

# 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**

to the same extent as any person who renders assistance pursuant to Title 14, section 164.

**3. Accounting.** At least 30 days before the end of each fiscal year, the Adjutant General shall prepare an accounting of all expenses incurred pursuant to this section since any prior accounting and shall present this accounting to the Commissioner of Human Services for payment pursuant to Title 22, section 3185.

~~**4. Reimbursement.** In addition to other payments authorized by Title 22, section 3185, the Department of Human Services shall, upon receipt of an annual accounting as authorized under this subsection, transfer to the Department of Defense and Veterans' Services a sum, not to exceed \$10,000, from money appropriated pursuant to Title 22, section 3185, as reimbursement for costs of rendering emergency health service.~~

**Sec. 5. 37-B MRSA §184,** as enacted by PL 1983, c. 460, §3, is amended to read:

**§184. Notice for duty**

Notices for military duty ~~shall~~ must be given as follows.

**1. When given.** ~~Notices for state duty at encampments, maneuvers and field instruction shall be given at least 10 days prior to the duty. Notices for other duty may be given when prescribed by the officer issuing the order. Members of the state military forces must receive reasonable prior notice of active state service appropriate to the duty to be performed.~~

**2. How given.** Notices ~~shall~~ may be given orally or by written notice ~~delivered personally, sent by mail or left at the last and usual place of abode in writing.~~ Orders conspicuously posted during a regular meeting of the unit, not less than 4 days prior to the date fixed in the order, ~~shall be~~ are sufficient.

**3. Dates fixed by law.** ~~Where~~ When drill dates have been fixed by law, orders or regulations, no further notice is required.

**Sec. 6. 37-B MRSA §185, sub-§4,** as enacted by PL 1983, c. 594, §10, is amended to read:

**4. Rights of a law enforcement officer.** A commissioned officer member of the state military forces when called to active duty under section ~~181~~ 181-A, subsection 1, in addition to such other rights conferred by this chapter and otherwise by law, ~~shall have~~ has the rights, authority and immunities of a law enforcement officer.

**Sec. 7. Allocation.** The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1996-97

**DEFENSE AND VETERANS' SERVICES, DEPARTMENT OF Military Training and Operations**

Personal Services	\$100,000
All Other	150,000

Allocates funds to authorize the Department of Defense and Veterans' Services to expend funds received as reimbursement for services provided by the Maine National Guard.

**DEPARTMENT OF DEFENSE AND VETERANS' SERVICES TOTAL**

\$250,000

See title page for effective date.

**CHAPTER 601**

**H.P. 1306 - L.D. 1787**

**An Act to Place Penobscot Land in Trust**

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

**Sec. 1. 30 MRSA §6205, sub-§2, ¶B,** as amended by PL 1991, c. 721, §1 and affected by §2, is further amended to read:

B. The first 150,000 acres of land acquired by the secretary for the benefit of the Penobscot Nation from the following areas or lands to the extent that those lands are acquired by the secretary prior to January 31, 2001, are not held in common with any other person or entity and are certified by the secretary by January 31, 2001, as held for the Penobscot Nation:

The lands of Great Northern Nekoosa Corporation located in T.1, R.8, W.B.K.P. (Lowelltown), T.6, R.1, N.B.K.P. (Holeb), T.2, R.10, W.E.L.S. and T.2, R.9, W.E.L.S.; the land of Raymidga Company located in T.1, R.5, W.B.K.P. (Jim Pond), T.4, R.5, B.K.P.W.K.R. (King and Bartlett), T.5, R.6, B.K.P.W.K.R. and T.3, R.5, B.K.P.W.K.R.; the land of the heirs of David

Pingree located in T.6, R.8, W.E.L.S.; any portion of Sugar Island in Moosehead Lake; the lands of Prentiss and Carlisle Company located in T.9, S.D.; any portion of T.24, M.D.B.P.P.; the lands of Bertram C. Tackeff or Northeastern Blueberry Company, Inc. in T.19, M.D.B.P.P.; any portion of T.2, R.8, N.W.P.; any portion of T.2, R.5, W.B.K.P. (Alder Stream); the lands of Dead River Company in T.3, R.9, N.W.P., T.2, R.9, N.W.P., T.5, R.1, N.B.P.P. and T.5, N.D.B.P.P.; any portion of T.3, R.1, N.B.P.P.; any portion of T.3, N.D.; any portion of T.4, N.D.; any portion of T.39, M.D.; any portion of T.40, M.D.; any portion of T.41, M.D.; any portion of T.42, M.D.B.P.P.; the lands of Diamond International Corporation, International Paper Company and Lincoln Pulp and Paper Company located in Argyle; any land acquired in Williamsburg T.6, R.8, N.W.P.; any 300 acres in Old Town mutually agreed upon by the City of Old Town and the Penobscot Nation Tribal Government, provided that the mutual agreement must be finalized prior to August 31, 1991; ~~and~~ any lands in Lakeville acquired by the Penobscot Nation before January 1, 1991; and all the property acquired by the Penobscot Indian Nation from Herbert C. Haynes, Jr., Herbert C. Haynes, Inc. and Five Islands Land Corporation located in Township 1, Range 6 W.E.L.S.

**Sec. 2. Effective date.** This Act does not take effect unless, within 60 days of the adjournment of the Second Regular Session of the 117th Legislature, the Secretary of State receives written notification by the Tribal Council of the Penobscot Nation that the Penobscot Nation has agreed to the provisions of this Act pursuant to the United States Code, Title 25, Section 1725(e)(1), copies of which must be submitted by the Secretary of State to the Secretary of the Senate and the Clerk of the House of Representatives.

See title page for effective date, unless otherwise indicated.

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## CHAPTER 602

### H.P. 1322 - L.D. 1809

#### **An Act Strengthening the Laws That Prohibit the Drugging of Animals Competing in Pulling Events and Livestock Exhibitions**

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

**Sec. 1. 7 MRSA §74,** as repealed and replaced by PL 1987, c. 111, is repealed.

**Sec. 2. 7 MRSA §74-A** is enacted to read:

#### **§74-A. Certain drugging of animals prohibited**

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

**A. "Animal"** means an animal entered in an event.

**B. "Event"** means a public pulling competition or livestock exhibition.

**C. "Licensed veterinarian"** means a person licensed as a veterinarian by the State who is operating under the direction or authority of the department.

**D. "Prohibited substance"** means:

(1) A stimulant, depressant, tranquilizer or local anesthetic that could affect the conduct, actions, endurance, strength, speed, performance, appearance or disposition of an animal;

(2) Any substance that the commissioner by rule determines could affect the conduct, actions, endurance, strength, speed, performance, appearance or disposition of an animal;

(3) A drug, regardless of how harmless or innocuous, that interferes with the detection of any prohibited substance; or

(4) A metabolite or derivative of a prohibited substance.

**E. "Trainer"** means a person who has the responsibility for the care, training, custody or performance of an animal, including, but not limited to, any person who signs an entry blank for an event.

**2. Administration of prohibited substance.** A person may not feed, inject, insert or otherwise administer or attempt to administer or instruct, aid or conspire with another person to administer or employ anyone who administers or attempts to administer a prohibited substance to an animal. The commissioner may require that an animal be tested for the presence of a prohibited substance before, during or after an event.

**3. Prohibited use or exhibition of drugged animal.** An animal that has been administered a prohibited substance may not be used in an event.

**4. Animals subject to examination; scope; request for test.** An animal entered in an event is