

# 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**

A. The medication must be therapeutic and necessary for treatment of an illness or injury.

B. The animal must be withdrawn from the event for a period of at least 24 hours after medication has been administered.

C. Only a licensed veterinarian or a trainer acting under the direction of the licensed veterinarian may administer medication. The trainer may administer medication under the direction of the licensed veterinarian if the licensed veterinarian has assumed responsibility for making medical judgments regarding the health of the animal, has sufficient knowledge of the animal to make a general or preliminary diagnosis of the animal and is readily available to care for the animal in the event of an adverse reaction to medication or the failure of a trainer to adhere to a therapy regimen.

D. The amount, strength and mode of administration of medication must be identified.

E. The statement must include the date and time of the administration of medication.

F. The animal must be identified by name, age, sex, color and entry number.

G. The statement must contain the diagnosis and reason for administering medication.

H. The statement must be signed by the person administering medication.

I. The statement must be filed with the general manager of the event within one hour after administration of medication or one hour after the manager of the event returns to duty, if administration is at a time other than during event hours.

J. The statement must be signed by the manager of the event and the time of receipt of the statement recorded on the statement by the manager.

If the chemical analysis of a sample taken pursuant to subsection 4 from the animal treated under this subsection indicates the presence of a prohibited substance and all the requirements of this subsection have been met, the information contained in the statement and any other relevant evidence must be considered at a hearing provided under subsection 8 in determining whether there has been a violation of any provision of this section.

**11. Authority of the commissioner to make rules.** The commissioner may adopt rules relating to the administration of tests, the care and custody of test samples and all other matters necessary to carry out the purposes of this section.

**12. Inapplicability to horse racing.** This section does not affect existing laws governing horse racing or affect horse sales or horse auction sales when those sales are solely for the sale of racehorses or breeding stock that are used in the production of racehorses and when those sales are held or conducted on the premises of a racing association under the jurisdiction of, and with the authorization and approval of, the State Harness Racing Commission. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

As used in this subsection, "racehorse" means a live horse, including a stallion, mare, gelding, ridgeling, colt or filly, that is eligible to participate in a horse racing contest in this State where parimutuel racing is permitted under the regulations promulgated by the State Harness Racing Commission. This subsection does not exempt racehorses participating in an event covered by this section.

**Sec. 3. 7 MRSA §75, sub-§2, ¶K,** as enacted by PL 1987, c. 849, §2, is repealed.

**Sec. 4. Transition; rules.** Rules adopted pursuant to the Maine Revised Statutes, Title 7, former section 74 remain in effect until rescinded or amended.

See title page for effective date.

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## CHAPTER 603

### H.P. 1295 - L.D. 1777

#### An Act to Lessen the Penalty for Withdrawal of Farms from the Farm and Open Space Tax Law

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

**Sec. 1. 36 MRSA §1109, sub-§5,** as amended by PL 1977, c. 467, §10, is further amended to read:

**5. Owner obligation.** If the owner or owners of any parcel of land subject to taxation under this subchapter fail to submit the schedules under the foregoing provisions of this section, or fail to respond, within 60 days of receipt, to written questions or interrogatories of the assessor, or fail within 60 days of receipt of notice as provided in this section; to appear before the assessor to respond to questions or interrogatories, or fail to provide information after notice duly received as provided under this section, ~~such that~~ owner or owners ~~shall be~~ are deemed to have waived all rights of appeal.

It ~~shall be~~ is the obligation of the owner or owners to report to the assessor any change of use or change of classification of land subject to taxation hereunder by the end of the tax year in which the change occurs and to file ~~annually~~ by April 1st of every 5th year with the assessor a determination of the gross income realized each of the previous year 5 years from acreage classified as "farmland."

If the owner or owners fail to report to the assessor as required by the foregoing paragraph, the assessor ~~may collect such~~ shall assess those taxes as that should have been paid, shall ~~collect~~ assess the penalty provided in section 1112 and shall assess an additional penalty of 25% of the foregoing penalty amount. The assessor may waive the additional penalty for cause.

**Sec. 2. 36 MRSA §1112, 2nd ¶**, as amended by PL 1989, c. 555, §19, is further amended to read:

For land classified as farmland under this subchapter for less than 5 full years, the penalty ~~shall be~~ is equal to ~~40%~~ the greater of 20% of its assessed fair market value at the time the land is removed from the program or the amount necessary to meet the requirements of the Constitution of Maine, Article IX, Section 8. For land that has been classified as farmland under this subchapter for ~~more than 5 full years but less than 10 full years, the penalty shall be full recapture of the taxes that would have been paid on the land for all the years it was in the program, less all taxes that were paid during those years and interest at the rate set by the town during those years on delinquent taxes.~~ For land that has been classified as farmland under this subchapter for ~~more than 10 full years or more, the penalty shall be~~ is the recapture of the taxes that would have been paid on the land for the past 5 years if it had not been classified under this subchapter, less all taxes that were actually paid during those 5 years and interest at the rate set by the town during those 5 years on delinquent taxes. An owner of farmland that has been classified under this subchapter for 5 full years or more may pay any penalty owed under this paragraph in up to 5 equal annual installments with interest at the rate set by the town to begin 60 days after the date of assessment. Notwithstanding section 943, for an owner paying a penalty under this procedure, the period during which the tax lien mortgage, including interest and costs, must be paid to avoid foreclosure, and expiration of the right of redemption is 48 months from the date of the filing of the tax lien certificate instead of 18 months.

See title page for effective date.



**CHAPTER 604**

**S.P. 723 - L.D. 1825**

**An Act Regarding Survivor Benefits in the Event of Divorce and Remarriage**

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

**Whereas**, current law permits the recipient of a reduced retirement benefit who has named a spouse as beneficiary and who is divorced to change the beneficiary to someone else only if the divorce occurs after retirement; and

**Whereas**, that law may be contrary to the wishes of recipients of reduced retirement benefits who are divorced before retirement but do not remarry and try to change their beneficiary until after retirement; and

**Whereas**, it is immediately necessary to amend the law so that such changes may be made in the named beneficiary; 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 §17805-A**, as enacted by PL 1991, c. 320, §1, is amended by repealing and replacing the headnote to read:

**§17805-A. Divorce**

**Sec. 2. 5 MRSA §17805-A, first ¶**, as enacted by PL 1991, c. 320, §1, is amended to read:

If the recipient of a reduced service retirement benefit under section 17804, subsection 3, 4 or 5 is granted a divorce either after retirement or before a retirement beneficiary is named the following provisions apply.

**Sec. 3. 5 MRSA §17805-A, sub-§1, ¶¶A and B**, as enacted by PL 1991, c. 320, §1, are amended to read:

A. The ~~original~~ original spouse or former spouse who was originally named as retirement beneficiary must have been the sole beneficiary of the reduced retirement benefit under section 17804, subsection 3, 4 or 5; and