

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 5, 2000 to May 12, 2000**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 11, 2000**

**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**  
**2000**

The report must contain a plan for implementation of this Act and any necessary implementing legislation. Following review of the report, the committee may introduce a bill regarding ambulance operator training to the First Regular Session of the 120th Legislature.

**Sec. 3. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

**2000-01**

**PUBLIC SAFETY,  
DEPARTMENT OF**

**Maine Emergency Medical  
Services**

All Other	\$50,000
Appropriates one-time funds for a consultant to conduct, evaluate and report on the pilot project on ambulance operator training and for training of ambulance operators during the pilot project.	

See title page for effective date.

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**CHAPTER 765**

**S.P. 457 - L.D. 1332**

**An Act to Regulate Commercial  
Large Game Shooting Areas**

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

**Sec. 1. 7 MRSA §1331, sub-§2,** as enacted by PL 1987, c. 685, §1, is amended to read:

**2. License.** The Commissioner of Agriculture, Food and Rural Resources may issue a license for the propagation, possession, purchase or sale of domesticated deer and for the sale of meat from domesticated deer. Any holder of such a license may raise domesticated deer at any season of the year for purposes of propagation. Appropriate certification ~~shall~~ **must** accompany any meat from domestic deer offered for sale. The fee for the license ~~shall be~~ **is** \$20 a year. Except as provided in section 1346, license fees must be deposited in the Animal Industry Fund established in section 1332.

**Sec. 2. 7 MRSA §1332** is enacted to read:

**§1332. Animal Industry Fund**

The Treasurer of State shall establish a separate account known as the Animal Industry Fund. This fund does not lapse but must be carried forward. Except as provided in section 1346, license fees collected under section 1331, subsection 2 and license and tagging fees collected under section 1342, subsections 3 and 4 must be deposited in the account. Funds from this account may be used to pay for administrative costs associated with licenses issued under sections 1331 and 1342, tags issued under section 1342 and other costs associated with administration and enforcement of this chapter and chapter 202-A.

**Sec. 3. 7 MRSA c. 202-A** is enacted to read:

**CHAPTER 202-A**

**COMMERCIAL LARGE GAME SHOOTING  
AREAS**

**§1341. Definitions**

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

**1. Commercial large game shooting area.** "Commercial large game shooting area" means an enclosed area in which large game are kept and a fee is charged to pursue and kill or pursue and attempt to kill large game.

**2. Domesticated bison.** "Domesticated bison" means the genus and species Bison bison.

**3. Domesticated boar.** "Domesticated boar" means a member of a species of Sus scrofa commonly known as the Eurasian boar or Wild Russian boar. "Domesticated boar" does not include members or varieties of the family Suidae or the species Sus scrofa that are commonly raised for commercial meat production.

**4. Domesticated deer.** "Domesticated deer" means fallow deer, family Cervidae, sub-family Cervinae, genus Dama; red deer, family Cervidae, sub-family Cervinae, genus Cervus, species Elaphus; and any other species specified under section 1331, subsection 1-A.

**5. Large game.** "Large game" means domesticated deer, domesticated boar and domesticated bison.

**6. Parcel.** "Parcel" means a contiguous tract of land. Land that is separated by a road that contains frontage along a common portion of that road is considered a contiguous tract.

**7. Person.** "Person" means an individual, partnership, corporation or other legal entity.

**8. Shooting zone.** "Shooting zone" means an area within a parcel that is enclosed to contain one or more species of large game.

**§1342. Commercial large game shooting area license**

Beginning October 1, 2000, a person may not establish or operate a commercial large game shooting area unless that person has a valid license issued in accordance with this section.

The commissioner may issue a license under this chapter only to a person who operated a commercial large game shooting area during the period beginning October 1, 1999 and ending March 15, 2000 and only for large game offered for harvesting within that area during that time period.

**1. Application.** An applicant for a commercial large game shooting area license must submit an application on a form provided by the commissioner along with the required license fee as provided under subsection 3. An application must be submitted for a specific parcel of land, and the applicant must demonstrate in accordance with subsection 9 that the applicant has operated a commercial large game shooting area on that parcel of land between October 1, 1999 and March 15, 2000. The application must include the name and address of the person applying for the license and a map locating the proposed site in relation to known or easily identifiable terrain features, such as a road junction or a stream and road junction. The map must be a copy of a 7.5 or 15 minute series topographical map produced by the United States Geological Survey or a map of equivalent or superior detail in the location of roads.

**2. Land and facility requirements.** To qualify for a license under this section, an applicant must demonstrate that the shooting area meets the following.

A. Each shooting zone in which large game of the deer family are enclosed is a minimum of 50 acres.

B. Each shooting zone in which large game other than that of the deer family are enclosed is a minimum of 200 acres.

C. The total area of land enclosed for operation as a commercial large game shooting area does not exceed 400 acres.

D. A shooting zone is encompassed by fencing or other barriers sufficient to contain the species of large game contained in that shooting area.

E. The applicant owns or leases all of the land to be used as a commercial large game shooting area.

**3. Fees.** The annual fee for a commercial large game shooting area is \$1,000, except that the annual fee for a commercial large game shooting area is \$500 for an operation that is licensed to possess deer under chapter 202 and harvests only deer raised on that farm. Except as provided in section 1346, all fees paid for a license issued under this section must be deposited in the Animal Industry Fund established under section 1332.

**4. Issuance of license.** Upon receipt of a complete application and the license fee, the commissioner shall issue an annual license after determination that the land and facility requirements are met. The commissioner may require inspection of an operation prior to issuing a license to determine compliance with this chapter and rules adopted pursuant to subsection 8. The commissioner may not issue more than one license to a person. Upon issuing a license, the commissioner shall provide the licensee with transport tags to identify an animal killed on the premises of that license holder at a cost of \$25 for each tag. Except as provided in section 1346, transport tag fees must be deposited in the Animal Industry Fund.

**5. Transfer of license.** A person may transfer a license issued in accordance with this section. The license holder must notify the commissioner 30 days prior to a transfer informing the commissioner of the date of the transfer and the name, mailing address and telephone number of the person receiving the transferred license.

**6. Restrictions.** Large game may not be tethered in a shooting area and must be free to roam. A person may shoot or attempt to shoot large game within a shooting area only when that person is in a tree stand or accompanied by the license holder or an employee of the license holder. Shooting is limited to the time period from 1/2 hour before sunrise as defined in Title 12, section 7001 to 1/2 hour after sunset as defined in Title 12, section 7001. A person who kills or attempts to kill large game in a commercial large game shooting area may use only the following weapons:

A. Firearms of any type permitted for hunting under Title 12, Part 10; and

B. Archery equipment of any type permitted for hunting under Title 12, Part 10.

**7. Inspection.** The commissioner or a veterinarian or other person employed by the State may enter at the direction of the commissioner, at any reasonable time, a commercial large game shooting area to make examinations of or conduct tests on large

game for the existence of contagious or infectious diseases and to review records and make observations to determine compliance with this chapter and rules adopted pursuant to subsection 8. When the commissioner requires or conducts tests on large game for the existence of contagious or infectious diseases, the license holder is responsible for costs associated with the tests.

**8. Rulemaking.** The commissioner shall adopt rules in accordance with Title 5, chapter 375 to implement the provisions of this chapter. The initial rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. Subsequent amendments to those rules are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

**9. Verification of existing commercial large game shooting areas.** Prior to issuing a license, the commissioner must verify that the applicant operated a commercial large game shooting area during the period beginning October 1, 1999 and ending March 15, 2000. An applicant may demonstrate compliance with this requirement:

A. By submitting a copy of a published advertisement describing the large game shooting experience offered. The copy must include the name of the publication and the date of the issue in which the advertisement appeared;

B. By submitting a dated receipt for services that includes the name and address of the person who paid for a large game shooting experience and supporting financial records; or

C. By submitting other acceptable verification as determined by the commissioner, including such information required by the commissioner to establish the type of large game harvested or offered for harvesting in that shooting area between October 1, 1999 and March 15, 2000.

#### **§1343. Transport tags**

The owner or operator of a commercial large game shooting area must provide a transport tag for each large game animal killed in that area. A person transporting large game killed at a commercial large game shooting area must have a transport tag secured to the body of the animal that clearly identifies the name and location of the commercial large game shooting area, the species of the animal and the date of the death.

#### **§1344. Violation; penalties**

**1. Operating commercial large game shooting area without license.** A person who operates a

commercial large game shooting area without a license issued under section 1342 is guilty of a Class E crime.

**2. Civil violations.** Except for operating a commercial large game shooting area without a license as provided in subsection 1, a person who violates any provision of this chapter or any rule adopted pursuant to this chapter commits a civil violation for which a forfeiture not to exceed \$500 for a first violation and not to exceed \$1,000 for a 2nd violation may be adjudged.

**3. Revocation of license.** The commissioner may revoke a license issued under section 1342 for any violation of this chapter or rule adopted pursuant to this chapter or any violation of chapter 739 or Title 17, chapter 42, subchapter III.

#### **§1345. Applicability of other laws**

**1. Cruelty to animals.** This chapter does not exempt a person from the provisions of chapter 739 or Title 17, chapter 42, subchapter III.

**2. Control of disease.** The commissioner shall apply and enforce the provisions of chapter 303 and chapter 305 and rules adopted in accordance with those chapters with regard to large game as the commissioner determines necessary to control disease.

#### **§1346. License fees deposited in General Fund**

Notwithstanding section 1331, subsection 2, section 1332 and section 1342, subsections 3 and 4, the first \$1,120 collected each year under those sections for license fees for deer farms and commercial large game shooting areas and transport tag fees must be deposited in the General Fund.

**Sec. 4. 7 MRSA §1751, sub-§2** is amended to read:

**2. Domestic animals.** "Domestic animals" shall mean ~~mean~~ means cattle, horses, mules, asses, goats, sheep, swine, cats, dogs or other domesticated animals; large game as defined in section 1341, subsection 5; and poultry.

**Sec. 5. 7 MRSA §1753, 3rd ¶** is amended to read:

~~He~~ The commissioner shall, so far as possible, control and eradicate the diseases of domestic animals. He The commissioner shall formulate and apply programs for the control and eradication of tuberculosis, brucellosis, forms of transmissible spongiform encephalopathy known as chronic wasting disease and such other diseases as he deems the commissioner considers necessary or practicable so far as funds are available.

**Sec. 6. 7 MRSA §1801, first ¶**, as amended by PL 1977, c. 694, §122, is further amended to read:

The commissioner shall, by rule or regulation adopted in a manner consistent with the Maine Administrative Procedure Act, determine which diseases ~~shall~~ must be classified as "reportable diseases" of domestic animals. The form of transmissible spongiform encephalopathy known as chronic wasting disease is a reportable disease. It ~~shall be~~ is illegal for any owner, agent of any owner, veterinarian or other person having knowledge of their existence or exposure thereto not to properly report the existence of such disease or exposure thereto to the department immediately after knowledge of or exposure to such disease.

**Sec. 7. 7 MRSA §1809, first and 2nd ¶¶**, as amended by PL 1975, c. 497, §3, are further amended to read:

Any person or persons bringing ~~horses, cattle, mules, asses, sheep, goats, swine, cats and dogs domesticated animals~~, wild animals, avian species or fertile eggs of such species, amphibians or reptiles into the State may be required by the commissioner to obtain a permit previous to the time of entry, said permit to accompany shipment. ~~Such~~ For such animals, avian species or the fertile eggs of such species, amphibians or reptiles offered for entry into the State that do not have health status satisfactory to the commissioner, or do not comply with the inland fisheries and game laws or by rules and regulations of the Commissioner of Inland Fisheries and Wildlife, the commissioner may refuse to grant a permit or may issue one subject to quarantine at destination. The commissioner may require the owner to have such ~~horses, cattle, mules, asses, sheep, goats, swine, cats and dogs domesticated animals~~, wild animals, avian species or the fertile eggs of such species, amphibians or reptiles tested or examined by a veterinarian at the owner's expense. The commissioner shall release such ~~horses, cattle, mules, asses, sheep, goats, swine, cats and dogs domesticated animals~~, wild animals, avian species or the fertile eggs of such species, amphibians or reptiles from quarantine only after ~~he~~ the commissioner is satisfied that such ~~horses, cattle, mules, asses, sheep, goats, swine, cats and dogs domesticated animals~~, wild animals, avian species or the fertile eggs of such species, amphibians or reptiles are not a menace to other wild or domestic animals, avian species or fertile eggs of such species, amphibians, reptiles or humans of the State.

~~Horses, cattle, mules, asses, sheep, goats, swine, cats and dogs~~ Domesticated animals, wild animals, avian species or the fertile eggs of such species, amphibians or reptiles brought into the State without a permit, may be condemned by the commissioner or the

Commissioner of Inland Fisheries and Wildlife and euthanized without indemnity.

**Sec. 8. 7 MRSA §1821** is enacted to read:

**§1821. Chronic wasting disease**

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

A. "Chronic wasting disease" means any form of transmissible spongiform encephalopathy.

B. "Susceptible animal" means any animal, whether domestic or wild, belonging to a species that is capable or believed to be capable of contracting chronic wasting disease.

**2. Powers of commissioner.** The commissioner may prohibit the importation of any susceptible animal from a region, state or country where infection by chronic wasting disease has been documented.

**3. Prevention of chronic wasting disease.** The commissioner shall monitor reports of infection by chronic wasting disease and progress in developing diagnostic tests and vaccinations for the disease. The commissioner shall develop a program to prevent, so far as possible, the introduction of chronic wasting disease in the State.

**Sec. 9. 7 MRSA §4011, sub-§1, ¶G**, as amended by PL 1999, c. 254, §12, is further amended to read:

G. Hunts or sells for the purpose of hunting any animal ~~that is not covered by the provisions of,~~ except as permitted pursuant to Title 7, chapter 202-A and Title 12, Part 10; or

**Sec. 10. 7 MRSA §4015, sub-§5**, as enacted by PL 1997, c. 456, §9, is amended to read:

**5. Livestock.** Livestock must be provided with shelter suitable for the health of the animal. Livestock must have access to a constructed or natural shelter that is large enough to accommodate all livestock comfortably at one time. The shelter should be well drained and protect the livestock from direct sun, rain, wind and other inclement weather. Notwithstanding this subsection, shelter for equines must be provided in accordance with subsection 2, paragraph B, subparagraph (1). For purposes of this subsection, "livestock" includes large game as defined in section 1341, subsection 5 kept at a licensed commercial large game shooting area as defined in section 1341, subsection 1.

**Sec. 11. 17 MRSA §1031, sub-§1, ¶G**, as amended by PL 1999, c. 254, §20, is further amended to read:

G. Hunts or sells for the purpose of hunting any animal ~~that is not covered by the provisions of, except as permitted pursuant to Title 7, chapter 202-A and~~ Title 12, Part 10; or

**Sec. 12. 17 MRSA §1037, sub-§5,** as enacted by PL 1997, c. 456, §19, is amended to read:

**5. Livestock.** Livestock must be provided with shelter suitable for the health of the animal. Livestock must have access to a constructed or natural shelter that is large enough to accommodate all livestock comfortably at one time. The shelter should be well drained and protect the livestock from direct sun, rain, wind and other inclement weather. Notwithstanding this subsection, shelter for equines must be provided in accordance with subsection 2, paragraph B, subparagraph (1). For purposes of this subsection, "livestock" includes large game as defined in Title 7, section 1341, subsection 5 kept at a licensed commercial large game shooting area as defined in Title 7, section 1341, subsection 1.

**Sec. 13. Allocation.** The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

**2000-01**

**AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF**

**Division of Animal Health and Industry**

All Other \$25,000

Allocates funds to provide for administrative costs and rulemaking costs from the newly established Animal Industry Fund.

See title page for effective date.

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**CHAPTER 766**

**S.P. 681 - L.D. 1931**

**An Act to Amend the Franchise Law**

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

**Whereas,** the study commission established in this Act must report by November 1, 2000; and

**Whereas,** in order to complete its work and make its report in a timely fashion, the study commission must be convened as soon as possible; 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. 10 MRSA §1174, sub-§3, ¶F-1** is enacted to read:

F-1. To vary or change the cost or the markup in any fashion or through any device whatsoever to any dealer for any motor vehicle of that line make based on:

(1) The purchase by any dealer of furniture or other fixtures from any particular source;  
or

(2) The purchase by any dealer of computers or other technology from any particular source;

**Sec. 2. 10 MRSA §1174, sub-§3, ¶I,** as amended by PL 1997, c. 521, §12, is further amended to read:

I. To prevent or attempt to prevent by contract or otherwise a motor vehicle dealer or an officer, partner or stockholder of a motor vehicle dealer from selling or transferring any part of the interest of any of them to any other person or persons or party or parties, except that a dealer, officer, partner or stockholder does not have the right to sell, transfer or assign the franchise or power of management or control under that franchise without the consent of the manufacturer, distributor or wholesaler, which may not be unreasonably withheld.

A franchisor may not exercise a right of first refusal or other right to acquire a motor vehicle franchise from a franchisee as a means to influence the consideration or other terms offered by a person in connection with the acquisition of the franchise or to influence a person to refrain from entering into, or to withdraw from, negotiations for the acquisition of the franchise.

A franchisor may exercise a right of first refusal or other right to acquire a franchise from a franchisee if all of the following requirements are met: