

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**November 13, 2002 to November 14, 2002**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 2002 to June 14, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**FEBRUARY 13, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 13, 2003**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

that were originally purchased from that licensee by the person returning the packages or original containers.

See title page for effective date.

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## CHAPTER 350

### H.P. 902 - L.D. 1228

#### **An Act To Address Concerns Regarding the Breeding and Sale of Certain Small Mammals**

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

**Whereas,** significant health and animal welfare concerns exist regarding the breeding and sale of small mammals as pets; and

**Whereas,** certain breeders and sellers of certain small mammals are not currently regulated at either the state or federal level; and

**Whereas,** children are often in contact with these animals in both home and school settings; 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 §3933, sub-§3** is enacted to read:

**3. Records.** A person maintaining a pet shop, as defined in section 3907, shall keep a record of each animal received by the pet shop, except for mice and fish. The record must include the name and address of the person or company from whom the animal was received and the name and address of the person buying or otherwise acquiring the animal from the pet shop. The record must be kept on file for a period of 2 years following the sale or other disposition of the animal by the pet shop.

**Sec. 2. Report on and recommendations for regulation of breeders and sellers of small mammals.** The Commissioner of Agriculture, Food and Rural Resources shall report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than December 31, 2003 on the need for additional regulation of breeders and sellers of small

mammals commonly kept as pets. The commissioner or the commissioner's designee shall include in the report a summary of state and federal statutes and regulations that currently apply to breeders and sellers of small mammals commonly kept as pets, including gerbils, hamsters, guinea pigs, ferrets, rats and mice. The commissioner shall make recommendations regarding the need for additional authority to regulate the breeding and sale of small mammals to address public health and consumer protection concerns as well as animal welfare issues. The Joint Standing Committee on Agriculture, Conservation and Forestry may report out a bill during the Second Regular Session of the 121st Legislature to implement recommendations regarding the regulation of breeders and sellers of small mammals.

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

Effective May 30, 2003.

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## CHAPTER 351

### H.P. 655 - L.D. 878

#### **An Act To Provide Peer Support and Advocacy Services To Participants in the ASPIRE-TANF Program and the Parents as Scholars Program**

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

**Sec. 1. 22 MRSA §3789-E** is enacted to read:

**§3789-E. Peer support and advocacy demonstration project**

**1. Project established.** The department shall establish a peer support and advocacy demonstration project, referred to in this section as "the project," to provide information, support and advocacy services for participants in the ASPIRE-TANF program, as established in section 3781-A, and the Parents as Scholars Program, as established in section 3790, subsection 1.

**2. Project design.** The department shall establish in 4 of its offices peer support and advocacy groups made up of ASPIRE-TANF program and Parents as Scholars Program participants who, on a volunteer basis, are available to assist their peers in the programs by answering questions or assisting them in resolving problems they may be having in either of the programs. The peer support and advocacy groups shall meet regularly with the management of the ASPIRE-TANF program and Parents as Scholars Program to discuss systemic issues and methods of

improving administration of the programs. The time spent by a volunteer in a peer support and advocacy group in activities pursuant to the project may count either toward fulfilling the participation requirements for the ASPIRE-TANF program under section 3788, subsections 10 and 11 or toward fulfilling the program requirements for the Parents as Scholars Program under section 3790, subsection 3, whichever applies to the volunteer.

**3. Project specifications.** The project must meet the following specifications:

A. The department shall provide notice to ASPIRE-TANF program and Parents as Scholars Program participants in the 4 offices selected for the project pursuant to subsection 2 that peer support, information and advocacy services are available to them and ensure that the project is designed to provide, to the maximum extent feasible, access to those services;

B. Volunteers in a peer support and advocacy group must receive adequate training from the department to provide the services available under this project. Training must include, without limitation, the establishment of relationships and coordination with relevant advocacy groups;

C. Volunteers shall maintain the confidentiality of ASPIRE-TANF program and Parents as Scholars Program participants with whom they are working;

D. Volunteers in a peer support and advocacy group are authorized to work directly with ASPIRE-TANF program workers and Parents as Scholars Program workers and supervisors to help resolve problems identified by participants from whom they have received a request for assistance;

E. Each peer support and advocacy group is responsible for identifying and documenting systemic problems facing ASPIRE-TANF program and Parents as Scholars Program participants served by its office and reporting those problems to the department and to the Maine Temporary Assistance for Needy Families Advisory Council established by Title 5, section 12004-I, subsection 36-C; and

F. The department or any employee of the department may not penalize, retaliate against or discriminate against any ASPIRE-TANF program or Parents as Scholars Program participant for seeking assistance from a volunteer in a peer support and advocacy group or against any volunteer in a peer support and advocacy group acting within the scope of the volunteer's role. If a volunteer in a peer support and advocacy group

or an ASPIRE-TANF program or Parents as Scholars Program participant believes this paragraph has been violated, the individual or the individual's representative may request a fair hearing pursuant to Title 5, chapter 375, subchapter 4.

**4. Report.** The department shall provide a report on the status and progress of the project to the Joint Standing Committee on Health and Human Services by March 1, 2004.

**5. Repeal.** This section is repealed July 1, 2005.

See title page for effective date.

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## CHAPTER 352

### S.P. 263 - L.D. 768

#### An Act To Improve the Administration of the Baxter Compensation Program

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

**Whereas,** the compensation panel of the Baxter Compensation Program has begun processing claims for compensation for persons abused while students at the Governor Baxter School for the Deaf or the Maine School for the Deaf; and

**Whereas,** the current law could be read to require the release to the public of the details of the abuse that each claimant suffered; and

**Whereas,** keeping the details of abuse confidential is seen as necessary for some survivors of the abuse to come forward and is important in continuing the healing process without jeopardizing the health and welfare of the deaf community; 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 §22002, sub-§6, ¶H,** as enacted by PL 2001, c. 439, Pt. T, §5, is amended to read:

H. The authority shall submit an annual written report by January 15th of each year to the Governor, the Attorney General and the joint stand-