

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

these expenditures will be offset by an equal increase of undedicated General Fund revenue.

DEPARTMENT OF CONSERVATION	_____	
TOTAL	\$10,000	

EDUCATION, DEPARTMENT OF

Education in the Unorganized Territory

All Other	\$404,000	\$418,000
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Provides funds for the cost of educating students in the Town of Greenfield. This appropriation is contingent upon approval by the voters of the Town of Greenfield. If approved, these expenditures will be offset by an equal increase of undedicated General Fund revenue.

DEPARTMENT OF EDUCATION	_____	_____
TOTAL	\$404,000	\$418,000

TOTAL APPROPRIATIONS	\$414,000	\$418,000
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Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved unless otherwise indicated.

Effective pending referendum, unless otherwise indicated.

CHAPTER 80

H.P. 45 - L.D. 61

An Act to Establish a Consistent Expiration Date for Shellfish Licenses and Marine Worm Digger's Licenses

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

Sec. 1. 12 MRSA §6301, sub-§2, as amended by PL 1985, c. 52, §1, is further amended to read:

2. Expiration. A license or certificate issued by the commissioner expires on December 31st of the year in which it is issued, except that ~~a shellfish sanitation certificate, authorized under section 6856, shall expire on April 30th of each year.;~~

A. A depuration certificate issued under section 6856 expires on April 30th of each year;

B. A shellfish license issued under section 6601 expires on April 30th of each year; and

C. A marine worm digger's license issued under section 6751 expires on April 30th of each year.

Sec. 2. Application. This Act applies to all shellfish and marine worm digger's licenses valid on the effective date of this Act.

Sec. 3. One-time transfer from gas tax fund. Notwithstanding any other provision of law, the Department of Marine Resources is authorized to fund working capital for its Shellfish Fund and its Marine Worm Fund by a transfer of money from the department's gas tax fund to cover a one-time cash flow shortfall in the Shellfish Fund and Marine Worm Fund in fiscal year 1993-94. These funds must be returned to the gas tax fund prior to July 1, 1994.

See title page for effective date.

CHAPTER 81

S.P. 82 - L.D. 195

An Act to Increase the Penalty for Abuse of Animals

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

Sec. 1. 7 MRSA §4016, as enacted by PL 1987, c. 383, §3, is amended to read:

§4016. Violation

Any person who violates this chapter commits a civil violation for which a forfeiture of \$500 not less than \$100 or more than \$1,000 for each offense may must be adjudged and for which such other relief as may be necessary to restore the animal to good health or to ameliorate the effects of cruelty and to ensure that the animal is well cared for may be ordered.

Sec. 2. 17 MRSA §1031, sub-§3, as enacted by PL 1987, c. 383, §4, is amended to read:

3. Penalty. Cruelty to animals is a Class D crime. In addition to any other penalty authorized by law, the court shall impose a fine of not less than \$100 for each violation of this section.

See title page for effective date.

CHAPTER 82

H.P. 149 - L.D. 201

An Act to Establish a Statute of Limitations for Claims against Titles to Property Acquired for Nonpayment of Taxes

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

Sec. 1. 36 MRSA §946-A is enacted to read:

§946-A. Tax-acquired property and the restriction of title action

A person may not commence an action against the validity of a governmental taking of real estate for non-payment of property taxes upon the expiration of a 15-year period immediately following the expiration of the period of redemption.

See title page for effective date.

CHAPTER 83

H.P. 163 - L.D. 215

An Act to Protect Animal Enterprises

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

Sec. 1. 17-A MRSA §807 is enacted to read:

§807. Animal enterprise terrorism

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

A. "Animal enterprise" means:

(1) A commercial or academic enterprise that uses animals for food or fiber production, agriculture, research or testing;

(2) A zoo, aquarium, circus, rodeo or lawful competitive animal event; or

(3) Any fair or similar event intended to advance agricultural arts and sciences.

B. "Economic damage" means the replacement costs of loss or damaged property or records, the costs of repeating an interrupted or invalidated experiment or the loss of profits or loss of food production or farm income reasonably attributable to an act of animal enterprise terrorism.

C. "Physical disruption" does not include any lawful disruption that results from lawful public, governmental or animal enterprise employee reaction to the disclosure of information about an animal enterprise.

2. A person is guilty of animal enterprise terrorism if that person intentionally causes physical disruption

tion to the functioning of an animal enterprise by intentionally stealing, damaging or causing the loss of any property, including animals or records used by the animal enterprise, and thereby causes economic damage to that enterprise.

3. Animal enterprise terrorism is a Class E crime.

4. A person convicted of violating subsection 2 is subject to an order for restitution up to 3 times the economic damage.

See title page for effective date.

CHAPTER 84

S.P. 93 - L.D. 247

An Act to Discontinue Legislative Approval of Technical College Collective Bargaining Agreements

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

Sec. 1. 26 MRSA §1026, sub-§1, as repealed and replaced by PL 1989, c. 878, Pt. A, §71, is amended to read:

1. Negotiations. ~~It shall be~~ is the obligation of the university, academy, technical college or state schools for practical nursing and the bargaining agent to bargain collectively. "Collective bargaining" means, for the purpose of this chapter, their mutual obligation:

A. To meet at reasonable times;

B. To meet within 10 days after receipt of written notice from the other party requesting a meeting for collective bargaining purposes, ~~provided if~~ the parties have not otherwise agreed in a prior written contract;

C. To confer and negotiate in good faith with respect to wages, hours, working conditions and contract grievance arbitration, except that by such obligation neither party ~~shall be~~ is compelled to agree to a proposal or ~~be~~ required to make a concession;

D. To execute in writing any agreements arrived at, the term of any such agreement to be subject to negotiation, but not to exceed 3 years; and

E. To participate in good faith in the mediation, fact finding and arbitration procedures required by this section.

~~Cost items in any collective bargaining agreement of technical college employees shall be submitted for inclusion~~