

# 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.**

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**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.

**5. Exemption.** A person shall is not ~~be~~ liable under this section if, at the time of the alleged trespass, that person was licensed or privileged to allow the livestock or domestic water fowl to be on the property.

See title page for effective date.

**CHAPTER 105**

**H.P. 369 - L.D. 514**

**An Act to Provide Limited Voting Authority for Associate Supervisors of Maine's Soil and Water Conservation Districts**

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

**Sec. 1. 12 MRSA §103** is enacted to read:

**§103. Associate supervisors**

**1. Appointment of associate supervisors.** By unanimous vote, the board of supervisors of a district established according to section 102 may appoint individuals with training and experience relevant to the duties of the supervisors to serve as associate supervisors.

By unanimous vote, the board of supervisors may designate one or more of the associate supervisors to have voting authority. The board shall maintain a list of individuals designated to have voting authority and shall submit that list to the department. Employees of the district and contract providers to the district may be appointed as associate supervisors but may not be accorded this voting authority. The voting authority accorded associate supervisors is limited under subsection 2.

**2. Limits on voting authority.** When only 2 supervisors are present at a regularly scheduled board meeting, the chair of the meeting may appoint an associate supervisor present and with designated voting authority to serve as a supervisor for that meeting, thereby establishing a quorum. The designated associate supervisor has full voting rights of a supervisor for that meeting.

See title page for effective date.

**CHAPTER 106**

**H.P. 442 - L.D. 592**

**An Act to Amend the Laws Regulating the Installation and Inspection of Septic Systems**

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

**Sec. 1. 30-A MRSA §4211, sub-§5, ¶D,** as enacted by PL 1993, c. 611, §1, is amended to read:

D. A nonengineered subsurface waste water disposal system fee not to exceed ~~\$60~~ \$100 may be charged.

**Sec. 2. Allocation.** The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1997-98	1998-99
<b>HUMAN SERVICES, DEPARTMENT OF</b>		
<b>Plumbing - Control Over</b>		
All Other	\$45,000	\$60,000
Allocates funds due to an increase in the nonengineered subsurface waste water disposal system fee.		

See title page for effective date.

**CHAPTER 107**

**H.P. 616 - L.D. 841**

**An Act to Amend the Dental Licensure Laws to Authorize Special Permits for Instruction in Dentistry and to Identify and Rehabilitate Impaired Dentists**

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

**Sec. 1. 24 MRSA §2502, sub-§1,** as amended by PL 1993, c. 600, Pt. B, §§21 and 22, is further amended to read:

**1. Board.** "Board" means the Board of Licensure in Medicine, the Board of Dental Examiners or the Board of Osteopathic Licensure.

**Sec. 2. 24 MRSA §2502, sub-§4-A,** as amended by PL 1993, c. 600, Pt. A, §17, is further amended to read:

**4-A. Professional review committee.** "Professional review committee" means a committee of physicians, dentists or a combination of members of both professions formed by a professional society for the purpose of identifying and working with physicians, dentists and other licensees of the Board of