

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

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

Penmor Lithographers
Lewiston, Maine
2004

of permitting its submission to the legal voters within the Town of Verona at a special or regular town meeting or election held prior to January 1, 2005. The election must be called, advertised and conducted according to the law relating to municipal elections, except that the registrar of voters is not required to prepare or the town clerk to post a new list of voters. The registrar of voters must be in session on the secular day next preceding the election. The town clerk shall prepare the required ballots, on which the town clerk shall reduce the subject matter of this Act to the following question:

"Do you favor changing the name of the Town of Verona to "Town of Verona Island"?"

The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion on the question.

The results must be declared by the municipal officers of the Town of Verona and due certificate of the results filed by the town clerk with the Secretary of State.

This Act takes effect immediately upon its acceptance by a majority of the legal voters in the Town of Verona at the election.

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

Effective pending referendum.

CHAPTER 535

H.P. 1253 - L.D. 1731

An Act To Expand the State Fire Marshal's Responsibilities and To Clarify That the Commissioner of Public Safety Will Follow the Maine Administrative Procedure Act when Adopting Certain Rules

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

Sec. 1. 17-A MRSA §1001, sub-§2, ¶A, as enacted by PL 1975, c. 499, §1, is amended to read:

A. "Explosives" means gunpowders, powders used for blasting all forms of high explosives, blasting materials, fuses (other than electric circuit breakers), detonators, and other detonating agents, smokeless powders, and any chemical compounds, mechanical mixtures or other ingredients in such proportions, quantities or packing that ignition by fire, by friction, by chemical re-

action, by concussion, by percussion or by detonation or deflagration of the compound or material or any part thereof may cause an explosion; and

Sec. 2. 25 MRSA §2396, sub-§3, as repealed and replaced by PL 1973, c. 632, §6, is amended to read:

3. Explosives. The storage, sale and use of combustibles, flammables, incendiary devices and explosives;

Sec. 3. 25 MRSA §2452, as amended by PL 2003, c. 411, §§2 and 3, is further amended to read:

§2452. Life safety and property protection

The Commissioner of Public Safety shall adopt and may amend, after notice ~~and public hearing~~ in accordance with the Maine Administrative Procedure Act, reasonable rules governing the safety to life from fire in or around all buildings or other structures and mass outdoor gatherings, as defined in Title 22, section 1601, subsection 2, within the commissioner's jurisdiction. These rules do not apply to nursing homes having 3 or fewer patients. Automatic sprinkler systems may not be required in existing noncommercial places of assembly. Noncommercial places of assembly include those facilities used for such purposes as deliberation, worship, entertainment, amusement or awaiting transportation that have a capacity of 100 to 300 persons.

1. Effective date. The rules, and amendments to the rules, become effective when reviewed for form and legality by the Office of the Attorney General and a certified copy of them has been approved in writing by the Commissioner of Public Safety and filed with the Secretary of State.

2. Rights declared. Any person aggrieved by a rule or by an act of the commissioner in enforcing the rule may have that person's rights declared by bringing an action for declaratory judgment under Title 14, chapter 707, naming the commissioner as defendant.

3. Violation. A person who violates a rule issued by the commissioner under this section ~~must be punished by a fine of not more than \$100 or by imprisonment for not more than 90 days, or by both commits a Class E crime.~~ commits a Class E crime.

Existing buildings licensed pursuant to Title 22, Subtitle 6, having more than 6 boarders, with the exception of board and care facilities and children's homes, must comply with any rules for residential-custodial care facilities required by the Commissioner of Public Safety, except that such existing facilities of not more than 2 stories in height are not required to be fire resistive, protected or unprotected noncombusti-

ble, protected wood frame or heavy timber construction. Such existing facilities must be protected by a complete approved automatic sprinkler system and meet all other requirements of residential-custodial care facilities as required by the Commissioner of Public Safety.

Existing boarding care facilities licensed pursuant to Title 22, ~~sub~~ Subtitle 6, must comply with the applicable fire safety requirements of the Life Safety Code adopted by the Commissioner of Public Safety pursuant to Title 22, section 7856.

Existing children's homes licensed pursuant to Title 22, Subtitle 6, must comply with the applicable fire safety requirements of the Life Safety Code of the National Fire Protection Association adopted by the Commissioner of Public Safety pursuant to Title 22, section 8103.

See title page for effective date.

CHAPTER 536

H.P. 1264 - L.D. 1742

An Act To Amend the Laws Regarding Humane Agents and Kennel Licenses

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

Sec. 1. 7 MRSA §3906-B, sub-§9-A, ¶F, as enacted by PL 2003, c. 405, §2, is amended to read:

F. Training for humane agents.

Sec. 2. 7 MRSA §3907, sub-§17, as amended by PL 1995, c. 409, §1, is further amended to read:

17. Kennel. "Kennel" means ~~one pack or collection of 5 or more~~ dogs or wolf hybrids kept in a single location under one ownership for breeding, hunting, show, training, field trials and exhibition purposes. The sale or exchange of one litter of puppies within a 12-month period alone does not constitute the operation of a kennel.

Sec. 3. 7 MRSA §3909, sub-§3-A, as enacted by PL 2003, c. 405, §6, is amended to read:

3-A. Humane agents; training requirements. Continuing employment of a humane agent hired after October 1, 2003 is contingent upon the successful completion by that agent of a 100-hour service training program at the Maine Criminal Justice Academy or a nationally recognized training program on investigation and enforcement of animal welfare

laws and the successful completion of an examination on state animal welfare laws and rules adopted pursuant to this Part.

A humane agent, regardless of appointment date, shall complete training in the handling of small and large animals and a minimum of 40 hours of training each year, including a combination of classroom and hands-on training.

Sec. 4. 7 MRSA §3923-C, sub-§1, as amended by PL 1997, c. 690, §17, is further amended to read:

1. License necessary. A person having ~~a pack or collection of 5 or more~~ dogs for the purposes set forth in section 3907, subsection 17 shall obtain a kennel license from the clerk of the municipality where the dogs are kept and that person is subject to rules adopted by the department. The sex, registered number and description are not required ~~of~~ for the dogs covered by a kennel license. The license expires December 31st annually. The kennel license permits the licensee or authorized agent to transport under control and supervision the kennel dogs in or outside the State.

See title page for effective date.

CHAPTER 537

H.P. 1288 - L.D. 1766

An Act To Simplify the Finance Authority of Maine Act

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

Sec. 1. 10 MRSA §962, sub-§1, as amended by PL 1985, c. 344, §5, is further amended to read:

1. Loans. Encourage the making of ~~mortgage~~ loans to finance the planning, development, acquisition, construction, improvement, expansion and placing in operation of industrial, manufacturing, recreational, fishing, agricultural and other business and natural resource enterprises;

Sec. 2. 10 MRSA §962, sub-§4, as amended by PL 1989, c. 559, §1, is further amended to read:

4. Small businesses and veteran-owned small businesses. Encourage the making of ~~mortgage~~ loans to small businesses and veteran-owned small businesses;

Sec. 3. 10 MRSA §963-A, sub-§§6 and 8, as enacted by PL 1985, c. 344, §7, are amended to read: