted from the fee claimed.

Notwithstanding subsection 2, paragraph C, the previous owner may reacquire the ferret at any time prior to its sale, donation or disposal upon payment of the

municipal impoundment fees and actual fees incurred for food, shelter, veterinary care and any other fees required by this chapter for each day that the ferret has been sheltered. In this case no fee may be allowed by the board.

§3969. Bites by ferrets

The local health officer may order the confinement of any ferret which has bitten a human being. Such confinement may be either with the owner or by seizing the ferret as determined by the confining officer. The local health officer shall have responsibility for implementing this paragraph. Animal control officers may also, at their discretion, implement this paragraph.

Until such time as the Department of Human Services indicates that evidence of rabies can be identified in a ferret within the time period required for human counter measures, a ferret may be put to death immediately for laboratory tests. The Department of Human Services shall promulgate rules regarding the confinement, seizure and sacrifice of ferrets.

§3970. Violations and damage caused by ferrets

1. Violation. Any person who violates any section of this chapter commits a civil violation for which a forfeiture not to exceed \$100 may be adjudged.

2. Damage by ferrets. Damage caused by ferrets shall be subject to this chapter.

Emergency clause. In view of the emergency cited in the preamble, all sections of this Act except section 4 and that portion of section 5 which enacts the Maine Revised Statutes, Title 7, section 3966, subsection 1, shall take effect when approved. The excepted sections shall take effect January 1, 1989.

Effective March 25, 1988 except as otherwise indicated.

CHAPTER 644

S.P. 795 — L.D. 2092

AN ACT to Prohibit the Display of Blue Lights on Vehicles Other than those Used by Authorized Law Enforcement Officers and Agencies.

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

Sec. 1. 28-A MRSA §2212, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

§2212. State liquor enforcement officers' vehicles

Notwithstanding the provisions of Title 29, sections section 1362 and ~~1368~~, motor vehicles operated by state liquor enforcement officers may be equipped with sirens

and. As provided in Title 29, section 1367-B, those vehicles may be equipped with lights which emit a blue beam of light. The equipment permitted by this section may be used only to discharge law enforcement responsibilities in connection with this Title and Title 29, sections 1312 and 1312-B.

Sec. 2. 29 MRSA §52, as amended by PL 1981, c. 696, §2, is further amended to read:

§52. Deputy

The Secretary of State may appoint and deputize agents, examiners and inspectors, stationed at convenient places in the State, to receive applications for registration and licenses for the operation of vehicles, to conduct examinations and to perform any assigned duties pursuant to this Title when ordered by the Secretary of State. Any motor vehicle inspector appointed under this section shall have the duty and all necessary authority to enforce the provisions of chapter 5, subchapter III-A and chapters 7, 15 and 21 and to enforce all rules promulgated to implement these provisions. Enforcement power as it relates to this section shall not include provisions under section ~~1368~~, ~~subsection 2~~ 1367-B, subsection 3 and shall not be considered as having authority to make routine motor vehicle stops on the highways of the State.

Sec. 3. 29 MRSA §944-A, 2nd ¶, as enacted by PL 1981, c. 88, §1, is amended to read:

The driver of a vehicle shall yield the right-of-way to any authorized vehicle obviously and actually engaged in work upon a highway whenever such vehicle displays flashing lights meeting the requirements of section ~~1368~~, ~~subsection 3~~ 1367-B, subsection 5 and section 1462.

Sec. 4. 29 MRSA §946, as amended by PL 1985, c. 108, §9, is further amended to read:

§946. Police and fire vehicles

Police, fire department, forest fire control vehicles and ambulance vehicles, when operated in response to calls, or when a police officer is in pursuit of a motor vehicle operator for which he has probable cause to believe that the operator has committed or is in the process of committing a violation of law, and vehicles of the Department of Corrections making use of a blue light or a siren shall have the right-of-way. On the approach of any such vehicle, from any direction, and when such vehicle is sounding a siren and emitting a flashing light, the driver of every other vehicle shall immediately draw his vehicle as near as practicable to the right-hand curb and parallel thereto, clear of any intersection, and bring it to a standstill until such public service vehicles have passed.

Sec. 5. 29 MRSA §946-A, sub-§3, as enacted by PL 1981, c. 88, §2, is amended to read:

3. Audible signals; visual signals. The exemptions