

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

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
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

Sec. 7. 7 MRSA §3152, sub-§11, as enacted by PL 1983, c. 573, §4, is amended to read:

11. Utilization rate. "Utilization rate" means the percentage of milk produced ~~which that is utilized~~ used as Class I or fluid milk, the percentage of milk produced that is used as Class II milk and the percentage of milk that is used as Class III milk.

Sec. 8. 7 MRSA §3153, sub-§2, ¶F, as enacted by PL 1989, c. 878, Pt. B, §9, is amended to read:

F. For any month in which the Maine Milk Commission has included in Class I ~~or~~ Class II or Class III prices any amounts to reflect the increased costs of production pursuant to section 2954, subsection 2, paragraph A, those amounts ~~shall~~ must be paid into the Maine Milk Pool for redistribution to eligible Maine and Boston market producers on an equal basis.

See title page for effective date.

CHAPTER 267

S.P. 694 - L.D. 1859

An Act to Amend the Composition of the Animal Welfare Board

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

Whereas, the Animal Welfare Board has many powers and duties; and

Whereas, effective use of these powers and performance of these duties are essential to animal welfare in this State; and

Whereas, adequate and balanced representation of various interests is essential to optimal functioning of the board; 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 §3903, as amended by PL 1989, c. 701, §2 and affected by §6, is further amended to read:

§3903. Membership

The Animal Welfare Board is an independent board.

The board ~~shall consist~~ consists of ~~40~~ 11 members as follows.

1. Designated members. ~~Nine~~ Ten members, appointed by the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over agriculture and subject to confirmation by the Legislature, ~~shall consist~~ consisting of:

A. ~~Four~~ Five members representing humane societies ~~to be~~ , selected by the Governor, who shall consider nominations made by humane societies incorporated under the laws, provided that no more than one member may represent a particular society, at least one member must represent a state-licensed animal shelter and at least one member must represent a licensed kennel, boarding kennel or pet shop;

B. Four members representing the agricultural community ~~to be~~, selected by the Governor from nominations presented by organizations representing the agricultural community; and

C. ~~One member to be a veterinarian and who is or has been licensed to practice in this State~~, selected by the Governor, who shall consider nominations made by the Maine Veterinary Medical Association. A veterinarian is not eligible for membership on the board if the license of the veterinarian has ever been suspended or revoked by the Administrative Court pursuant to Title 32, chapter 71-A.

2. State member. One member of the board representing the State ~~shall~~ must be the Commissioner of Agriculture, Food and Rural Resources ~~or the commissioner's designee~~ who shall serve as an ex officio, ~~nonvoting~~ voting member.

3. Compensation. Members of the board ~~shall be~~ are compensated in accordance with Title 5, chapter 379. One member of the board is paid compensation from the board's special revenue account consisting of license fees paid to the board in accordance with this chapter.

Sec. 2. 7 MRSA §3906, sub-§§9 and 10, as enacted by PL 1987, c. 383, §3, are amended to read:

9. Rules. Pursuant to Title 5, chapter 375, adopt, amend and repeal reasonable rules, including emergency rules, necessary for the proper administration, implementation, enforcement and interpretation of any provision of law that it is charged with administering and necessary or useful for carrying out any of its powers and duties; ~~and~~

10. Other powers. Do any act or thing necessary or useful for carrying out any of its powers or duties; ~~and~~

Sec. 3. 7 MRSA §3906, sub-§11 is enacted to read:

11. Annual report. Report annually by March 1st to the joint standing committee of the Legislature having jurisdiction over agricultural matters on the activities of the board. This report must include a financial statement for the board, a status report on rulemaking by the board and a summary of cases of cruelty to animals investigated by the board.

Sec. 4. Membership terms. Any member serving on the Animal Welfare Board on the effective date of this Act shall continue to serve until the expiration of the term for which that member was appointed.

Sec. 5. Allocation. The following funds are allocated from Other Special Revenue for the fiscal years ending June 30, 1992 and June 30, 1993 to carry out the purposes of this Act.

	1991-92	1992-93
ANIMAL WELFARE BOARD		
Animal Welfare - Dog License		
Personal Services	\$385	\$385
All Other	854	854
Provides funds to cover per diem and travel costs for one additional board member.		
ANIMAL WELFARE BOARD		
TOTAL	\$1,239	\$1,239

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

Effective June 12, 1991.

CHAPTER 268

H.P. 690 - L.D. 989

An Act Concerning the Lease or Lease-purchase of School Bus Garage and Maintenance Facilities and School Administrative Office Space

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

Sec. 1. 20-A MRSA §15603, sub-§6-A is enacted to read:

6-A. Bus garage and maintenance facilities. "Bus garage and maintenance facilities" means land and buildings used primarily for storage, maintenance or repair of school buses.

Sec. 2. 20-A MRSA §15603, sub-§8, ¶E, as enacted by PL 1989, c. 466, §2, is amended to read:

E. Purchase or cost of construction of portable, temporary classroom space as approved by the commissioner beginning January 1, 1988. For the purposes of this section, "portable, temporary classroom space" means a project consisting of one or more mobile or modular buildings that are at least partially constructed off site and are designed to be moved to other sites with a minimum of disassembly and reassembly. "Portable, temporary classroom space" includes, but is not limited to, space for regular classrooms, small group instruction, libraries, clinics and guidance and administrative office space, including principal and superintendent offices. The amount includable for determining the subsidy for a school administrative unit for the purchase or construction of portable temporary classroom space shall may not exceed the amount that would have been paid for lease of a comparable classroom. The department shall adopt rules for approving the purchase, construction or lease-purchase of portable temporary classroom space, and for determining the amount includable for subsidy purposes. Approved costs shall be are those for the year prior to the year of allocation.

Sec. 3. 20-A MRSA §15603, sub-§29, as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, is amended to read:

29. Transportation operating costs. "Transportation operating costs," for subsidy purposes, means all costs incurred in the transportation of pupils in kindergarten to grade 12, including lease costs for bus garage and maintenance facilities and lease-purchase costs that the school administrative unit may apply to the purchase of bus garage and maintenance facilities, when the leases and lease-purchase agreements have been approved by the commissioner, but excluding the costs of bus purchases. The amount includable for determining the subsidy for a school administrative unit for lease-purchase of bus garage and maintenance facilities may not exceed the amount for the lease of a comparable facility.

Sec. 4. 20-A MRSA §15621, as enacted by PL 1989, c. 414, §26, is amended to read:

§15621. Rulemaking

The commissioner may adopt rules pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375; to implement this chapter. On or before March 1, 1992, the commissioner shall adopt rules for approving the lease-purchase of bus garage and maintenance facilities as defined in section 15603, subsection 6-A and for determining the amount includable for subsidy purposes.

Sec. 5. 20-A MRSA §15901, sub-§4, as amended by PL 1989, c. 466, §5, is further amended to read:

4. School construction project. "School construction project" means: