

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

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

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

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
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

Bureau shall become, on the effective date of this Act, part of the property of the Maine State Museum.

6. Forms; licenses; letterheads. All existing forms, licenses, letterheads and similar items bearing the name "Maine State Museum Bureau" or which make reference thereto may be utilized by the Maine State Museum until existing supplies of those items are exhausted.

Sec. B-44. Transition provisions.

1. Maine Arts Commission. The Maine Arts Commission shall be the successor in every way to the powers, duties and functions of the former Arts Bureau.

2. Rules, regulations and procedures. All existing rules, regulations and procedures in effect, in operation or promulgated in or by the Arts Bureau, or in or by any administrative units or officers thereof, are hereby declared in effect and shall continue in effect until rescinded, revised or amended by the proper authority.

3. Contracts; agreements; compacts. All existing contracts, agreements and compacts currently in effect in the Arts Bureau shall continue in effect.

4. Personnel. Any positions, authorized and allocated subject to the personnel laws, to the former Arts Bureau shall be transferred to the Maine Arts Commission and may continue to be authorized.

5. Records, property and equipment. All records, property and equipment previously belonging to or allocated for the use of the former Arts Bureau shall become, on the effective date of this Act, part of the property of the Maine Arts Commission.

6. Forms; licenses; letterheads. All existing forms, licenses, letterheads and similar items bearing the name "Arts Bureau" or which make reference thereto may be utilized by the Maine Arts Commission until existing supplies of those items are exhausted.

Sec. B-45. Transition provisions.

1. Maine State Library. The Maine State Library shall be the successor in every way to the powers, duties and functions of the former Maine State Library Bureau.

2. Rules, regulations and procedures. All existing rules, regulations and procedures in effect, in operation or promulgated in or by the Maine State Library Bureau, or in or by any administrative units or officers thereof, are hereby declared in effect and shall continue in effect until rescinded, revised or amended by the proper authority.

3. Contracts; agreements; compacts. All existing contracts, agreements and compacts currently in effect in the Maine State Library Bureau shall continue in effect.

4. Personnel. Any positions, authorized and allocated subject to the personnel laws, to the former Maine

State Library Bureau shall be transferred to the Maine State Library and may continue to be authorized.

5. Records, property and equipment. All records, property and equipment previously belonging to or allocated for the use of the former Maine State Library Bureau shall become, on the effective date of this Act, part of the property of the Maine State Library.

6. Forms; licenses; letterheads. All existing forms, licenses, letterheads and similar items bearing the name "Maine State Library Bureau" or which make reference thereto may be utilized by the Maine State Library until existing supplies of those items are exhausted.

Sec. B-46. Revision clause. Wherever in the Maine Revised Statutes the phrase "Department of Educational and Cultural Services" appears or reference is made to that name, it shall be amended to read and mean the "Department of Education."

Sec. B-47. Revision clause. Wherever in the Maine Revised Statutes the phrase "Arts Bureau" appears or reference is made to that name, it shall be amended to read and mean the "Maine Arts Commission."

Sec. B-48. Revision clause. Wherever in the Maine Revised Statutes the phrase "Commissioner of Educational and Cultural Services" appears or reference is made to that name, it shall be amended to read and mean the "Commissioner of Education."

Sec. B-49. Revision clause. Wherever in the Maine Revised Statutes the phrase "Maine State Museum Bureau" appears or reference is made to that name, it shall be amended to read and mean the "Maine State Museum."

Sec. B-50. Revision clause. Wherever in the Maine Revised Statutes the phrase "Maine State Library Bureau" appears or reference is made to that name, it shall be amended to read and mean the "Maine State Library."

See title page for effective date.

CHAPTER 701

S.P. 691 - L.D. 1830

An Act to Ensure the Independence of the Animal Welfare Board

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

Sec. 1. 7 MRSA §2, 3rd ¶ from end, as amended by PL 1983, c. 308, §§2 and 14, is further amended to read:

The commissioner does not have authority to exercise or interfere with the exercise of any discretion-

any statutory authority granted to the following, which authority ~~shall be~~ is exclusively within the specific board, bureau, agency, commission, committee or other governmental unit: The Maine Dairy and Nutrition Council Committee, the Maine Dairy Promotion Board, the Maine Milk Commission, the Seed Potato Board, the Harness Racing Commission, the Maine Potato Commission, the Soil and Water Conservation Commission, the Board of Veterinary Medicine; and the Board of Pesticide Control and the Animal Welfare Board.

Sec. 2. 7 MRSA §3903, first ¶, as enacted by PL 1987, c. 383, §3, is amended to read:

The Animal Welfare Board ~~shall be in the Department of Agriculture, Food and Rural Resources~~ is an independent board.

Sec. 3. 7 MRSA §3906, sub-§7-A is enacted to read:

7-A. Executive director. Appoint, by majority vote, an executive director subject to review by the joint standing committee of the Legislature having jurisdiction over agricultural matters and confirmation by the Legislature. The executive director is entitled to receive a salary established by the Bureau of Human Resources and serves at the will of the board;

Sec. 4. 7 MRSA §3906, sub-§8, as enacted by PL 1987, c. 383, §3, is amended to read:

~~8. Employees. Approve an executive director and such other employees as are~~ Employ personnel, subject to the civil service law, as necessary to assist the board in enforcing this Part and in carrying out its duties and responsibilities as may be employed by the commissioner subject to the Civil Service Law. The board shall appoint part-time humane agents who shall serve as agents of the board in the enforcement of this Part and as otherwise provided by law. These part-time agents shall be unclassified employees whose standards of employment, training, compensation and hours of employment ~~will be~~ are determined by the board. The jurisdiction of each part-time humane agent shall extend throughout the State. In connection with its enforcement responsibilities, the board shall be entitled to and shall receive the assistance of the Attorney General and of several district attorneys and may apply to the commissioner for the assistance of state veterinarians;

Sec. 5. 17 MRSA §1023, as enacted by PL 1987, c. 383, §4, is amended to read:

§1023. Investigation and reporting of cruelty

1. Investigation. Sheriffs, deputy sheriffs, police officers, constables, animal control officers and humane agents shall investigate ~~at~~ cases of cruelty to animals coming to their attention and report ~~on~~ them to the board on a board-approved form. Upon completion of an

investigation, the board shall, if requested, report the result of the investigation to the person complaining of alleged cruelty.

~~Upon completion of the investigation, the board shall, if requested, report on the results of the investigation to the person complaining of alleged cruelty.~~

2. Commissioner role. The commissioner may assume responsibility for the investigation of any complaints received by the board that involve commercial farmers, harness racing horses or animals used in pulling events. When conducting an investigation the commissioner shall determine if acceptable animal husbandry practices are or were complied with and shall report any findings and recommendations to the board for its consideration.

Sec. 6. Transition. The person holding the position of Executive Director of the Animal Welfare Board on the effective date of this Act shall remain executive director without appointment by the board or confirmation by the Legislature and shall remain in the civil service while occupying that position.

Sec. 7. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1990-91
ANIMAL WELFARE BOARD	
Animal Welfare Board	
Positions	(4)
Personal Services	\$156,523
All Other	31,005
Provides funds to establish the Animal Welfare Board as an independent agency.	
ANIMAL WELFARE BOARD	
TOTAL	<u>\$187,528</u>
AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF	
Animal Welfare Board	
Positions	(-4)
Personal Services	(\$156,523)
All Other	(31,005)
Provides for the transfer of funds from the Department of Agriculture, Food and Rural Resources to the Animal Welfare Board.	
DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES	
TOTAL	<u>(\$187,528)</u>
TOTAL APPROPRIATIONS	<u>\$-0-</u>

Sec. 8. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

ANIMAL WELFARE BOARD	1990-91
Dog License	
Positions	(3)
Personal Services	\$65,655
All Other	217,627
Capital Expenditures	13,000
Provides for the allocation of funds to establish the Animal Welfare Board as an independent agency.	

ANIMAL WELFARE BOARD	
TOTAL	\$296,282

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF	
Dog License	
Positions	(-3)
Personal Services	(\$65,655)
All Other	(217,627)
Capital Expenditures	(13,000)
Provides for the deallocation or transfer of funds from the Department of Agriculture, Food and Rural Resources to the Animal Welfare Board.	

DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES	
TOTAL	(\$296,282)

TOTAL ALLOCATIONS	\$-0-
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See title page for effective date.

CHAPTER 702

H.P. 1649 - L.D. 2282

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 1990

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

Whereas, the status of the Maine economy has a dramatic impact on the stability of the State's finances; and

Whereas, the current economic slowdown demonstrates the critical relationship between the Maine economy and the State's finances; and

Whereas, it is necessary to balance the State's finances; 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:

PART A

Sec. A-1. Appropriations from the General Fund. There is appropriated from the General Fund for the fiscal year ending June 30, 1990, to the departments listed the following sums.

	1989-90
ADMINISTRATION, DEPARTMENT OF	
Administration - Human Resources	
Personal Services	(12,616)
All Other	(59,986)
Total	(72,602)
Provides for the deappropriation of funds from not filling a vacant position and reduced operational costs from a reduction in computer rental costs.	
Buildings and Grounds Operations	
Personal Services	(78,765)
All Other	(67,200)
Total	(145,965)
Provides for the deappropriation of funds from the delay in filling vacancies, reducing overtime, instituting savings measures to reduce the consumption of fuel, electricity and supplies and by reducing out-of-state travel, lighting, space heaters, HVAC Systems operations, building temperatures and the purchase of supplies.	
Capital Construction - Repairs - Improvements - Administration	
All Other	(43,899)
Capital Expenditures	(1,260,000)
Total	(1,303,899)
Provides for the deappropriation of funds from deferring Division "B" capital improvement items, repair and maintenance projects at the Department of Agriculture, Food and Rural Resources and the Department of Conservation and by limiting capital repairs to state facilities.	
Employee Relations - Office of	
All Other	(29,520)
Capital Expenditures	(184)
Total	(29,704)