

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

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

include examining records without copying or removing them from the department, commission or agency.

B. In making information available to the Auditor, the department, commission or agency that is subject to the audit or investigation or that provides the information may remove information that identifies individuals or institutions to protect privileged or confidential information, provided the information necessary for the Auditor to fulfill the Auditor's official duties is disclosed to the Auditor. If names are removed, another unique identifier must be inserted to enable verification of audit results.

C. Documentary or other information obtained by the Auditor during the course of an audit or investigation is privileged or confidential to the same extent under law that that information would be privileged or confidential in the possession of the department, commission or agency providing the information. Any privilege or statutory provision, including penalties, concerning the confidentiality or obligation not to disclose information in the possession of any department, commission or agency or their officers or employees applies equally to the Auditor. Privileged or confidential information obtained by the Auditor during the course of an audit or investigation may be disclosed only as provided by law and with the agreement of the department, commission or agency subject to the audit or investigation that provided the information.

D. If the Auditor accesses information classified as privileged or confidential pursuant to department, commission or agency policy or procedures or by agreement, the Auditor shall comply with the department, commission or agency standards or procedures for handling that information. The Auditor may include in the audit working papers only such excerpts from information classified as confidential or privileged as may be necessary to complete the audit, provided the use does not infringe on department policies or procedures applicable to the original provision of information.

3. Confidentiality of audit working papers.

Except as provided in this subsection, audit working papers are confidential and may not be disclosed to any person. Prior to the release of the final audit or investigation report, the Auditor has sole discretion to disclose audit working papers to the department, commission or agency subject to the audit or investigation when such disclosure will not prejudice the audit or investigation. After release of the final

audit or investigation report, working papers may be released as necessary to:

A. The department, commission or agency that was subject to the audit or investigation;

B. Federal agencies providing a grant to the audited entity;

C. Law enforcement agencies for the purpose of criminal law enforcement or investigations; or

D. Other auditors in their work reviewing the Department of Audit.

Sec. 2. 36 MRSA §191, sub-§2, ¶U, as reallocated by RR 1995, c. 2, §91 and as amended by PL 1997, c. 526, §14, is further amended to read:

U. The disclosure by employees of the Bureau of Revenue Services to designated representatives of the Secretary of State of information required by the Secretary of State for the administration of the special fuel tax imposed by chapter 459-;

Sec. 3. 36 MRSA §191, sub-§2, ¶V, as reallocated by RR 1995, c. 2, §92 and as amended by PL 1997, c. 526, §14, is further amended to read:

V. The disclosure by employees of the Bureau of Revenue Services, to designated representatives of the Department of Labor, of all information contained on a joint return or report submitted to the tax assessor and required by the tax assessor and the Commissioner of Labor for the administration of the taxes imposed by Part 8 and by Title 26, chapter 13-; and

Sec. 4. 36 MRSA §191, sub-§2, ¶W is enacted to read:

W. The disclosure by the State Tax Assessor to the State Auditor when necessary to the performance of the State Auditor's official duties.

See title page for effective date.

CHAPTER 704

S.P. 768 - L.D. 2069

An Act to Improve Public Health Protection Against Rabies Infection

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

Sec. 1. 7 MRSA §3907, sub-§30, as enacted by PL 1995, c. 409, §2, is repealed and the following enacted in its place:

30. Wolf hybrid. "Wolf hybrid" means a mammal that is the offspring of the reproduction between a species of wild canid or wild canid hybrid and a domestic dog or wild canid hybrid. "Wolf hybrid" includes a mammal that is represented by its owner to be a wolf hybrid, coyote hybrid, coy dog or any other kind of wild canid hybrid.

Sec. 2. 7 MRSA c. 720, first 2 lines, as enacted by PL 1991, c. 779, §26, is amended to read:

CHAPTER 720

RABIES PREVENTION FOR CATS

Sec. 3. 7 MRSA §3916, sub-§1, as amended by PL 1993, c. 468, §9, is further amended to read:

1. Required for cats. ~~An~~ Except as provided in subsection 4, an owner or keeper of a cat over 3 months of age ~~shall~~ must have that cat vaccinated against rabies. Rabies vaccine must be administered by a licensed veterinarian or under the supervision of a licensed veterinarian. Upon receiving an initial vaccination, a cat is considered protected for one year and an owner or keeper of that cat ~~shall~~ must get a booster vaccination for that cat one year after the initial vaccination and ~~every 2 years thereafter~~ subsequent booster vaccinations at intervals that do not exceed the intervals recommended by a national association of state public health veterinarians for the type of vaccine administered.

Sec. 4. 7 MRSA §3916, sub-§2, as amended by PL 1995, c. 490, §7, is further amended to read:

2. Certificate. A licensed veterinarian who vaccinates or supervises the vaccination of a cat shall issue to the owner or keeper a certificate of rabies vaccination ~~from~~ approved by the State and shall indicate on the certificate the date by which a booster vaccination is required pursuant to subsection 1.

Sec. 5. 7 MRSA §3916, sub-§4, as enacted by PL 1991, c. 779, §26, is amended to read:

4. Exception. Notwithstanding any provision of this chapter, an animal shelter operated by a nonprofit organization is not required to vaccinate an abandoned or stray cat received by the shelter.

An owner or keeper of a cat is exempt from the requirements of subsection 1 if a medical reason exists that precludes the vaccination of the cat. To qualify for this exemption, the owner or keeper must have a written statement signed by a licensed veterinarian that includes a description of the cat and the medical reason that precludes the vaccination.

Sec. 6. 7 MRSA §3918 is enacted to read:

§3918. Violation

A person who violates this chapter commits a civil violation for which a forfeiture of not more than \$100 may be adjudged.

Sec. 7. 7 MRSA §3922, sub-§3, as amended by PL 1995, c. 409, §4, is further amended to read:

3. Proof of immunization. A ~~Except as provided in subsection 3-A,~~ a municipal clerk may not issue a license for a dog until the applicant has filed with the clerk proof that the dog has been immunized against rabies in accordance with rules adopted by the Commissioner of Human Services, except that the requirement of immunization may be waived by the clerk under conditions set forth by the Commissioner of Human Services.

The commissioner shall adopt rules that allow the clerk and the commissioner to accept valid proof of immunization against rabies provided by another state.

Sec. 8. 7 MRSA §3922, sub-§3-A is enacted to read:

3-A. Exception to immunization requirement for wolf hybrids. If a person applying for a license declares that the dog is a wolf hybrid, a municipal clerk may issue a license without proof that the dog has been immunized against rabies. In accordance with subsection 5, the license issued for the dog must state that the dog is a wolf hybrid.

Sec. 9. 7 MRSA §3922, sub-§5, as amended by PL 1995, c. 409, §4, is further amended to read:

5. Form of license. The license must state the breed, sex, color and markings of the dog ~~or wolf hybrid~~, whether the animal is a dog or wolf hybrid and the name and address of the owner or keeper. If the person applying for a license declares that the dog is a wolf hybrid, the license must state that the dog is a wolf hybrid. The license must be issued in triplicate and the original must be given to the applicant and the remaining 2 copies must be retained by the municipal clerk or dog recorder.

Sec. 10. 7 MRSA §3922, sub-§6 is enacted to read:

6. Designation of wolf hybrid. An owner or keeper of a dog declared as a wolf hybrid may not change the license designation. A dog that has been declared a wolf hybrid must be treated as a wolf hybrid in accordance with Title 22, chapter 251, subchapter V.

Sec. 11. 22 MRSA §1313-A, first ¶, as enacted by PL 1993, c. 468, §23, is amended to read:

If an undomesticated animal or a ~~domesticated ferret, domesticated wolf or domesticated wolf hybrid~~ suspected of having rabies bites or otherwise exposes to rabies a person or a domestic animal, an animal control officer, a local health officer or a game warden ~~may~~ must immediately remove the undomesticated animal or wolf hybrid or cause the undomesticated animal or wolf hybrid to be removed and euthanized for testing. When in the judgment of the animal control officer, local health officer, game warden or law enforcement officer the animal poses an immediate threat to a person or domestic animal, the animal control officer, local health officer, game warden or law enforcement officer may immediately kill or order killed that animal without destroying the head. The Department of Inland Fisheries and Wildlife shall arrange for the transportation of the head to the State Health and Environmental Testing Laboratory; except that the animal control officer shall make the arrangements if the animal is a ~~domesticated ferret, domesticated wolf or domesticated wolf hybrid~~.

Sec. 12. 22 MRSA §1313-B is enacted to read:

§1313-B. Civil violation, court authorization for removal and other remedies

1. Violation. A person who violates a rule established under this chapter commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged for each offense. In addition, the court may include an order of restitution as part of the sentencing for costs including removing, controlling and confining the animal.

2. Court authorization for removal. When home quarantine procedures, as described on the official notice of quarantine, have been violated, or in the case of a wolf hybrid, when the owner fails to bring the animal to a veterinarian for euthanasia and testing or to turn the animal over to authorities as required by rules established pursuant to this chapter, an animal control officer, person acting in that capacity or law enforcement officer may apply to the District Court or Superior Court for authorization to take possession of the animal for placement, at the owner's expense, in a veterinary hospital, boarding kennel or other suitable location for the remainder of the quarantine period or, in the case of a wolf hybrid, removal for euthanasia. At the end of the quarantine period for domestic animals, or if the animal shows signs of rabies, the person in possession of the animal must report to the court, and the court shall either dissolve the possession order or order the animal euthanized and tested for rabies.

3. Other remedies. In addition to filing a civil action to enforce this section:

A. The municipality may record a lien against the property of the owner or keeper of an animal if the person fails or refuses to comply with an order to confine or quarantine the animal;

B. The municipal officers or their designated agent, such as the animal control officer, shall serve written notice on the owner or keeper of the animal that specifies the action necessary to comply with the order and the time limit for compliance;

C. If the owner or keeper of the animal fails to comply within the time stated, the animal control officer must apply to District Court or Superior Court for an order to seize the animal and make arrangements for quarantine or euthanasia at the owner's or keeper's expense; and

D. If the owner or keeper of the animal fails to pay the costs of confinement or quarantine within 30 days after written demand from the municipal officers, the municipal assessors may file a record of lien against the property of the owner or keeper of the animal.

See title page for effective date.

CHAPTER 705

H.P. 1441 - L.D. 2005

An Act to Conform Maine's Safe Drinking Water Laws with the 1996 Amendments of the Federal Safe Drinking Water Act

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

Sec. 1. 22 MRSA §2601, sub-§8, as amended by PL 1993, c. 410, Pt. DD, §2, is further amended to read:

8. Public water system. "Public water system" means any publicly or privately owned system of pipes or other constructed conveyances, structures and facilities through which water is obtained for or sold, furnished or distributed to the public for human consumption; if such a system has at least 15 service connections, regularly serves an average of at least 25 individuals daily at least 60 days out of the year or bottles water for sale. Any publicly or privately owned system that only stores and distributes water, without treating or collecting it; obtains all its water from, but is not owned or operated by, a public water system; and does not sell water or bottled water to any person; is not a "public water system." The term "public water system" includes any collection, treatment, storage or distribution pipes or other constructed conveyances,