

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

ees of the department must be conducted pursuant to any applicable collective bargaining agreement.

2. Working agreement. The commissioner shall negotiate a working agreement with the Department of the Attorney General concerning procedures and respective responsibilities for the exercise of law enforcement powers by investigative officers pursuant to subsection 1.

See title page for effective date.

CHAPTER 103

H.P. 328 - L.D. 450

An Act to Amend the Date for Recognizing Marginal Discharges of Mortgages

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

Sec. 1. 33 MRSA §552 is amended to read:

§552. Validation

All marginal discharges of mortgages recorded prior to ~~August 6, 1949~~ April 1, 1974, duly attested by the register of deeds as being recorded from discharge in margin of original mortgage, are validated and ~~shall~~ have the same effect as if made as provided in section 551.

See title page for effective date.

CHAPTER 104

H.P. 339 - L.D. 461

An Act to Include Domestic Water Fowl in the Animal Trespass Statutes

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

Sec. 1. 7 MRSA §4041, as amended by PL 1995, c. 351, §5, is further amended to read:

§4041. Animal trespass

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

A. "Animal control officer" or "law enforcement officer" means the animal control officer or law enforcement officer having jurisdiction over the area in which the livestock animal or domestic water fowl was found.

A-1. "Domestic water fowl" means domestic ducks, domestic geese and other domestic water fowl.

B. "Livestock animal" means dairy, feeding, beef or breeding cattle; horses; sheep; goats; donkeys; or swine.

C. "Trespass" means that a livestock animal or domestic water fowl of an owner or keeper has entered or been found on the property of another person.

2. Removal. The owner or keeper of a livestock animal or domestic water fowl ~~shall be~~ is responsible, at the owner's or keeper's expense, for removing any livestock animal or domestic water fowl found trespassing. An animal control officer or law enforcement officer may, at the owner's or keeper's expense, remove and control a livestock animal or domestic water fowl found trespassing if:

A. The owner or keeper fails to remove the livestock animal or domestic water fowl within 6 hours after having been notified by an animal control officer or law enforcement officer that a livestock animal or domestic water fowl owned or kept by the owner or keeper was trespassing; or

B. The livestock animal or domestic water fowl is an immediate danger to itself, persons or another's property.

3. Civil violation. A person commits a civil violation if a livestock animal or domestic water fowl owned or kept by that person is found trespassing and:

A. That person fails to remove the livestock animal or domestic water fowl within 6 hours after having been personally notified by an animal control officer or law enforcement officer that a livestock animal or domestic water fowl owned or kept by that person was trespassing; or

B. A livestock animal or domestic water fowl of that person had been found trespassing on a prior occasion within the 12 months immediately preceding the present trespass and the owner or keeper had, at that time, been notified by an animal control officer or law enforcement officer of that trespass.

4. Forfeiture. A forfeiture of not more than \$500 must be adjudged for a civil violation under subsection 3. In addition the court may as part of the sentencing include an order of restitution for costs incurred in removing and controlling the livestock animal or domestic water fowl.