

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
1995

must be distributed to commercial race tracks and the agricultural fair associations only for the dates assigned by the Commissioner of Agriculture, Food and Rural Resources pursuant to Title 7, section 65 in the State that provide simulcast transmission of live racing in the State in proportion to the amount of wagers placed at off-track betting facilities on simulcast races from that licensee up to the last day of the preceding month and the total amount wagered at off-track betting facilities on races simulcast from all commercial racetracks up to that date. The last payment of the calendar year must be adjusted to reflect each licensee's wagers in proportion to the total wagered at off-track betting facilities in that calendar year.

Sec. 14. 8 MRSA §275-N, as enacted by PL 1993, c. 707, Pt. U, §2, is repealed and the following enacted in its place:

§275-N. Limitations on off-track betting facilities

The commission may not allow interstate simulcasting or license any off-track betting facility for any calendar year unless during the preceding calendar year there was at least 150 race dates on which live racing was actually conducted at the commercial tracks. Interstate simulcasting must always be allowed at any commercial track that conducted at least 136 race dates during the immediately preceding calendar year or at an existing commercial track as defined in section 275-A, subsection 1, paragraph B at which at least 35 race dates were conducted during the immediately preceding year. For the purposes of this section, any race date that the commission determines was canceled due to a natural or other disaster must be counted as a race date.

Beginning with licenses issued for calendar year 1996, notwithstanding any other provision of this chapter, every commercial track that is licensed for a specific calendar year must be assigned all of the race dates that it requests for that year if it conducted live racing on those dates during the immediately preceding calendar year. For the purposes of this section, a race date is the same from year to year if it is the closest calendar date that falls on the same day of the week.

Sec. 15. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	1995-96	1996-97
AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF		

Administration - Agriculture

All Other	\$98,000	\$100,000
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Allocates funds to reflect an increase in the amounts distributed to agricultural fairs.

State Harness Racing Commission

All Other	(\$98,000)	(\$100,000)
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Deallocates funds to reflect a decrease in the amounts distributed to extended meets.

**DEPARTMENT OF
AGRICULTURE, FOOD
AND RURAL RESOURCES**

TOTAL

\$-0-	\$-0-
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Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective July 3, 1995.

CHAPTER 409

S.P. 360 - L.D. 986

An Act to Regulate Hybrid Wolves

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 7 MRSA §3907, sub-§17, as enacted by PL 1987, c. 383, §3, is amended to read:

17. Kennel. "Kennel" means one pack or collection of dogs or wolf hybrids kept in a single location under one ownership for breeding, hunting, show, training, field trials and exhibition purposes.

Sec. 2. 7 MRSA §3907, sub-§30 is enacted to read:

30. Wolf hybrid. "Wolf hybrid" means any canine, regardless of generation, that has resulted from the interbreeding of a dog and a wolf.

Sec. 3. 7 MRSA §3921, first ¶, as enacted by PL 1987, c. 383, §3, is amended to read:

~~No~~ A dog or wolf hybrid may not be kept within the limits of the State, unless the dog or wolf hybrid has been licensed by its owner or keeper in accordance with the laws of this State.

Sec. 4. 7 MRSA §3922, as amended by PL 1993, c. 657, §§20 and 21, is further amended to read:

§3922. Issuance of license

1. License; January 1st. Each owner or keeper of a dog or wolf hybrid at the age of 6 months or more, on or before January 1st of each year, shall obtain a license:

A. From the clerk of the municipality where the dog or wolf hybrid is kept; or

B. From the dog recorder in the unorganized territory where the dog or wolf hybrid is kept or, in the absence of a duly authorized dog recorder, from a dog recorder in the nearest municipality or unorganized territory in the same county where the dog or wolf hybrid is kept.

2. License; after January 1st. The owner or keeper, within 10 days of the conditions of paragraph A or B being met, shall obtain a license, if between January 1st and October 15th of any year:

A. A dog or wolf hybrid reaches the age of 6 months or more; or

B. A person becomes the owner or keeper of a dog or wolf hybrid aged 6 months or more.

3. Proof of immunization. ~~No~~ A municipal clerk may not issue a license for any a dog until the applicant has filed with the clerk proof that the dog has been immunized against rabies in accordance with rules promulgated adopted by the Commissioner of Human Services, provided except that the requirement of immunization may be waived by the clerk under conditions set forth by the Commissioner of Human Services.

The commissioner shall ~~promulgate~~ adopt rules ~~which~~ that allow the clerk and the commissioner to accept valid proof of immunization against rabies provided by another state.

4. Trained guide dogs. If ~~any~~ a trained dog has not been previously registered or licensed by the municipal clerk to whom the application is being made, the clerk shall not register the dog nor issue to

its owner or keeper a license and tag unless written evidence is provided that the dog is trained and educated and intended to perform guide service for the applicant.

5. Form of license. The license must state the breed, sex, color and markings of the dog or wolf hybrid, whether the animal is a dog or wolf hybrid and the name and address of the owner or keeper. The license must be issued in triplicate and the original must be given to the applicant and the remaining 2 copies must be retained by the municipal clerk or dog recorder.

Sec. 5. 7 MRSA §3923-A, as amended by PL 1993, c. 657, §§22 to 24, is further amended to read:

§3923-A. License and recording fees

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

1. Dogs or wolf hybrids capable of producing young. A dog or wolf hybrid owner or keeper shall pay a fee of \$7.50 to the municipal clerk for each dog or wolf hybrid 6 months of age or older and capable of producing young. A dog or wolf hybrid is considered capable of producing young unless certification 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.

2. Dogs or wolf hybrids incapable of producing young. A dog or wolf hybrid owner shall pay a fee of \$4 to the municipal clerk for each dog or wolf hybrid 6 months of age or older and incapable of producing young. A dog or wolf hybrid is considered incapable of producing young when the owner provides the following:

A. A written certificate issued by a veterinarian stating that the veterinarian has neutered the dog or wolf hybrid;

B. A written certificate issued by a veterinarian stating that the veterinarian has examined the dog or wolf hybrid and determined that the dog or wolf hybrid is incapable of producing young; or

C. A previous license stating that the dog or wolf hybrid is incapable of producing young.

The clerk shall retain \$1 as a recording fee, deposit \$1 in the municipality's animal welfare account established in accordance with section 3945 and pay the remaining \$2 to the department for deposit in the Animal Welfare Fund.

3. Exemption from fees. A municipal clerk shall issue a license upon application and without payment of a license fee required under this section for:

- A. A trained guide dog owned or kept by a visually impaired person or such a dog awaiting training;
- B. A trained hearing dog owned or kept by a hearing-impaired person or such a dog awaiting training;
- C. A trained service dog owned or kept by a physically impaired person or such a dog awaiting training; and
- D. A trained search and rescue dog recognized by the Department of Inland Fisheries and Wildlife or by the statewide association of search and rescue that cooperates with the Department of Inland Fisheries and Wildlife in developing standards for search and rescue or such a dog awaiting training.

4. Late fees. An owner or keeper required to license a dog or wolf hybrid under section 3922, subsection 1 and section 3923-C, subsection 1 and applying for a license for that dog or wolf hybrid after January 31st 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. 6. 7 MRSA §3923-B, as amended by PL 1993, c. 657, §§25 and 26, is further amended to read:

§3923-B. Tags

1. 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 or wolf hybrid for as long as the dog or wolf hybrid 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 or wolf hybrid 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 or wolf hybrid 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 retain the \$1 for a recording fee.

2. Rabies tags. An owner shall make sure that a rabies tag obtained from a veterinarian for immunization against rabies 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 or wolf hybrid for which the rabies tag was issued, except as provided in subsection 3.

3. Exceptions. A dog or wolf hybrid 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 or wolf hybrid is hunting, in training or in exhibition, its owner or keeper shall produce proof of licensure and proof of rabies immunization upon request by a humane agent, animal control officer or law enforcement officer, including a game warden.

Sec. 7. 7 MRSA §§3923-C and 3923-D, as enacted by PL 1993, c. 657, §27, are amended to read:

§3923-C. Kennel license

1. License necessary. A person having a pack or collection of dogs or wolf hybrids for the purposes set forth in section 3907, subsection 17 shall obtain a kennel license from the clerk of the municipality where the dogs or wolf hybrids are kept and that person is subject to rules adopted by the department. The sex, registered number and description are not required of dogs or wolf hybrids 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 or wolf hybrids in or outside the State.

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

A. When the number of dogs or wolf hybrids 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 or wolf hybrids 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 or wolf hybrids.

4. Kennel tags. Dogs or wolf hybrids 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 or wolf hybrid 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.

Sec. 8. 7 MRSA §3924, sub-§2, as enacted by PL 1987, c. 383, §3, is amended to read:

2. Unlawful use of collar or tag. ~~Any~~ A person who removes a dog tag or rabies tag or who places either a collar or rabies tag on ~~any~~ a dog or wolf hybrid not described on it or for which the license was not issued commits a civil violation for which a forfeiture of not more than \$100 may be adjudged.

See title page for effective date.

CHAPTER 410

S.P. 139 - L.D. 325

An Act to Revise the Maine Turnpike Authority's Powers with Respect to Commuter Tolls

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

Whereas, traffic on the Maine Turnpike has increased 14% since 1991; and

Whereas, congestion pricing may have potential as a demand management strategy; and

Whereas, the Sensible Transportation Policy Act requires that alternatives be evaluated prior to increasing highway capacity through road building; and

Whereas, it is in the public's interest to begin a congestion pricing study in the summer of 1995; 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. 23 MRSA §1973, sub-§4, ¶A, as enacted by PL 1981, c. 595, §3, is amended to read:

A. The authority shall establish a system of commuter discounts to provide passenger vehicles with reduced rates ~~which rates shall that may not exceed 50% of the normal passenger vehicle toll in effect on June 1, 1981, except that after July 1, 1985, commuter fares may be adjusted generally proportionately to any other fare adjustments.~~

Sec. 2. 23 MRSA §1973, sub-§4, ¶A-1 is enacted to read:

A-1. The authority is prohibited from imposing variable surcharges based on the time of day. Notwithstanding any other provisions of law, the evaluation of congestion pricing as a reasonable transportation alternative to widening or expansion of the Maine Turnpike to 3 lanes in each direction from Exit 1 to Exit 6A on a projected basis without actual implementation of congestion pricing on a demonstration basis meets the criteria of section 73 and chapter 24.

Sec. 3. Reports on congestion pricing studies. The Maine Turnpike Authority shall submit an interim report on the congestion pricing studies to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than January 15, 1996. The interim report must describe the study design, including adjustments to fees, fares and tolls by class of vehicle, time of day, week or year, number of passengers or any other factor on which an adjustment is based. The interim report must describe the segments of the turnpike on which the study has been or will be implemented.

The Maine Turnpike Authority shall submit a final report to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than January 15, 1997 on congestion