

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

AS PASSED AT THE
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ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

behalf of minor children shall be valid unless approved by the court, as provided in Title 14, section 1605.

See title page for effective date.

CHAPTER 341

H.P. 559 - L.D. 757

An Act Concerning Withdrawal of Candidates

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

Sec. 1. 21-A MRSA §374, as enacted by PL 1985, c. 161, §6, is repealed.

Sec. 2. 21-A MRSA §374-A is enacted to read:

§374-A. Withdrawal of candidates for certain state offices

1. Withdrawal and replacement of nominees; Governor's proclamation. The Governor shall issue a proclamation as provided in section 362 and a political committee may make a replacement nomination following a candidate's withdrawal only if a person nominated for an office, other than United States Senator, Representative to Congress or Governor, at a primary election or by a political committee:

A. Withdraws on or before 5 p.m. of the first Monday in August preceding the general election;

B. Withdraws because of a catastrophic illness that has permanently and continuously incapacitated the candidate and would prevent performance of the duties of the office sought, provided the candidate or a member of the candidate's immediate family files with the Secretary of State a certificate accompanying the withdrawal request, which describes the illness and is signed by at least 2 licensed physicians; or

C. Dies prior to the general election.

2. Deadline for replacement of nominee. A political committee may make a replacement nomination:

A. No later than 5 p.m. of the 3rd Monday in August preceding the general election for a candidate who has withdrawn in accordance with subsection 1, paragraph A; or

B. As soon as practicable for a candidate who withdraws or is withdrawn in accordance with subsection 1, paragraph B or C.

Sec. 3. 21-A MRSA §376, as enacted by PL 1985, c. 161, §6, is repealed and the following enacted in its place:

§376. Production of new ballots

1. Federal or gubernatorial office. If a candidate or nominee for a federal or gubernatorial office withdraws less than 40 days before any election, the Secretary of State is not required to produce new ballots.

2. Certain state offices. The Secretary of State is required to produce new ballots only if a candidate for an office, other than United States Senator, Representative to Congress or Governor, withdraws in accordance with section 374-A, subsection 1, paragraph A, B or C.

3. List of candidates. Immediately after the last day for withdrawal, the Secretary of State shall list all names to be placed on the ballot for the general election.

See title page for effective date.

CHAPTER 342

H.P. 397 - L.D. 528

An Act to Amend the Animal Welfare Laws

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

Sec. 1. 7 MRSA §3966, sub-§1, as enacted by PL 1987, c. 643, §5, is repealed and the following enacted in its place:

1. Control. Except as provided in this section, it is unlawful for any domesticated ferret to be off the premises of the owner or other person having care, custody and control of the ferret. If the owner or other person in possession cannot locate the ferret, the owner or person in possession shall immediately notify the municipal office serving the area in which the ferret was lost.

A ferret may be off the premises of the owner provided that at all times the ferret is securely caged, collared or harnessed and leashed and under the direct physical control of the person in possession. It shall be the responsibility of the owner that the ferret does not constitute a public nuisance, risk to public safety or otherwise cause damage to public or private property.

Sec. 2. 7 MRSA §3972, sub-§§2 and 3, as enacted by PL 1987, c. 383, §3, are amended to read:

2. Violation. Any person who makes unlawful use of animals contrary to this section commits a civil violation for which a forfeiture not to exceed \$100 may be adjudged. For the purposes of this section, "animal" does not include lobsters or shellfish.

3. Construction. Nothing in this section may be construed to apply to any animal to be used or raised for agriculture, aquaculture or fishing, or to any dog to be used or raised for hunting or exhibition purposes, by persons with proper facilities otherwise authorized by law, or to games using animals in which the participating animal is not caused,