

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

moose hunting permits issued under subsection 2 for each wildlife management district and are at no cost to the organization.

See title page for effective date.

CHAPTER 144

H.P. 68 - L.D. 72

An Act To Review Climate Change Policy Effectiveness

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

Sec. 1. 38 MRSA §578, as enacted by PL 2003, c. 237, §1, is amended to read:

§578. Progress evaluation

By January 1, 2006 and by that date every 2 years thereafter, the department shall evaluate the State's progress toward meeting the reduction goals specified in section 576, review the cost-effectiveness of the actions taken toward meeting the reduction goals and shall amend the action plan as necessary to ensure that the State can meet the reduction goals. The department shall submit a report of its evaluation to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2006 and by that date every 2 years thereafter. The joint standing committee of the Legislature having jurisdiction over natural resources matters is authorized to report out legislation relating to the evaluation to the second regular session of any Legislature. Starting no earlier than January 1, 2008, the department may recommend to the joint standing committee of the Legislature having jurisdiction over natural resources matters that the reduction goals specified in section 576 be increased or decreased.

See title page for effective date.

CHAPTER 145

H.P. 660 - L.D. 941

An Act To Make an Exception to the Law Regarding Licensing of Fair Vendors Selling Tobacco Products

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

Whereas, the fair season will begin before this Act takes effect; and

Whereas, the vendors need to know before the fair season begins how many licenses they need to purchase; 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. 22 MRSA §1552, sub-§3, as enacted by PL 1995, c. 470, §9 and affected by §19, is amended to read:

3. Multiple licenses. **A** Except as provided in subsection 3-A, a licensee applying for licenses to operate more than one premises or more than one vending machine shall obtain a separate license for each premises and each machine and shall pay the fee prescribed for each premises and each machine.

Sec. 2. 22 MRSA §1552, sub-§3-A is enacted to read:

3-A. Seasonal mobile tobacco vendor license. An applicant who is a seasonal mobile tobacco vendor may purchase a single annual license authorizing that vendor to operate at 2 or more agricultural fairs, festivals or exhibitions held during the agricultural fair season. A license issued under this subsection must clearly specify the name and location of each fair, festival or exhibition at which the licensee is authorized to operate and, for each location, the specific dates and number of machines for which the licensee is authorized. A licensee may not operate at any agricultural fair, festival or exhibit except as specifically provided in that license. Upon issuing a license under this subsection, the department shall immediately provide the information required by this subsection to the Office of the Attorney General for purposes of inspection and enforcement.

Sec. 3. Seasonal mobile tobacco vendor license; fee. In determining the sliding-scale licensing fee that applies to a seasonal mobile tobacco vendor license sold under the Maine Revised Statutes, Title 22, section 1552, subsection 3-A, the Department of Health and Human Services shall consider the "total square footage of the retail establishment," referred to in Public Law 2005, chapter 12, Part TT, section 2, to be the square footage of equipment or other personal property owned or leased by the licensee that is located at the agricultural fair, festival or exhibition.

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

Effective May 20, 2005.

CHAPTER 146

H.P. 759 - L.D. 1106

An Act To Amend Certain Animal Health Laws

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

Sec. 1. 7 MRSA §1751, first ¶, as amended by PL 1977, c. 78, §29, is further amended to read:

As used in this chapter and chapters 201, 202, 202-A, 207, 301, 303 and 305, unless the context otherwise indicates, the following words ~~shall~~ have the following meanings:

Sec. 2. 7 MRSA c. 307 is enacted to read:

CHAPTER 307

STATE OF MAINE ANIMAL RESPONSE TEAM

§1901. State of Maine Animal Response Team

The commissioner shall develop a State of Maine Animal Response Team, referred to in this section as "the team," to support a unifying network that protects human and animal health through preparation, response and recovery for animal emergencies in the State. The team shall facilitate a prompt, coordinated and effective response to a natural or man-made disaster affecting animals; decrease the health and safety threat to humans and animals during animal emergencies; and minimize the economic and environmental impacts of animal emergencies.

§1902. State of Maine Animal Response Team Fund

The Treasurer of State shall establish a separate account known as the State of Maine Animal Response Team Fund. This fund does not lapse but must be carried forward. The commissioner may accept money from any public or private source for deposit into the fund. The fund may be used to pay costs associated with the administration and activities undertaken by the State of Maine Animal Response Team in accordance with section 1901.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Animal Health and Industry 0394

Initiative: Provides initial allocations for the State of Maine Animal Response Team Fund.

OTHER SPECIAL REVENUE

FUNDS	2005-06	2006-07
All Other	\$500	\$500

OTHER SPECIAL REVENUE

FUNDS TOTAL	\$500	\$500
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See title page for effective date.

CHAPTER 147

H.P. 1098 - L.D. 1560

An Act To Transfer the Pest Control Compact from the Department of Conservation to the Department of Agriculture, Food and Rural Resources

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

Sec. 1. 7 MRSA c. 410 is enacted to read:

CHAPTER 410

PEST CONTROL COMPACT

§2311. Pest Control Compact

The Pest Control Compact is enacted into law and entered into with all other jurisdictions legally joining the compact in the form substantially as provided in this chapter.

§2312. Findings -- Article I

The party states find that in the absence of the higher degree of cooperation among them possible under this compact, the annual loss of approximately \$137,000,000,000 from the depredations of pests is virtually certain to continue, if not to increase.

Because of varying climatic, geographic and economic factors, each state may be affected differently by particular species of pests, but all states share the inability to protect themselves fully against those pests that present serious dangers to them.

The migratory character of pest infestations makes it necessary for states, both adjacent to and distant from one another, to complement each other's activities when faced with conditions of infestation and reinfestation.