

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

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NON-EMERGENCY LAWS IS
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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Augusta, Maine
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gibility, rules and benefits and helping the consumer apply for appropriate assistance;

I. Addressing consumer complaints in a timely manner; and

J. Providing the consumer of home care services with information about the services of the long-term care ombudsman under section 5107-A and the availability of legal services.

3. Coordination. The committee shall work to coordinate its efforts with those of any other quality assurance initiatives, committees and working groups within the department relating to the delivery of long-term care services.

4. Annual report. By January 1st each year, the committee shall report to the department, the Long-term Care Implementation Committee established pursuant to Public Law 1999, chapter 731, Part BBBB, section 15 and the joint standing committee of the Legislature having jurisdiction over health and human services matters concerning the committee's work during the year, any specific findings or recommendations regarding the duties imposed in subsection 2 and the actions taken to resolve problems.

5. Rulemaking. The department shall adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

Sec. 2. PL 1999, c. 731, Pt. BBBB, §15, first ¶ and sub-§1 are amended to read:

Sec. BBBB-15. Establishment of the Long-term Care Implementation Committee. There is established the Long-term Care Implementation Committee, referred to in this section as the "committee," to monitor the progress of state departments and offices in implementing the provisions of this Part and the State's long-term care system. The committee shall review the adoption and amendment of rules ~~performed~~ proposed in response to this Part and may make recommendations to the Department of Human Services, to the Department of Mental Health, Mental Retardation and Substance Abuse Services and to the joint standing committee of the Legislature having jurisdiction over health and human services matters ~~for~~ regarding amendments to those rules. The committee shall review the quality of care in the long-term care system.

1. Membership. The committee consists of ~~13~~ 15 members. The President of the Senate shall appoint ~~5~~ 6 members as follows: one member representing providers; one member representing the Long-term Care Steering Committee; ~~one member~~ 2 members representing consumers of long-term care services; and 2 Legislators, one representing the joint

standing committee of the Legislature having jurisdiction over health and human services matters and one representing the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. One Legislator must represent the majority party and one Legislator must represent the minority party. The Speaker of the House of Representatives shall appoint ~~5~~ 6 members as follows: one person representing providers; one member representing the long-term care ombudsman program; ~~one member~~ 2 members representing consumers of long-term care services; and 2 Legislators, one representing the joint standing committee of the Legislature having jurisdiction over health and human services matters and one representing the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. One Legislator must represent the majority party and one Legislator must represent the minority party. The Commissioner of Human Services or the commissioner's designee and 2 other persons representing the Department of Human Services, appointed by the commissioner, are ex officio members of the committee. ~~All appointments must be complete by January 1, 2001.~~

See title page for effective date.

CHAPTER 363

H.P. 1072 - L.D. 1435

An Act to Authorize Animal Shelters to Accept and Provide for Stray Cats

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

Sec. 1. 7 MRSA §3907, sub-§9-A is enacted to read:

9-A. Cat identification. "Cat identification" means:

A. A registered microchip used in conjunction with a visible collar and tag, with a faceted, reflective ear stud or a tipped or notched ear;

B. A collar or collar and tag worn by the cat that provides the current name, address and telephone number of the owner; or

C. A collar and tag providing the name and address of the animal shelter that issued the tag.

Sec. 2. 7 MRSA c. 720 is amended by repealing the chapter headnote and enacting the following in its place:

CHAPTER 720

**RABIES PREVENTION AND SHELTER
PROVISIONS FOR CATS**

Sec. 3. 7 MRSA §§3919 and 3919-A are enacted to read:

§3919. Seizure of stray cats

1. Definition. For the purposes of this chapter, a "stray cat" means a cat on the premises of a person other than the owner of the cat, without the consent of the owner or occupant of the premises, on a public street or on other public property, except under the physical control of the owner.

2. Seizure by animal control officer. An animal control officer or person acting in that capacity may seize a stray cat and deliver it to an animal shelter as provided for in section 3919-A or to the owner, if the owner is known. If ownership can not be established, such a cat may be handled as a homeless cat for the purpose of acceptance and disposition by an animal shelter.

3. Person finding stray cat. A person finding a stray cat and not knowing the owner or residence of the cat may take that cat to the animal shelter designated by the municipality in which the cat was found.

§3919-A. Procedure for acceptance and disposition of stray cats by animal shelter

An animal shelter to which a cat is taken may accept the cat unless the shelter is in quarantine. An animal shelter accepting a cat shall comply with the provisions of this section.

1. Cats with identification. An animal shelter that accepts a cat with cat identification shall make a reasonable attempt to notify the owner by telephone or by sending a written notice within 24 hours of accepting the cat. Except as provided in subsections 4 and 5, the animal shelter shall hold the cat for a period of 6 days beginning on and including the day of acceptance. If the owner claims the cat within the 6-day period, the animal shelter shall release the cat to the owner upon payment of any municipal impoundment fee and actual fees incurred for food, shelter and veterinary care. Upon expiration of the 6-day period, ownership of the cat is vested with the animal shelter and the animal shelter may then handle the cat as a homeless cat for disposition in accordance with subsection 2.

2. Homeless cats. When an animal shelter accepts a cat under section 3919 and that cat does not have cat identification, the animal shelter shall hold the cat for not less than 24 hours. After the 24-hour

period, the animal shelter may treat the cat as a homeless cat and may:

A. Offer the cat for adoption, sell or give away the cat; or

B. Otherwise dispose of the cat humanely in accordance with Title 17, chapter 42, subchapter IV.

An animal shelter may not sell or give a cat to a research facility.

3. Owner's claim after 6-day period. An owner may reacquire a cat at any time prior to its disposition under subsection 2 upon payment of any municipal impoundment fee and actual fees incurred for food, shelter and veterinary care and any other reasonable fee imposed by the animal shelter.

4. Euthanasia for severely sick, severely injured or extremely vicious cat. A humane agent, an animal control officer or an animal shelter may authorize in writing the immediate euthanasia of a severely sick, severely injured or extremely vicious cat upon determining that the animal control officer of the municipality where the cat was found has been notified or, if the cat has cat identification, the owner of the cat has been notified.

5. Immunity. A veterinarian, a humane agent, an animal control officer or an animal shelter, including a person employed by an animal shelter, is not civilly liable to the owner of a cat for the loss of that cat resulting from actions taken in compliance with this section.

Nothing in this subsection grants to an animal shelter or person any immunity from liability arising from the gift, sale or other transference of a cat to a research facility in violation of subsection 2.

See title page for effective date.

CHAPTER 364

H.P. 1069 - L.D. 1432

An Act to Encourage Greater Acquisition, Deployment and Use of Automated External Defibrillators

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

Sec. 1. 22 MRSA c. 421 is enacted to read: