

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.

J.S. McCarthy Company
Augusta, Maine
2001

administration of that section. The loan fund must be administered by the commissioner. The department has authority over the loan fund and may do all things necessary or convenient in the administration of the loan fund and shall formulate and adopt rules pursuant to ~~the Maine Administrative Procedure Act~~, Title 5, chapter 375 governing the administration, maintenance, loan disbursements ~~and~~, loan repayments, making of grants and collections of the loan fund, and perform all other functions ~~which that~~ the laws of this State specifically authorize or ~~which that~~ are necessary or appropriate. All money and securities in the loan fund must be held in trust by the Treasurer of State for the purposes of the loan program established and grants authorized under section 63 and may not be money or property for the general use of the State, except that during the fiscal year ending June 30, 1991, the State may transfer up to \$400,000 to the undedicated General Fund revenues. The Treasurer of State shall invest the money of the fund in accordance with law. The fund does not lapse.

Sec. B-2. 26 MRSA §62, sub-§2, as enacted by PL 1985, c. 372, Pt. A, §7, is amended to read:

2. Loans and grants from fund. The loan fund may make loans and grants in accordance with section 63.

Sec. B-3. 26 MRSA §63, first ¶, as enacted by PL 1985, c. 372, Pt. A, §7, is amended to read:

The department may administer a statewide program to make low interest loans and to make grants to improve safety and promote healthful working conditions in factories, workshops and workplaces in this State. This program ~~shall be~~ is known as the Occupational Safety Loan Program.

Sec. B-4. 26 MRSA §63, sub-§2-A, as amended by PL 1991, c. 93, §4, is further amended to read:

2-A. Commission on Safety and Health in the Maine Workplace. The Commission on Safety and Health in the Maine Workplace shall review loan and grant proposals under this section. The commission shall meet at least twice yearly for this purpose in Augusta or any other place designated by the chair.

Sec. B-5. 26 MRSA §63, sub-§2-B is enacted to read:

2-B. Grant program. The department may issue grants to employers or to training or other service providers for services to assist employers in providing a safe and healthful workplace. The total of grants in any fiscal year may not exceed the total revenue from interest payments and returns on investments credited to the Occupational Safety Loan Fund in the previous fiscal year.

Sec. B-6. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Part.

	2001-02	2002-03
LABOR, DEPARTMENT OF		
Occupational Safety Loan Fund		
All Other	\$30,000	\$30,000
Provides for the allocation of funds for safety and health grants to eligible recipients.		

See title page for effective date.

CHAPTER 399

H.P. 1260 - L.D. 1695

An Act to Clarify, Enhance and Strengthen the Animal Welfare Laws of Maine

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

Whereas, an active Animal Welfare Advisory Council is vital to the functioning of the animal welfare laws and rules; and

Whereas, the Commissioner of Agriculture, Food and Rural Resources is seeking the assistance of the council in making revisions to the animal welfare laws and rules; 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. 5 MRSA §12004-I, sub-§2-C, as enacted by PL 1991, c. 779, §2, is amended to read:

2-C.	Animal Welfare Advisory-Committee Council	Expenses Only	7 MRSA §3906-C
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Sec. 2. 7 MRSA §3906-B, sub-§15, as enacted by PL 1995, c. 502, Pt. C, §12, is amended to read:

15. Annual report. The commissioner shall report the activities of the commissioner annually by March 1st to the joint standing committee of the Legislature having jurisdiction over agricultural matters. This report must include a summary of cases of cruelty to animals investigated by the commissioner, a summary of final dispositions of those cases and an account of deposits into and payments from the spaying and neutering fund.

Sec. 3. 7 MRSA §3906-C, as amended by PL 1995, c. 502, Pt. C, §13, is repealed and the following enacted in its place:

§3906-C. Animal Welfare Advisory Council

The Animal Welfare Advisory Council, as established by Title 5, section 12004-I, subsection 2-C and referred to in this section as the "council," shall advise the commissioner on matters pertaining to animal welfare.

1. Membership. The council consists of 11 members appointed by the Governor as follows:

A. One member representing municipal interests;

B. One animal control officer;

C. One member representing licensed animal shelters;

D. One member representing licensed boarding or breeding kennels;

E. One member representing licensed pet shops;

G. One member who is or has been a veterinarian licensed to practice in the State;

H. One member who represents the interests of the public in animal welfare, generally;

I. One attorney with experience in animal welfare law;

J. One cooperative extension agent or specialist;

K. One member with expertise in equine care; and

L. One member with expertise in livestock representing a statewide farming organization.

In making the appointment of the veterinarian member, the Governor shall consider nominations made by the Maine Veterinary Medical Association.

2. State member; staff. The commissioner or the commissioner's designee serves as an ex officio nonvoting member. The department shall provide necessary staffing services to the council.

3. Compensation. Members of the council are entitled to travel and meal expenses only.

4. Terms of office. Except for initial appointees and the commissioner or the commissioner's designee, each member serves for a term of 3 years or until the member's successor has qualified. Except for the commissioner or the commissioner's designee, a member may not serve more than 2 consecutive terms. In the case of a vacancy for any reason, the Governor shall appoint a member representing the same interest to fill the unexpired term.

5. Initial terms of office. Initially, 4 appointed members serve for one year, 4 members serve for 2 years and 3 members serve for 3 years.

6. Administration; meetings. The council shall elect one of its members as chair. The chair serves for a 2-year period and may not serve as chair for consecutive 2-year periods.

The council shall hold regular public meetings every other month but may waive by majority vote a succeeding meeting. The chair shall call special meetings of the council whenever requested in writing by 2 or more members. The council shall send notice and minutes of the meetings to the joint standing committee of the Legislature having jurisdiction over animal welfare matters.

7. Duties. The council shall perform the following duties:

A. Review and advise the commissioner on proposed revisions to the animal welfare laws and rules;

B. Assist the commissioner in the continuing implementation and evaluation of the animal welfare laws and rules;

C. Review training programs for humane agents and animal control officers and make recommendations for training appropriate to the duties of the humane agents and animal control officers;

D. Research options for increasing revenue to the Animal Welfare Fund to ensure funding for the implementation and enforcement of the animal welfare laws and rules, periodically evaluate the adequacy of funding for those laws and rules and make recommendations to the commissioner; and

E. Advise the commissioner on other matters related to the animal welfare laws and rules.

Sec. 4. 7 MRSA §3907, sub-§12-D, as enacted by PL 1999, c. 350, §1, is amended to read:

12-D. Dangerous dog. "Dangerous dog" means a dog that bites an individual who is not trespassing on the dog owner's or keeper's premises at the time of the bite or a dog that causes a reasonable and prudent person who is not on the dog owner's or keeper's premises and is acting in a reasonable and nonaggressive manner to fear imminent bodily ~~harm~~ injury by ~~attacking~~ assaulting or threatening to ~~attack~~ assault that individual or individual's domestic animal. "Dangerous dog" does not include a dog certified by the State and used for law enforcement use.

For the purposes of this definition, "dog owner's or keeper's premises" means the residence or residences, including buildings and land and motor vehicles, belonging to the owner or keeper of the dog.

Sec. 5. 7 MRSA §3952, sub-§1, as amended by PL 1999, c. 350, §2, is further amended to read:

1. Procedure. Any person who is assaulted or threatened with imminent bodily injury by a dog or any person witnessing an assault or threatened assault against a person or domesticated animal or a person with knowledge of an assault or threatened assault against a minor, within 30 days of the assault or threatened assault, may make written complaint to the sheriff, local law enforcement officer or animal control officer that the dog is a dangerous dog.

Upon investigation of the complaint, the sheriff, local law enforcement officer or animal control officer may issue a civil violation summons for keeping a dangerous dog.

If, upon hearing, the court finds that the dog is a dangerous dog as defined in section 3907, subsection 12-D, the court may impose a civil forfeiture and shall:

- A. Order the dog muzzled, restrained, confined to the premises of its owner or keeper or confined in a secure enclosure. The court may set standards for that enclosure; or
- B. Order the dog to be euthanatized if it has killed, maimed or inflicted serious bodily injury upon a person or has a history of a prior assault.

The court may order restitution in accordance with Title 17-A, chapter 54 for any damages inflicted upon a person or a person's property.

Sec. 6. 25 MRSA §1544, 2nd ¶, as amended by PL 1997, c. 47, §1, is further amended to read:

The bureau shall establish a category for abuse by adults of family or household members, a category for cruelty to animals and a category for crimes that manifest evidence of prejudice based on race, religion, disability, sexual orientation or ethnicity that are

supplementary to its other reported information. The bureau shall prescribe the information to be submitted in the same manner as for all other categories of the uniform crime reports.

Sec. 7. Application. That section of this Act that repeals and replaces the Maine Revised Statutes, Title 7, section 3906-C, subsection 1, changing the composition of the Animal Welfare Advisory Committee, must be fully implemented no later than September 1, 2001.

Sec. 8. Report by Commissioner of Agriculture, Food and Rural Resources to Joint Standing Committee on Agriculture, Conservation and Forestry. Before January 1, 2002, the Commissioner of Agriculture, Food and Rural Resources, in consultation with the Animal Welfare Advisory Council, shall submit recommendations regarding funding and implementation of the Department of Agriculture, Food and Rural Resources' responsibilities regarding animal welfare laws and rules and legislation necessary to implement the recommendations to the Joint Standing Committee on Agriculture, Conservation and Forestry. The Joint Standing Committee on Agriculture, Conservation and Forestry may report out legislation during the Second Regular Session of the 120th Legislature to make revisions to the animal welfare laws.

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

Effective June 13, 2001.

CHAPTER 400

S.P. 379 - L.D. 1217

An Act to Create Uniform Underwriting Standards for Determining Eligibility for Certain Group Policies

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

Sec. 1. 24-A MRSA §2808-B, sub-§1, ¶D, as repealed and replaced by PL 1997, c. 445, §12 and affected by §32, is amended to read:

D. "Eligible group" means any person, firm, corporation, partnership, association or subgroup engaged actively in a business that employed an average of 50 or fewer eligible employees during the preceding calendar year, more of whom are employed within this State than in any other state.