

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**FIRST REGULAR SESSION**  
**December 6, 2000 to June 22, 2001**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 21, 2001**

**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**  
**2001**

scribed in 15 United States Code, Section 78c(a)(4)(B), Subsections (vii) and (xi), except that this paragraph does not exempt any broker-dealer that enters into a contractual or other written arrangement described in 15 United States Code, Section 78c(a)(4)(B), Subsection (i) with that depository institution from the licensing requirements of section 10301; or

**Sec. 2. 32 MRSA §10501, sub-§1, ¶D,** as amended by PL 1989, c. 542, §36, is further amended to read:

D. Any other persons the administrator may exclude, by rule or order, consistent with the public interest and protection of investors. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 12, 2001.

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**CHAPTER 62**

**H.P. 228 - L.D. 265**

**An Act to Protect Animals and Ensure the Public Has Notice Regarding Veterinary Fees and Care**

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

**Sec. 1. 32 MRSA §4875** is enacted to read:

**§4875. Notice of services**

A person engaged in the practice of veterinary medicine who maintains a facility where veterinary medicine is practiced and animals are kept overnight shall provide a written notice regarding the after-hours staffing policies for the facility to any person who is responsible for an animal and who is releasing that animal to the facility. The notice must include the staffing levels and approximate times that a staff member is present during the hours that the facility is not regularly open to the public. The person responsible for releasing the animal to the facility shall sign and date the notice to acknowledge receipt of the notice. A copy of the signed notice must be kept in the animal's patient file.

A person engaged in the practice of veterinary medicine who fails to comply with this section is subject to discipline by the board.

See title page for effective date.

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**CHAPTER 63**

**S.P. 265 - L.D. 912**

**An Act to Amend the Harness Racing Laws to Provide for Staggered Terms**

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

**Whereas,** the Harness Racing Promotional Board is important to the harness racing industry; and

**Whereas,** continuity is important to the functioning of the Harness Racing Promotional Board; and

**Whereas,** changes in statutory provisions are needed to allow staggered terms for members of the board; 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. 8 MRSA §261-A, sub-§4,** as amended by PL 1997, c. 528, §4, is further amended to read:

**4. Term of office.** Members of the commission serve 3-year terms. For appointments that expire in 2003, the Governor shall appoint one commissioner for a term of one year, 2 commissioners for a term of 2 years and 2 commissioners for a term of 3 years. Any vacancy is filled by appointment for the remainder of the unexpired term of that member. Members whose terms expire serve until their successors are qualified and appointed.

**Sec. 2. 8 MRSA §261-A, sub-§6,** as amended by PL 1997, c. 527, §1 and c. 528, §5, is further amended to read:

**6. Chair.** The Governor shall appoint one of the 5 commission members ~~who has no industry affiliation~~ as chair. The chair serves at the pleasure of the Governor.

**Sec. 3. 8 MRSA §285, sub-§3**, as repealed and replaced by PL 1997, c. 735, §7, is amended to read:

**3. Membership.** The board consists of 9 members and 2 alternates appointed by the commissioner. Full, voting board members must be appointed by the commissioner as follows:

- A. Two persons representing commercial tracks: one representing and recommended by each of the 2 commercial harness racing tracks in the State;
- B. One person recommended by an association in the State representing harness horsemen;
- C. Two persons recommended by an association in the State representing Standardbred breeders and owners;
- D. One person nominated by the Maine Association of Agricultural Fairs;
- E. One person who represents the interests of off-track betting facilities; and
- F. Two persons who are members of the general public with an interest in harness racing.

Alternates must be members of the general public with an interest in harness racing. An alternate may cast a vote as a member of the board upon the absence of a full, voting member.

~~Members serve 3-year terms.~~

**Sec. 4. 8 MRSA §285, sub-§3-A** is enacted to read:

**3-A. Terms.** Members serve 3-year terms. For appointments that expire in 2001, the commissioner shall appoint 3 members for a term of one year, 3 members for a term of 2 years and 3 members for a term of 3 years. Any vacancy is filled by appointment for the remainder of the unexpired term of that member. Members whose terms expire serve until their successors are qualified and appointed.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 12, 2001.

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## CHAPTER 64

S.P. 266 - L.D. 913

### An Act Regarding Variances to the Implementation Dates of the Nutrient Management Law

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

Whereas, the State is encountering increasing numbers of variance requests from Maine citizens regarding the writing and certification of nutrient management plans that have a due date of January 1, 2001; and

Whereas, the Department of Agriculture, Food and Rural Resources does not have clear legislative language to adequately grant variances on the January 1, 2001 due date to Maine farms under current Maine law; and

Whereas, the Department of Agriculture, Food and Rural Resources may need to ask the Department of the Attorney General to seek penalties as of January 1, 2001 if no variances are issued by the department; 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. 7 MRSA §4204, sub-§4**, as amended by PL 1999, c. 530, §4, is further amended to read:

**4. Compliance date for farms operational on March 31, 1998.** Except for a farm requiring a livestock operations permit under section 4205 or as provided in subsection 8, an owner or operator of a farm that was operational on March 31, 1998 and meets the criteria established in subsection 2, paragraph A or B shall have a nutrient management plan prepared for that farm no later than January 1, 2001. Except as provided in subsection 8, the plan must be implemented no later than October 1, 2007.

**Sec. 2. 7 MRSA §4204, sub-§8**, as enacted by PL 1999, c. 530, §4, is amended to read:

**8. Variances.** For farms with compliance dates established in subsection 4, the commissioner may grant a variance from the date by which a nutrient management plan must be prepared and certified when