

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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

\$15,000,000 or less in the relief of extreme financial hardship caused by the relocation of utility facilities that are part of bridge and highway projects, the Department of Transportation shall loan to those utilities, interest free, 90% of the utility relocation cost, excluding the cost of upgrades, when the cost of the utility relocation is 5% or more of the utility's prior fiscal year revenues. The term of the loans may not exceed 20 years. The maximum amount of all outstanding loans to eligible utilities may not exceed \$3,000,000. In any fiscal year, the amount loaned for the purposes of this section may not exceed the amount allocated by the Legislature in that fiscal year plus the unencumbered balance from previous years.

Sec. 2. Small Utility Loan Program reserve account. The State Controller shall establish a Highway Fund balance sheet notes receivable and reserve account to record outstanding utility loans.

Sec. 3. Balance carried forward. Any balance in the Small Utility Loan Program reserve account in excess of that required for the purposes of the Maine Revised Statutes, Title 23, section 256 does not lapse but is carried forward.

Sec. 4. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

1994-95

**TRANSPORTATION,
DEPARTMENT OF**

**Highway and Bridge
Improvement**

All Other	(\$250,000)
Provides for the deallocation of funds no longer required to offset an allocation to the Small Utility Loan Program.	

Small Utility Loan Program

All Other	\$250,000
Provides funds to establish a financial assistance program for certain water and sewer utilities for the relocation of utilities as a result of state highway construction.	

**DEPARTMENT OF
TRANSPORTATION
TOTAL**

\$0

See title page for effective date.

CHAPTER 657

H.P. 1191 - L.D. 1588

**An Act to Provide for Greater
Efficiency within the Department of
Agriculture, Food and
Rural Resources**

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

Sec. 1. 7 MRSA §3907, sub-§1-A, as enacted by PL 1991, c. 779, §11, is amended to read:

1-A. Abandoned dog. "Abandoned dog" means a dog that has been deserted ~~or given up~~ by its owner ~~or keeper~~. ~~"Abandoned dog" includes litters left in a public place and dogs left with a note indicating abandonment. "Abandoned dog" does not include a dog wearing a collar and tags or a dog at large, as defined in subsection 6.~~

Sec. 2. 7 MRSA §3907, sub-§5, as amended by PL 1991, c. 779, §12, is repealed.

Sec. 3. 7 MRSA §3907, sub-§5-A, as enacted by PL 1991, c. 779, §13, is amended to read:

5-A. Animal shelter. "Animal shelter" means a facility that includes a physical structure or part of a physical structure that provides temporary or permanent shelter to stray, abandoned, abused or owner-surrendered animals. ~~"Animal shelter" includes animal control shelters as defined in subsection 5.~~

Sec. 4. 7 MRSA §3907, sub-§15-A, as enacted by PL 1991, c. 779, §15, is repealed.

Sec. 5. 7 MRSA §3907, sub-§19, as enacted by PL 1987, c. 383, §3, is amended to read:

19. Municipality. "Municipality" means ~~a~~ an organized city, town or plantation.

Sec. 6. 7 MRSA §3907, sub-§21, as enacted by PL 1987, c. 383, §3, is amended to read:

21. Owner. "Owner" means ~~any a person, firm, partnership, association or corporation~~ owning, keeping or harboring a dog or other animal.

Sec. 7. 7 MRSA §3907, sub-§22-A, as enacted by PL 1991, c. 779, §15, is amended to read:

22-A. Pet animal. "Pet animal" means an animal kept by a private individual and not excluded by this subsection. "Pet animal" includes dogs kept in a kennel as defined in subsection 17. "Pet animal" does not include an animal kept and used by a commercial farmer, a harness racing horse or animal used in a pulling event. "Pet animal" does not include an animal kept in a boarding kennel, breeding kennel, animal ~~control~~ shelter, equine facility or pet shop.

Sec. 8. 7 MRSA §3907, sub-§23, as enacted by PL 1987, c. 383, §3, is amended to read:

23. Pet shop. "Pet shop" means ~~any~~ a place, ~~building, tract of land, abode or vehicle in or on~~ which any dogs, cats, rodents, reptiles, fish, pet birds, ~~pet animals, exotic birds or exotic animals are offered for sale which are not bred by the vendor not born and raised on those premises are kept for the purpose of sale to the public.~~

Sec. 9. 7 MRSA §3907, sub-§24, as enacted by PL 1987, c. 383, §3, is amended to read:

24. Respective municipality. "Respective municipality" means, in the case of towns, plantations and cities, the municipality where the dog or ferret is found; in the case of unorganized ~~townships~~ territories, the municipality near or adjacent to the unorganized ~~township~~ territory where the dog or ferret is found; or the designee of that municipality.

Sec. 10. 7 MRSA §3907, sub-§25, as enacted by PL 1987, c. 383, §3, is repealed.

Sec. 11. 7 MRSA §3907, sub-§25-A is enacted to read:

25-A. Stray. "Stray" means off the owner's premises and not under the control of a person.

Sec. 12. 7 MRSA §3912, as amended by PL 1991, c. 779, §17, is further amended to read:

§3912. Disposition of dogs at large

~~Any~~ An animal control officer or person acting in that capacity shall seize, impound or restrain ~~any~~ a dog found in violation of section 3911 and deliver it to an animal ~~control~~ shelter as provided for in section 3913, subsection 2-A, or shall take the dog to its owner, if known. If ownership can not be established, such animals may be handled as ~~strays~~ stray animals for the purposes of acceptance by an approved shelter.

Sec. 13. 7 MRSA §3912-A, as enacted by PL 1991, c. 779, §18, is repealed.

Sec. 14. 7 MRSA §3913, sub-§1, as amended by PL 1991, c. 779, §19, is repealed and the following enacted in its place:

1. Persons finding stray dogs. A person finding a stray dog and taking control of that dog shall take that dog to its owner if known or, if the owner is not known, to the animal shelter designated by the municipality in which the dog was found.

Sec. 15. 7 MRSA §3913, sub-§2-A, as enacted by PL 1991, c. 779, §21, is amended to read:

2-A. Animal shelter. An animal ~~control~~ shelter, as defined in section 3907, to which a ~~sick, stray, injured or abandoned~~ dog is taken, shall accept the dog for a period of 6 days, unless the shelter is in quarantine or has a bona fide lack of adequate space ~~or unless the dog has or is suspected of having a contagious disease.~~ The acceptance entitles the animal ~~control~~ shelter to receive from the department the sum of \$2.50 a day for the period for which food and shelter are furnished to the dog. An animal ~~control~~ shelter may refuse to accept dogs from municipalities not contracting with that shelter.

Sec. 16. 7 MRSA §3913, sub-§3, ¶¶A and B, as amended by PL 1991, c. 779, §22, are further amended to read:

A. On the business day next following the date of acceptance of the dog, the animal ~~control~~ shelter shall notify the clerk of the respective municipality of the acceptance of the dog, its description and the circumstances of its finding.

B. An animal ~~control~~ shelter that accepts a dog under this section, within 45 days of acceptance of the dog, shall submit a claim on a department-approved form to the clerk of the respective municipality for fees incurred in providing food and shelter and, upon verification of proper notification and holding period by the clerk, the animal ~~control~~ shelter shall forward the claim to the department.

Sec. 17. 7 MRSA §3913, sub-§4, as amended by PL 1993, c. 468, §§6 and 7, is further amended to read:

4. Ownership of dog. Upon expiration of the 6-day period, ownership of the dog is vested in the animal ~~control~~ shelter. The animal ~~control~~ shelter may then:

A. Sell or give away the dog, ~~provided that but not to a research facility, if a license is first obtained in accordance with section 3922 or the animal control shelter issues a temporary license in accordance with section 3913-A chapter 721;~~ or

B. Otherwise dispose of the dog humanely in accordance with Title 17, chapter 42, subchapter IV, if a veterinarian determines that the dog is

not adoptable due to illness. Except as provided in this section, an animal ~~control~~ shelter must hold a dog at least 8 days before euthanasia.

Notwithstanding this subsection, ownership of a dog for the purposes of adoption is immediately vested in a shelter if the shelter makes a determination that the dog is obviously abandoned. An obviously abandoned dog does not include a dog roaming at large.

An animal ~~control~~ shelter shall establish and collect fees for reclaimed or adopted animals to offset costs of keeping a dog beyond 6 days.

None of the proceeds obtained from the sale, donation, adoption or other disposition of the dog may be deducted from the fee claimed.

Notwithstanding subsection 3, paragraph C, the previous owner may reacquire the dog at any time prior to its sale, donation or disposal upon payment of the municipal impoundment fee and actual fees incurred for food, shelter, veterinary care and any other fees required by this chapter for each day that the dog has been sheltered. In this case, no fee may be allowed by the department.

Sec. 18. 7 MRSA §3913-A, as enacted by PL 1993, c. 468, §8, is repealed.

Sec. 19. 7 MRSA §3914, as amended by PL 1991, c. 779, §24, is further amended to read:

§3914. Purchase and sale of animals

~~Shelters~~ Animal shelters, kennels, breeding kennels, boarding kennels and pet shops engaged in buying or selling ~~dogs~~ animals shall keep records of the buyer and seller in each transaction for a 2-year period commencing at the time of purchase or sale. The records must be open to inspection by the department or law enforcement officers.

Sec. 20. 7 MRSA §3922, sub-§1, as enacted by PL 1987, c. 383, §3, is amended to read:

1. License; January 1st. ~~Except for dogs kept under a kennel license as provided in section 3931, each~~ Each owner or keeper of a dog at the age of 6 months or more ~~shall, on or before January 1st of each year, cause the dog to be licensed~~ shall obtain a license:

A. ~~In the clerk's office~~ From the clerk of the municipality where the dog is kept; or

B. ~~With~~ From the dog recorder in the unorganized territory where the dog is kept or, in the absence of a duly authorized dog recorder, from a dog recorder in the nearest municipality or un-

organized territory ~~with a recorder~~ in the same county where the dog is kept.

Sec. 21. 7 MRSA §3922, sub-§5, as enacted by PL 1987, c. 383, §3, is amended to read:

5. Form of license. The license ~~shall~~ must state the breed, sex, color and markings of the dog and the name and address of the owner or keeper. The license ~~shall~~ must be issued in triplicate, ~~and the original copy of which shall be mailed to the board, a duplicate copy~~ must be given to the applicant and the remaining 2 copies must be retained by the municipal clerk ~~or dog recorder~~.

Sec. 22. 7 MRSA §3923-A, first ¶, as enacted by PL 1993, c. 468, §12, is amended to read:

Except as provided in subsection 3 and section ~~3921~~ 3923-C, a dog owner or keeper shall pay the license and recording fees established in this section.

Sec. 23. 7 MRSA §3923-A, sub-§1, as enacted by PL 1993, c. 468, §12, is amended to read:

1. Dogs capable of producing young. A dog owner or keeper shall pay a fee of \$7.50 to the municipal clerk for each dog 6 months of age or older and capable of producing young. A dog is considered capable of producing young unless certification ~~required~~ under subsection 2 is provided.

The clerk shall retain \$1 as a recording fee and pay the remaining \$6.50 to the department for deposit in the Animal Welfare Fund.

Sec. 24. 7 MRSA §3923-A, sub-§4, as enacted by PL 1993, c. 468, §12, is amended to read:

4. Late fees. An owner or keeper required to license a dog under section 3922, subsection 1 and section 3923-C, subsection 1 and applying for a license for that dog after January 31st ~~must~~ shall pay to the municipal clerk or dog recorder a late fee of \$3 in addition to the annual license fee paid in accordance with subsection 1 or 2 and section 3923-C, subsection 1. The clerk or dog recorder shall deposit all late fees collected under this subsection into the municipality's animal welfare account established in accordance with section 3945.

An owner or keeper whose name appears on a municipal warrant issued in accordance with section 3943 must pay the late fee required by that section and is not subject to this subsection.

Sec. 25. 7 MRSA §3923-B, sub-§1, as enacted by PL 1993, c. 468, §12, is amended to read:

1. Dog tags. The municipal clerk shall provide with each new license issued under section 3923-A a

dog tag, indicating the year the license is issued and bearing other information prescribed by the department, and a sticker, indicating the year the license is issued, which must be attached to the back of the dog tag. The dog tag remains with the dog for as long as the dog is kept in the licensing municipality. The owner or keeper shall make sure that the tag is securely attached to a collar of leather, metal or material of comparable strength and that the collar is worn at all times by the dog for which the license was issued, except as provided in subsection 3.

If a sticker and tag is lost or the owner has moved to a different municipality, the owner or keeper of the dog must shall obtain a new license, tag and sticker. The municipal clerk shall issue another license, tag and sticker upon presentation of the original license and payment of \$1. The clerk shall deposit 50¢ of the replacement fee into the municipality's animal welfare account established in accordance with section 3943 and pay the remaining 50¢ to the department for deposit into the Animal Welfare Fund retain the \$1 for a recording fee.

Sec. 26. 7 MRSA §3923-B, sub-§3, as enacted by PL 1993, c. 468, §12, is amended to read:

3. Exceptions. A dog is not required to wear a dog tag or a rabies tag when on the premises of the owner or off the premises of the owner while hunting, in training or in an exhibition. When a dog is hunting, in training or in exhibition, its owner or keeper must shall produce proof of licensure within 24 hours and proof of rabies immunization upon request by a humane agent, animal control officer or law enforcement officer, including a game warden. When a dog is brought to this State from another state for hunting, training or exhibiting, its owner or keeper must produce proof of rabies immunization within 24 hours upon request by a humane agent, animal control officer or law enforcement officer, including a game warden.

Sec. 27. 7 MRSA §§3923-C to 3923-E are enacted to read:

§3923-C. Kennel license

1. License necessary. A person having a pack or collection of dogs for the purposes set forth in section 3907, subsection 17 shall obtain a kennel license from the clerk of the municipality where the dogs are kept and that person is subject to rules adopted by the department. The sex, registered number and description are not required of dogs covered by a kennel license. The license expires December 31st annually. The kennel license permits the licensee or authorized agent to transport under control and supervision the kennel dogs in or outside the State.

2. Determination of fees. License and recording fees are determined according to the number of dogs kept.

A. When the number of dogs kept over 6 months of age does not exceed 10, the fee for licensure of the kennel is \$20 and, in addition, \$1 for each license as a fee for the recording and making the monthly report required by the department.

B. When the number of dogs kept over 6 months of age exceeds 10, the fee for licensure of the kennel is \$40 and, in addition, \$1 for each license as a fee for the recording and making the monthly report required by the department.

3. Form of license. The license must be issued in triplicate, the original copy of which is given to the applicant and the remaining 2 copies retained by the municipal clerk. A license covers a maximum of 10 dogs.

4. Kennel tags. Dogs covered by a kennel license must be furnished suitable kennel tags and stickers as prescribed by the department and are not required to be individually licensed.

§3923-D. Temporary licenses

An animal shelter may issue a temporary dog license when transferring ownership vested in the shelter under section 3913, subsection 4 to a person buying or otherwise accepting ownership. The department shall provide animal shelters with temporary license forms. The shelter shall complete all information prescribed on the form, provide the owner with the original temporary license and submit the copy for the municipal clerk and the animal control officer to the appropriate municipal clerk. The shelter may retain a copy of the temporary license to comply with section 3914. A temporary license is valid for a period of 10 days beginning on the date of issuance. An animal shelter may not charge a fee for issuing a temporary license.

§3923-E. Monthly report

Municipal clerks or dog recorders shall receive the license fees in accordance with sections 3923-A and 3923-C, pay them to the department and make a monthly report to the department on a department-approved form of all licenses issued and fees received.

Sec. 28. 7 MRSA c. 723, first 3 lines are repealed and the following enacted in their place:

CHAPTER 723**FACILITY LICENSES**

Sec. 29. 7 MRSA §3931, as amended by PL 1991, c. 779, §28, is repealed.

Sec. 30. 7 MRSA §3931-A, sub-§1, as enacted by PL 1991, c. 779, §29, is amended to read:

1. License necessary. A person maintaining a breeding kennel, as defined in section 3907, ~~subsection 8-A~~, shall obtain a license from the department and is subject to rules adopted by the department. The license expires December 31st annually or in a manner consistent with the license provisions of the Maine Administrative Procedure Act, whichever is later.

Sec. 31. 7 MRSA §3932, sub-§1, as amended by PL 1991, c. 779, §30, is further amended to read:

1. License necessary. ~~Any~~ A person maintaining a boarding kennel, as defined in section 3907, shall obtain a license from the department and is subject to rules adopted by the department. The license expires December 31st annually or in a manner consistent with the license provisions of the Maine Administrative Procedure Act, whichever is later.

Sec. 32. 7 MRSA §3932, sub-§3, as enacted by PL 1987, c. 383, §3, is repealed.

Sec. 33. 7 MRSA §3932-A is enacted to read:

§3932-A. Animal shelters

1. License necessary. A person operating an animal shelter as defined in section 3907 shall obtain a license from the department and is subject to rules adopted by the department. The license expires December 31st annually or in a manner consistent with the license provisions of the Maine Administrative Procedure Act, whichever is later.

2. License fee. The license fee for an animal shelter is \$20.

Sec. 34. 7 MRSA §3933, sub-§1, as amended by PL 1991, c. 779, §31, is further amended to read:

1. License necessary. ~~Any~~ A person maintaining a pet shop, as defined in section 3907, shall obtain a license from the department and is subject to rules adopted by the department. The license expires December 31st annually or in a manner consistent

with the license provisions of the Maine Administrative Procedure Act, whichever is later.

Sec. 35. 7 MRSA §3935, as amended by PL 1993, c. 468, §14, is further amended to read:

§3935. License prohibited

~~Municipalities may not issue a kennel license and the~~ The department may not issue a license to maintain a boarding kennel, ~~breeding kennel~~ or pet shop to ~~any~~ a person who, within the 5 years previous to the application for the license, has been convicted of a criminal violation under Title 17, chapter 42, or under ~~any~~ a criminal law involving cruelty to animals that is no longer in effect, or within 2 years previous to the application for the license, has been adjudicated of a civil violation for cruelty to animals under chapter 739.

Sec. 36. 7 MRSA §3938, as amended by PL 1993, c. 468, §14, is further amended to read:

§3938. Violation

~~Any~~ A person maintaining a ~~kennel~~ animal shelter, boarding kennel, breeding kennel or pet shop without having obtained a license, or after ~~any~~ a license has been revoked or suspended, commits a civil violation for which a forfeiture of not less than \$50 nor more than \$200 a day may be adjudged.

Sec. 37. 7 MRSA §3939 is enacted to read:

§3939. Dog licenses

Nothing in this chapter may be construed to exempt licensed facilities from the license requirements of chapter 721.

Sec. 38. 7 MRSA §3944, as amended by PL 1991, c. 779, §37, is further amended to read:

§3944. Issuance of kennel licenses

Municipal clerks and dog recorders shall issue kennel licenses to kennel owners or operators in accordance with section 3931, ~~provided that the dogs are kept within a proper enclosure as defined by the department sections 3923-C and 3935. The clerks shall receive the license fees, pay them to the department and make a monthly report to the department on a department approved form of all kennel licenses issued and fees received.~~

Sec. 39. 7 MRSA §3945, as enacted by PL 1987, c. 383, §3, is amended to read:

§3945. Use of license fees retained by municipalities

All fees retained by municipalities ~~shall~~ must be kept in a separate account and ~~shall~~ must be used for the salaries and costs of animal control, enforcement of licensing laws, care of injured and abandoned animals and the support of one or more approved animal ~~control~~ shelters. Any money not expended for these purposes in a municipality's fiscal year ~~shall~~ does not lapse, but ~~shall~~ must be carried over to the next fiscal year.

Sec. 40. 7 MRSA §3949, as enacted by PL 1987, c. 383, §3, is amended to read:

§3949. Animal shelter designation

Municipal clerks, annually, on or before January 1st, shall certify to the board the name and location of the animal ~~control~~ shelter with which the municipality has entered into a contract to accept stray animals or have an arrangement for such a shelter that will accept stray animals. Animal ~~control~~ shelters ~~shall~~ designated by the municipality under this section must comply with board rules.

Sec. 41. 7 MRSA §3967, as amended by PL 1993, c. 468, §20, is further amended to read:

§3967. Seizing of ferrets

~~Any~~ An animal control officer or person acting in that capacity shall seize, impound or restrain ~~any~~ a domesticated ferret found in violation of section 3966, subsection 1, and deliver it to an animal ~~control~~ shelter, as provided for in section 3968, or shall take it to its owner, if known. If ownership can not be established, such animals may be handled as stray ferrets for the purposes of acceptance by an animal ~~control~~ shelter as provided in this chapter.

Sec. 42. 7 MRSA §3968, as amended by PL 1993, c. 468, §20, is further amended to read:

§3968. Disposition of ferrets

1. Shelter. An animal ~~control~~ shelter to which a stray ferret is taken shall accept the ferret for a period of 6 days, unless the shelter is in quarantine or has a bona fide lack of adequate space or unless the ferret has or is suspected of having a contagious disease. The acceptance entitles the animal ~~control~~ shelter to receive from the department the sum of \$2.50 a day for the period for which food and shelter are furnished to the ferret. An animal ~~control~~ shelter may refuse to accept ferrets from municipalities not contracting with that shelter.

2. Claims; fees. The procedure for filing claims and calculating fees is as follows.

A. On the next business day following the date of acceptance of the ferret, the animal ~~control~~ shelter ~~shall~~ must notify the clerk of the respective municipality of the acceptance of the ferret, its description and the circumstances of its finding.

B. An animal ~~control~~ shelter that accepts a ferret under this section, within 45 days of acceptance of the ferret, ~~shall~~ must submit a claim on a department-approved form to the clerk of the respective municipality for fees incurred in providing food and shelter and, upon verification of proper notification and holding period by the clerk, the shelter shall forward the claim to the department.

C. If the owner claims the ferret within the 6-day period, the owner may have and receive the ferret upon payment of all department-approved fees, plus ~~any~~ pickup fees that the municipality may impose.

3. Ownership of ferret. Upon expiration of the 6-day period, ownership of the ferret is vested in the animal ~~control~~ shelter. The animal ~~control~~ shelter may then:

A. Sell or give away the ferret with the warning notice required by section 3966, except to a research facility; or

B. Otherwise dispose of the ferret humanely in accordance with Title 17, chapter 42, subchapter IV if a veterinarian determines that the ferret is not adoptable due to illness. Except as provided in this section, an animal ~~control~~ shelter must hold a ferret at least 8 days before euthanasia.

An animal ~~control~~ shelter shall establish and collect fees for reclaimed or adopted ferrets to offset costs of keeping a ferret beyond 6 days.

None of the proceeds obtained from the sale, donation, adoption or other disposition of the ferret may be deducted from the fee claimed.

Notwithstanding subsection 2, paragraph C, the previous owner may reacquire the ferret at any time prior to its sale, donation or disposal upon payment of the municipal impoundment fees and actual fees incurred for food, shelter, veterinary care and any other fees required by this chapter for each day that the ferret has been sheltered. ~~In this case no~~ A fee may not be allowed by the department.

Sec. 43. 17 MRSA §1011, sub-§5, as amended by PL 1991, c. 779, §42, is repealed.

Sec. 44. 17 MRSA §1011, sub-§5-A, as enacted by PL 1991, c. 779, §43, is amended to read:

5-A. Animal shelter. "Animal shelter" means a facility that includes a physical structure or part of a physical structure that provides temporary or permanent shelter to stray, abandoned, abused or owner-surrendered animals. ~~"Animal shelter" includes animal control shelters as defined in subsection 5.~~

Sec. 45. 17 MRSA §1021, sub-§2, as enacted by PL 1987, c. 383, §4, is further amended to read:

2. Notice to owner. If the owner is known, a copy of the application ~~shall~~ must be served upon ~~him~~ the owner with an order of court to appear at a stated time and place to show cause why the animal should not be taken and turned over to the applicant or other suitable person or disposed of humanely.

If the owner ~~cannot~~ can not be found by reasonable diligence, or is ~~out of state~~ out of state although a resident of this State, a copy of the application and order of court ~~shall~~ must be left at ~~his~~ the owner's last and usual place of abode.

If the owner is not known, then the court shall order a notice to be published at least once in a newspaper of general circulation in the county where the animal was found, stating the case and circumstances and giving 48 hours' notice of the hearing.

Sec. 46. 17 MRSA §1021, sub-§5-A, as enacted by PL 1993, c. 468, §22, is amended to read:

5-A. Seizure by state humane agent without court order. A state humane agent who has reasonable cause to believe that a violation of section 1031 or 1032 has taken place or is taking place may take possession of the cruelly treated animal. Upon taking possession of an animal under this section, the humane agent shall present the owner with a notice that:

- A. States the reason for seizure;
- B. Gives the name, address and phone number of a humane agent to contact for information regarding the animal; and
- C. Advises the owner of the ensuing court procedure.

If the owner can not be found, the humane agent shall send a copy of the notice to the owner at the owner's last known address by certified mail, return receipt requested. If the owner is not known or can not be located, the humane agent shall contact the animal ~~control~~ shelter or shelters used by the municipality in which the animal was found. The humane agent shall provide the shelter with a description of the animal, the date of seizure and the name of a person to contact for more information.

Within 3 working days of possession of the animal, the humane agent shall apply to the court for a possession order. The court shall set a hearing date and that hearing date must be within 10 days of the date the animal was seized. The humane agent shall arrange care for the animal including medical treatment, if necessary, pending the hearing.

The humane agent shall notify the owner, if located, of the time and place of the hearing. If the owner has not been located, the court shall order a notice to be published at least once in a newspaper of general circulation in the county where the animal was found stating the case and circumstances and giving 48 ~~hours'~~ hours' notice of the hearing.

It is the owner's responsibility at the hearing to show cause why the animal should not be seized permanently or disposed of humanely. If it appears at the hearing that the animal has been cruelly abandoned or cruelly treated by its owner, the court shall declare the animal forfeited and order its sale, adoption or donation or order the animal to be disposed of humanely if a veterinarian determines that the animal is diseased or disabled beyond recovery.

See title page for effective date.

CHAPTER 658

H.P. 1270 - L.D. 1697

An Act to Amend Certain Motor Vehicle Laws

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

Whereas, the provisions of this Act promote fairness in the motor vehicle laws of this State and efficiencies in the administration of these laws; 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. 5 MRSA §88-A, sub-§1, as amended by PL 1991, c. 595, §1, is further amended to read:

1. Application. Any person 18 years of age or over who is a Maine resident or a nonresident temporarily domiciled in the State with a mailing address in the State may apply for an official state nondriver