

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**November 28, 1995 to December 1, 1995**

**SECOND REGULAR SESSION**  
**January 3, 1996 to April 4, 1996**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 4, 1996**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1995**

(32) After December 31, 1981, services performed by an individual on a boat engaged in catching fish or other forms of aquatic animal life, unless those services would be included in the definition of "employment" for federal unemployment tax purposes under the Federal Unemployment Act, United States Code, Title 26, Section 3306(c), as it may be amended, Also included in this exemption are services performed in harvesting shellfish for depuration from designated areas as authorized by Title 12, section 6856;

(36) Service performed by a full-time student, as defined in subsection 30, in the employ of an organized camp if the full-time student performed services in the employ of the camp for less than 13 calendar weeks in the calendar year and the camp:

(a) Did not operate for more than 7 months in the calendar year and did not operate for more than 7 months in the preceding calendar year; or

(b) Had average gross receipts for any 6 months in the preceding calendar year that were not more than 33 1/3% of its average gross receipts for the other 6 months in the preceding calendar year; ~~and~~

(37) Services performed by an individual as a home stitcher as long as that employment is not subject to federal unemployment tax-; and

**Sec. 2. 26 MRSA §1043, sub-§11, ¶F,** as amended by PL 1995, c. 204, §§1 and 2, is further amended by enacting subparagraph (38) to read:

(38) Services performed by a person licensed as a guide as required by Title 12, section 7311, as long as that employment is not subject to federal unemployment tax.

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

Effective April 1, 1996.

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## CHAPTER 588

S.P. 720 - L.D. 1824

### An Act Relating to Solid Waste Management

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

**Sec. 1. 38 MRSA §1310-X, sub-§4,** as amended by PL 1993, c. 355, §52, is repealed and the following enacted in its place:

**4. Exemption.** The following are exempt from the provisions of this section:

A. A commercial biomedical waste disposal or treatment facility, if at least 51% of the facility is owned by a hospital or hospitals as defined in Title 22, section 382, subsection 7, or an affiliated interest or interests as defined in Title 22, section 396-L, subsection 1, paragraph A; and

B. Expansion of a commercial solid waste disposal facility, if the expansion will not result in an increase in the facility's disposal capacity and the expansion will not be used for solid waste disposal.

**Sec. 2. 38 MRSA §2122, sub-§2,** as repealed and replaced by PL 1995, c. 465, Pt. A, §34 and affected by Pt. C, §2, is amended to read:

**2. Revisions.** The office shall revise the analysis ~~at least~~ by January 1, 1998 and every 2 ½ years after that time to incorporate changes in waste generation trends, changes in waste recycling and disposal technologies, development of new waste generating activities and other factors affecting solid waste management as the office finds appropriate.

**Sec. 3. 38 MRSA §2123-B** is enacted to read:

**§2123-B. Review of policy**

In conjunction with revisions of the plan every 5 years, the office shall establish a broad-based task force, including Legislators from the joint standing committee of the Legislature having jurisdiction over natural resource matters and representatives of groups interested in commercial landfill policy. The task force shall review state policy regarding the development of commercial solid waste disposal facilities and shall report its findings and recommendations to the Governor, the department and the joint standing committee of the Legislature having jurisdiction over natural resource matters.

**Sec. 4. 38 MRSA §2124-A** is enacted to read:

**§2124-A. Solid waste generation and disposal capacity report**

By January 1, 1997 and every 2 years thereafter, the office shall submit a report to the joint standing committee of the Legislature having jurisdiction over natural resource matters setting forth information on statewide generation of solid waste, statewide

recycling rates and available disposal capacity for solid waste.

**Sec. 5. 38 MRSA §2156**, as amended by PL 1995, c. 465, Pt. A, §§64 and 65 and affected by Pt. C, §2, is repealed.

**Sec. 6. 38 MRSA §2156-A** is enacted to read:

**§2156-A. Facility development**

**1. Planning for development.** The office shall plan for the development of facilities sufficient to meet needs for municipal solid waste identified in the state plan and any revisions to the plan and to serve all geographic areas of the State. The office may plan for the development of facilities sufficient to meet needs for special waste identified in the state plan and any revisions to the plan and to serve all geographic areas of the State.

**2. Recommendation for development.** If the office finds that construction and operation of a state-owned solid waste disposal facility is needed to meet needs identified in the state plan, it shall submit a report recommending the construction and operation to the joint standing committee of the Legislature having jurisdiction over natural resource matters. The report must recommend which state agency or department will own the facility and how it will be operated. It is the intent of the Legislature that the facility be operated by a private contractor. A state-owned solid waste disposal facility may not be constructed or operated unless authorized by legislation pursuant to subsection 3.

**3. Authorization for development.** The joint standing committee of the Legislature having jurisdiction over natural resource matters may report out legislation authorizing construction and operation of a state-owned solid waste disposal facility in response to a report submitted pursuant to subsection 2.

**4. Ownership, construction and operation.** The office shall maintain ownership of a site acquired for construction of a state-owned solid waste disposal facility until the Legislature authorizes transfer of the site to another state department or agency, except that this subsection does not prohibit any lease or transfer of the site pursuant to an agreement entered into before the effective date of this subsection or pursuant to any amendment to such an agreement entered into before or after the effective date of this subsection.

**5. Development by others.** This section does not preclude a municipality or regional association from developing and operating solid waste disposal facilities on its own initiative.

See title page for effective date.

**CHAPTER 589**

**H.P. 53 - L.D. 47**

**An Act to Make Pet Dealers Liable  
for the Sale of Dogs and Cats That  
Have Health Problems**

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

**Sec. 1. 7 MRSA c. 745** is enacted to read:

**CHAPTER 745**

**SALE OF DOGS AND CATS**

**§4151. Definitions**

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

**1. Animal.** "Animal" means a dog, wholly or in part of the species *canis familiaris* or a cat, wholly or in part of the species *felis domesticus*.

**2. Breeder.** "Breeder" means a person, firm, partnership, corporation or association that breeds animals for direct or indirect sale to the public.

**3. Health problem.** "Health problem" means any disease, illness or any congenital or hereditary condition that would impair the health or function of an animal.

**4. Pet dealer.** "Pet dealer" means a person, firm, partnership, corporation or association, including breeders, that is required to collect sales tax for the sale of animals to the public. Pet dealer does not include humane societies, nonprofit organizations performing the functions of humane societies or animal control agencies.

**5. Veterinarian.** "Veterinarian" means a person licensed as a veterinarian in any state.

**§4152. Disclosure**

**1. Required disclosure.** A pet dealer shall deliver to a purchaser of an animal a written disclosure containing the following:

A. An animal history that includes:

(1) The name, address and United States Department of Agriculture license number of the breeder and any broker who has had possession of the animal;

(2) The date of the animal's birth;