

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

Sec. 1. 17 MRSA §2805, sub-§1, ¶B, as enacted by PL 1981, c. 472, is amended to read:

B. "Farm operation" means a condition or activity which that occurs on a farm in connection with the commercial production of farm products and includes, but is not limited to, noise, odors, dust, fumes, operation of machinery and irrigation pumps, ground and aerial seeding, ground spraying, composting of material produced by the farm or to be used at least in part on the farm, disposal of manure, the application of chemical fertilizers, soil amendments, conditioners and pesticides and the employment and use of labor.

See title page for effective date.

CHAPTER 88

H.P. 317 - L.D. 405

An Act to Prohibit the Use of Electronic Calling Devices While Hunting Moose

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

Sec. 1. 12 MRSA §7464, sub-§8-C is enacted to read:

8-C. Illegal hunting methods. A person is guilty of using illegal hunting methods if that person uses electronic calling devices while hunting moose.

See title page for effective date.

CHAPTER 89

H.P. 448 - L.D. 574

An Act Allowing Animal Welfare Personnel of the Department of Agriculture, Food and Rural Resources to Enforce Laws Prohibiting the Sale of Certain Fish and Wildlife

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

Sec. 1. 7 MRSA §3936, as amended by PL 1991, c. 779, §33, is further amended to read:

§3936. Inspection and quarantine

1. Inspection and quarantine. The commissioner, a state humane agent, a veterinarian employed by the State or a licensed veterinarian at the direction of the commissioner may, at any reasonable time, enter any kennel, boarding kennel, breeding kennel or pet shop,

except any building used for human habitation recognized as not subject to search warrant, and make examinations and conduct any recognized tests for the existence of any contagious or infectious diseases or conditions. The commissioner may inspect kennels, boarding kennels, breeding kennels and pet shops in accordance with the sanitation and health rules established by the department and for compliance with laws and rules, including licensing and permitting requirements, of the Department of Inland Fisheries and Wildlife pertaining to wildlife importation and possession. A veterinarian employed by the State or any licensed veterinarian may quarantine the kennel, boarding kennel, breeding kennel or pet shop, in person or by registered mail, and the quarantine must be maintained as long as the department determines necessary. The decision and order for this quarantine is not considered licensing or an adjudicatory proceeding as defined by the Maine Administrative Procedure Act. The commissioner shall promptly notify the Department of Inland Fisheries and Wildlife of any violations.

2. Suspension of license. The Administrative Court, upon complaint of the commissioner or the Attorney General or the Commissioner of Inland Fisheries and Wildlife, may revoke or suspend a kennel, boarding kennel, breeding kennel or pet shop license if a person maintaining the kennel, boarding kennel, breeding kennel or pet shop violates any quarantine or maintains animals contrary to the rules adopted by the department or fails to keep records required by the department or violates any provision of the laws or rules of the Department of Inland Fisheries and Wildlife pertaining to wildlife importation and possession.

See title page for effective date.

CHAPTER 90

H.P. 459 - L.D. 585

An Act to Further Clarify Appellate Procedures under the Public Sector Labor Laws

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

Sec. 1. 26 MRSA §968, sub-§4, as amended by PL 1991, c. 143, §1, is further amended to read:

4. Review of representative proceedings. Any party aggrieved by any ruling or determination of the executive director, or the executive director's designee, under sections 966 and 967 may appeal, within 15 days of the announcement of the ruling or determination, except that in the instance of objections to the conduct of an election or challenged ballots the time period is 5 working days, to the Maine Labor Relations Board.