

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

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

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

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

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

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1989

order of a prosecuting official and whether or not they are called upon to give testimony, shall be compensated out of the General Fund on an hourly basis equal to that established by the State for their range and step level.

The court officer required to be present at an arraignment may be an officer other than the arresting officer, provided that the municipality has designated the officer to handle the arraignment caseload of that municipality. In addition, one or more municipalities may designate either a municipal law enforcement officer or a county law enforcement officer to represent the municipalities at arraignments on a rotating schedule.

The court shall pay any municipality a flat fee of \$20 for each day or part thereof that a municipal law enforcement officer, designated by the municipality as its court officer, is required to be physically present in a District Court in order to adequately handle such municipality's caseload. In addition, the court shall pay any municipality a flat fee of \$20 per day for every day or part thereof, but no more than \$20 for any one day, such municipality loses the services of one or more law enforcement officers because ~~such~~ the officer or officers are performing some act authorized or required by a District Court Rule of Criminal Procedure or is a witness in a criminal or traffic infraction case within the jurisdiction of the District Court. A municipality shall be deemed to have lost the services of a law enforcement officer when ~~such~~ the officer, who normally performs duties of patrolling or maintaining order, is physically unable to perform those duties of patrolling and maintaining order for ~~such~~ the municipality.

The sheriffs of the several counties shall designate and furnish deputy sheriffs to serve as bailiffs in each division of the District Court within their counties, if so requested by the Chief Judge.

Compensation for such service shall be paid by the District Court.

In those municipalities where a police officer has been furnished heretofore to serve as a bailiff, the Chief Judge may continue to authorize the use of a police officer as a bailiff and the municipality shall be compensated therefor by the District Court. A person now appointed to serve as bailiff may not serve as court officer for a municipal police department, as provided in this subsection.

See title page for effective date.

CHAPTER 90

S.P. 132 - L.D. 217

An Act to Define and Clarify the Authority of the Board of Dental Examiners to Promulgate Rules

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

Sec. 1. 32 MRSA §1073, sub-§2, as repealed and replaced by PL 1983, c. 378, §6, is repealed and the following enacted in its place:

2. Rules. Adopt rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, which are necessary for the implementation of this chapter. The rules may include, but need not be limited to, requirements for licensure, interviews for licensing and renewal, continuing education, inactive licensure status and use of general anesthesia.

Sec. 2. 32 MRSA §1084-A is enacted to read:

§1084-A. Continuing education

As a condition of renewal of a certificate to practice, a practitioner shall provide evidence of having successfully completed 40 hours of continuing education during the 2 years prior to application for renewal. To qualify as meeting this requirement, the education must relate to professional competency and relate to those aspects of the profession in which the practitioner is currently engaged. The board shall specify the desired content of the program of continuing education, establish criteria for approving providers of continuing education and approve those providers. The board shall specify the criteria for successful completion of a continuing education requirement. All actions by the board in the implementation of this program shall be by rule and shall follow the provisions of the Maine Administrative Procedure Act, Title 5, chapter 375.

The board may indicate to an individual practitioner specific subject areas on which that practitioner's continuing education is to focus in the future. Providers shall be required to obtain and retain for 3 years a written course assessment from each student which shall be reviewed periodically by the board.

Sec. 3. 32 MRSA §1098-B is enacted to read:

§1098-B. Continuing education

As a condition of renewal of a certificate to practice, a practitioner shall submit evidence of successful completion of 20 hours of continuing education consisting of board-approved courses in the 2 years preceding the application for renewal. The board and the practitioners shall follow and be bound by the provisions of section 1084-A in the implementation of this section.

See title page for effective date.

CHAPTER 91

H.P. 153 - L.D. 205

An Act to Prohibit and Provide a Penalty for Trespass by Animals

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

Whereas, livestock animals have the greatest opportunity to trespass during the spring and summer when they are out in their pastures; and

Whereas, there needs to be a clarification of the animal trespass laws to cover this spring and summer; 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 c. 741 is enacted to read:

CHAPTER 741
ANIMAL TRESPASS

§4041. Animal trespass

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

A. "Animal control officer" or "law enforcement officer" means the animal control officer or law enforcement officer having jurisdiction over the area in which the livestock animal was found.

B. "Livestock animal" means dairy, feeding, beef or breeding cattle; horses; sheep; goats; donkeys; or swine.

C. "Trespass" means that a livestock animal of an owner or keeper has entered or been found on the property of another person.

2. Removal. The owner or keeper of a livestock animal shall be responsible, at the owner's or keeper's expense, for removing any livestock animal found trespassing. An animal control officer or law enforcement officer may, at the owner's or keeper's expense, remove and control a livestock animal found trespassing if:

A. The owner or keeper fails to remove the livestock animal within 6 hours after having been notified by an animal control officer or law enforcement officer that a livestock animal owned or kept by the owner or keeper was trespassing; or

B. The livestock animal is an immediate danger to itself, persons or another's property.

3. Civil violation. A person commits a civil violation if a livestock animal owned or kept by that person is found trespassing and:

A. That person fails to remove the livestock animal within 6 hours after having been personally notified by an animal control officer or law enforcement

officer that a livestock animal owned or kept by that person was trespassing; or

B. A livestock animal of that person had been found trespassing on a prior occasion within the 12 months immediately preceding the present trespass and the owner or keeper had, at that time, been notified by an animal control officer or law enforcement officer of that trespass.

4. Penalty. A forfeiture of not more than \$500 shall be adjudged for a civil violation under subsection 3. In addition the court may as part of the sentencing include an order of restitution for damages caused by the livestock animal in accordance with section 3964 and for costs incurred in removing and controlling the livestock animal.

5. Exemption. A person shall not be liable under this section if, at the time of the alleged trespass, that person was licensed or privileged to allow the livestock to be on the property.

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

Effective May 3, 1989.

CHAPTER 92

S.P. 269 - L.D. 697

**An Act to Require Municipalities to Permit
the Circulation of Petitions on Local Issues**

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

Sec. 1. 21-A MRSA §903-A is enacted to read:

§903-A. Circulation

Petitions issued under this chapter may be circulated by any registered voter.

Sec. 2. 30-A MRSA §2504 is enacted to read:

§2504. Circulation of petitions for local initiative

No municipality may enact any charter provision or ordinance prohibiting the circulation of petitions for any local initiative. A petition related to any local initiative, including, without limitation, petitions filed under section 2522, section 2528, subsection 5, the Constitution of Maine, Part Third, Article IV, Section 21, or a municipal charter provision authorizing local initiatives, may be circulated as provided in Title 21-A, section 903-A.

See title page for effective date.