

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.

Penmor Lithographers
Lewiston, Maine
2003

considers necessary to determine whether the public interest will be served by the issuance of the license. The commissioner may issue the license provided that the research or teaching institution, by reason of its standards, facilities, practices or activities, is a fit and proper institution to receive the license and that its issuance is in the public interest. The standards for licensure ~~shall be~~ are those contained in the United States Code, Title 7, Section 2143, and any federal regulations issued pursuant to that law. Nothing in this chapter may be construed to be more restrictive than federal law. In the case of conflict between state law and federal law or a mandatory rule, regulation or order of the Federal Government or its agencies, the federal law, rule, regulation or order ~~shall govern~~ governs. Each research or teaching institution licensed under this chapter, before issuance of the license, shall pay to the commissioner a license fee of ~~\$50~~ \$200. Each license ~~shall expire~~ expires on June 30th next following the date of issue. The commissioner shall annually renew each license upon the application of the licensee, unless, after notice and hearing as provided in this chapter, ~~the commissioner~~ the commissioner finds that, by reason of the standards, facilities, practices or activities of the licensee, the renewal is not in the public interest. The commissioner, after notice and hearing as provided in this chapter, may modify, fail to renew, suspend or revoke any license if ~~the commissioner~~ the commissioner finds that, by reason of the standards, facilities, practices or activities of the licensee, the continuation of the license is not in the public interest.

Sec. 23. 7 MRSA §4013, sub-§2, as enacted by PL 1987, c. 383, §3, is amended to read:

2. Water. If potable water is not accessible to the animal at all times, it ~~shall must~~ be provided daily and in sufficient quantity for the health of the animal. Snow or ice is not an adequate water source.

Sec. 24. 17 MRSA §1031, sub-§1-B, as enacted by PL 2001, c. 425, §8, is amended to read:

1-B. Aggravated cruelty to animals. A person is guilty of aggravated cruelty to animals if that person, in a manner manifesting a depraved indifference to animal life or suffering, intentionally, knowingly or recklessly:

- A. Causes extreme physical pain to an animal;
- B. ~~Kills~~ Causes the death of an animal; or
- C. Physically tortures an animal.

Sec. 25. Appropriations and allocations. The following appropriations and allocations are made.

**AGRICULTURE, FOOD AND RURAL RESOURCES,
DEPARTMENT OF**

Animal Welfare Fund 0946

Initiative: Allocates funds for 2 additional District Humane Agent positions, increased operating costs and the costs of establishing a spay/neuter pet program to benefit low-income families.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(2,000)	(2,000)
Personal Services	\$88,500	\$120,000
All Other	147,032	194,042
<hr/>		
Other Special Revenue		
Funds Total	\$235,532	\$314,042

Animal Welfare Fund 0946

Initiative: Allocates funds for the newly established Animal Welfare Auxiliary Fund.

Other Special Revenue Funds	2003-04	2004-05
All Other	\$500	\$500
<hr/>		
Other Special Revenue		
Funds Total	\$500	\$500

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF DEPARTMENT TOTALS

	2003-04	2004-05
OTHER SPECIAL REVENUE FUNDS	\$236,032	\$314,542
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DEPARTMENT TOTAL - ALL FUNDS	\$236,032	\$314,542

See title page for effective date.

CHAPTER 406

S.P. 524 - L.D. 1561

An Act To Clarify the InforME Public Information Access Act

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

Sec. 1. 1 MRSA §532, sub-§2-A is enacted to read:

2-A. Electronic services. "Electronic services" means services provided by InforME through electronic means. "Electronic services" may include, but is not limited to, providing access to information, processing credential renewals, completing forms and filing documents.

Sec. 2. 1 MRSA §532, sub-§6, as enacted by PL 1997, c. 713, §1, is amended to read:

6. Subscriber. "Subscriber" means a person who, in exchange for a fee established under section 534, subsection 5, paragraph G, receives premium

services or other electronic services available for a statutory fee or at no charge.

Sec. 3. 1 MRSA §533, sub-§1, as enacted by PL 1997, c. 713, §1, is amended to read:

1. Electronic gateway. To serve as a self-supporting and cost-effective electronic gateway to provide and enhance access to the State's public information for individuals, businesses and other entities and to provide electronic services;

Sec. 4. 1 MRSA §533, sub-§§8 and 9, as enacted by PL 1997, c. 713, §1, are amended to read:

8. Private-public partnerships and inter-agency cooperation. To promote opportunities for private-public partnerships and interagency cooperation; and

9. Innovative uses of information. To provide opportunities for innovative uses of public information; and

Sec. 5. 1 MRSA §533, sub-§10 is enacted to read:

10. Collection of funds. To collect funds for information and electronic services provided and transactions conducted electronically. State funds must be either directly deposited into an account of the Treasurer of State or transferred in a timely manner to a state deposit account as mutually agreed upon by the Treasurer of State and InforME.

Sec. 6. 1 MRSA §534, sub-§5, ¶G, as enacted by PL 1997, c. 713, §1, is amended to read:

G. Review revenue and expenditures and approve premium services fees and fee schedules to be levied by the network manager.

(1) Fees must be sufficient to maintain, develop, operate and expand InforME on a continuing basis.

(2) Fees for premium services must be reasonable but sufficient to support the maximum amount of information and services provided at no charge.

(3) The board may establish fee schedules that include no charge for designated services for one or more specified classes of users. If services are to be provided at no charge to libraries, the services must be provided to libraries designated as depository libraries for government documents pursuant to 44 United States Code, Chapter 19 and to any other libraries the board designates.

(4) Fees must be sufficient to ensure that, to the extent possible, data custodians do not suffer loss of revenues from sources that are approved or authorized by law due to the operations of InforME.

(5) Fees must be sufficient to ensure that data custodians are reimbursed for the actual costs of providing data to InforME.

(6) Fees must be sufficient to meet the expenses of the board; and

(7) The board may approve, when applicable, service level agreements entered into by InforME and data custodians for information, electronic services and transactions provided by InforME.

(8) The board may establish a subscription fee for subscribers;

Sec. 7. 1 MRSA §534, sub-§5, ¶¶K and L, as enacted by PL 1997, c. 713, §1, are amended to read:

K. Adopt rules pursuant to the Maine Administrative Procedure Act to carry out this chapter. Notwithstanding Title 5, section 8071, subsection 2, rules adopted pursuant to this paragraph are routine technical rules; and

L. Report annually beginning January 1, 1999 to the joint standing committee of the Legislature having jurisdiction over state government matters. The report must include a complete list of services offered through the InforME system, the fees associated with services and the criteria used to determine which services are offered as premium services. In its January 1, 1999 report, the board must also include an analysis of the feasibility of offering premium services at no charge to depository libraries or other libraries in the State; and

Sec. 8. 1 MRSA §534, sub-§5, ¶M is enacted to read:

M. Authorize the network manager to collect funds pursuant to section 533, subsection 10 for information and electronic services provided and transactions conducted electronically.

Sec. 9. 1 MRSA §535, sub-§2, ¶¶I and J, as enacted by PL 1997, c. 713, §1, are amended to read:

I. Seek advice from the general public, subscribers, professional associations, academic groups and institutions and individuals with knowledge of and interest in areas of networking, electronic

mail, public information access, gateway services, add-on services and electronic filing of information; ~~and~~

J. Ensure that confidential information is not disclosed by the network manager without the express authorization of the data custodian; ~~and~~

Sec. 10. 1 MRSA §535, sub-§2, ¶K is enacted to read:

K. Collect funds for electronic services and information provided and distribute funds collected to the appropriate data custodians or agencies pursuant to section 533, subsection 10;

See title page for effective date.

CHAPTER 407

S.P. 492 - L.D. 1486

An Act To Comply with Federal Election Laws Including the Help America Vote Act of 2002

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

Whereas, the federal Help America Vote Act of 2002, HAVA, requires Maine to adopt rules establishing an administrative complaint procedure to address grievances concerning Title III of HAVA; and

Whereas, such rules must be in effect by the September 30, 2003 certification deadline of Maine's initial state plan required under Section 254 of HAVA; 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. 21-A MRSA §1, sub-§2-A, as enacted by PL 1985, c. 614, §2, is repealed.

Sec. 2. 21-A MRSA §1, sub-§23-A is enacted to read:

23-A. Member of the merchant marine. "Member of the merchant marine" means a person, other than a member of a uniformed service or a person employed, enrolled or maintained on the Great Lakes or the inland waterways, who is:

A. Employed as an officer or crew member of a vessel documented under the laws of the United States, a vessel owned by the United States or a vessel of foreign-flag registry under charter to or control of the United States; or

B. Enrolled with the United States for employment or training for employment, or maintained by the United States for emergency relief service, as an officer or crew member of a vessel described in paragraph A.

Sec. 3. 21-A MRSA §1, sub-§27-B is enacted to read:

27-B. Overseas voter. "Overseas voter" means:

A. A person who resides outside the United States and who was qualified to vote in the last place in which the person was domiciled in the State before leaving the United States; or

B. A person who resides outside the United States and, except for such residence, would be qualified to vote in the last place in which the person was domiciled in the State before leaving the United States.

Sec. 4. 21-A MRSA §1, sub-§§46-A and 46-B are enacted to read:

46-A. Uniformed service. "Uniformed service" means the United States Army, Navy, Air Force, Marine Corps and Coast Guard, the commissioned corps of the United States Public Health Service and the commissioned corps of the National Oceanic and Atmospheric Administration.

46-B. Uniformed service voter. "Uniformed service voter" means:

A. A member of a uniformed service on active duty who, by reason of active duty or service, is absent from the place of residence in the State where the member is otherwise qualified to vote;

B. A member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; or

C. A spouse or dependent of a member referred to in paragraph A or B who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote.

Sec. 5. 21-A MRSA §112, sub-§§4, 7 and 8, as amended by PL 1993, c. 695, §3, are further amended to read: