

# 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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**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**

**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.

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**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:

**CHAPTER 421****AUTOMATED EXTERNAL DEFIBRILLATORS****§2150-C. Automated external defibrillators**

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

A. "Automated external defibrillator" or "AED" means a medical device approved by the United States Food and Drug Administration that:

(1) Is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia;

(2) Is capable of determining whether defibrillation should be performed on an individual;

(3) Upon determination that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual's heart; and

(4) Upon action by an operator, delivers an appropriate electrical impulse to the individual's heart to perform defibrillation.

B. "Department" means the Department of Public Safety.

**2. Prohibition.** A person may not use an AED on another person unless the person using the AED:

A. Has successfully completed a course, approved by the American Red Cross, the American Heart Association or the department, in the use and operation of the AED; and

B. Has made a reasonable attempt to summon appropriate emergency services personnel when communication is possible.

This subsection does not apply to a person licensed under Title 32, chapter 2-B or to a health care practitioner, as defined in Title 24, section 2502, subsection 1-A, if the practitioner has received training in the use of an AED.

The department may provide periodic training bulletins and other information to persons owning and using an AED.

**3. Duties.** A person who owns or leases an AED shall:

A. Consult with a licensed physician for technical assistance in the selection and storage loca-

tion of an AED, training of potential operators, protocols for use and use review;

B. Notify the Maine Emergency Medical Services within the department of:

(1) The existence, location and type of AED the person possesses; and

(2) The clinical use made of the AED; and

C. Maintain and test the AED in accordance with the applicable standards of the manufacturer and any other standards prescribed by the department.

**4. Penalties.** A person who violates any provision of this section commits a civil violation for which a civil forfeiture not exceeding \$50 may be adjudged.

**5. Effect on other law.** This section is not intended to modify or limit and may not be interpreted as modifying or limiting the immunities provided under Title 14, section 164.

See title page for effective date.

**CHAPTER 365****H.P. 236 - L.D. 273****An Act to Clarify that Polluters Who Violate the Environmental Laws on Private Land are Liable for Their Actions**

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

**Sec. 1. 12 MRSA §685-C, sub-§11** is enacted to read:

**11. Landowner liability for actions of others.**

An owner, lessee, manager, easement holder or occupant of premises is not subject to criminal sanctions or civil penalties or forfeitures for a violation of laws or rules enforced by the commission if that person provides substantial credible evidence that the violation was committed by another person other than a contractor, employee or agent of the owner, lessee, manager, easement holder or occupant. This subsection does not prevent the commission or a court from requiring an owner, lessee, manager, easement holder or occupant of premises to remediate or abate environmental hazards or damage or to reimburse the commission for the cost of remediation or abatement. An owner, lessee, manager, easement holder or occupant of premises is subject to criminal sanctions or civil penalties or forfeitures for failure to comply with a lawful administrative order or court