

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

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

Penmor Lithographers
Lewiston, Maine
2005

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

Sec. 1. 1 MRSA §224 is enacted to read:

§224. State soft drink

Moxie, a registered trademarked soft drink invented by Maine-born Dr. Augustin Thompson of Union that symbolizes spirit and courage, is the official state soft drink.

See title page for effective date.

CHAPTER 137

H.P. 290 - L.D. 388

An Act To Ensure Continued Federal Funding of the Maine Developmental Disabilities Council

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

Whereas, enactment of the designation of the Maine Developmental Disabilities Council as the designated state agency before July 1, 2005 will assist in making the transition of the newly aligned responsibilities in the new Department of Health and Human Services for the next fiscal year; 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. 34-B MRSA §17001, sub-§5, as enacted by PL 2003, c. 417, §3 and affected by §4, is amended to read:

5. Designated state agency. ~~In accordance with Notwithstanding subsection 2, the council is the designated state agency for the purposes of the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000, the State shall identify an agency to act as the designated state agency to provide support for the council Public Law 106-402. The As the designated state agency must, the council shall~~ meet all requirements specified in 42 United States Code, Section 15025.

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

Effective May 20, 2005.

CHAPTER 138

H.P. 907 - L.D. 1309

An Act To Exempt Agricultural Guard Dogs and Herding Dogs from the Barking Dog Ordinances

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

Sec. 1. 7 MRSA §3950, as amended by PL 1991, c. 779, §40, is further amended to read:

§3950. Local regulations

Each municipality is empowered to adopt or retain more stringent ordinances, laws or regulations dealing with the subject matter of this chapter, except that municipalities may not adopt breed-specific ordinances, laws or regulations. Any less restrictive municipal ordinances, laws or regulations are invalid and of no force and effect.

1. Certain agricultural working dogs exempt from barking dog ordinances. A municipal ordinance, law or regulation that prohibits or limits barking dogs does not apply to dogs engaged in herding livestock or to agricultural guard dogs engaged in protecting livestock or warning the owners of danger to the livestock. For the purposes of this subsection, the term "livestock" has the same meaning as in section 3907, subsection 18-A.

See title page for effective date.

CHAPTER 139

H.P. 453 - L.D. 620

An Act To Clarify the Liquor Enforcement Laws

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

Sec. 1. 25 MRSA §2801-B, sub-§1, ¶H, as amended by PL 2003, c. 688, Pt. A, §25, is further amended to read:

H. The State Fire Marshal; ~~or~~

Sec. 2. 25 MRSA §2801-B, sub-§1, ¶J, as enacted by PL 2003, c. 400, §4, is amended to read: