

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

(7) The Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf;

Sec. 16. 26 MRSA §1419-A, sub-§4, as amended by PL 2003, c. 553, Pt. A, §3, is further amended to read:

4. Specialized customer communications equipment needs in public school system. The Department of Education, in consultation with the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf and advocacy groups for deaf and hard-of-hearing persons and for the information technology interests of consumers, shall conduct an annual survey of all public schools in the State for the purpose of assessing the need for specialized customer communications equipment in the school system and report its findings to the joint standing committee of the Legislature having jurisdiction over labor matters. The report must include: the number of deaf and hard-of-hearing students and their needs for specialized customer communications equipment; the availability of specialized customer communications equipment; the number of requests for specialized customer communications equipment; and the status of training for teachers and other school personnel in the use of specialized customer communications equipment.

Sec. 17. 35-A MRSA §8704, sub-§1, ¶E, as amended by PL 2001, c. 377, §3, is further amended to read:

E. Eight members appointed by the Governor as follows:

- (1) One member from the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf;
- (2) One member from a statewide association for the deaf;
- (3) One member from a center on deafness;
- (4) One member from a company providing telecommunications relay service in this State;
- (5) One member of a telephone association in this State;
- (6) Two members from the general public who must rely on TTYs for telecommunications; and
- ~~7.~~ (7) One member representing a cellular or wireless service provider.

See title page for effective date.

CHAPTER 280

H.P. 884 - L.D. 1287

An Act Pertaining to the Use of Muzzle-loading Firearms during Muzzle-loading Deer Season

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

Sec. 1. 12 MRSA §11404, sub-§1, as amended by PL 2003, c. 614, §4 and affected by §9, is repealed.

Sec. 2. 12 MRSA §11404, sub-§1-A is enacted to read:

1-A. Muzzle-loading-only open season on deer. There is a special muzzle-loading open season on deer immediately following the regular deer hunting season established under section 11401, subsection 1, paragraph A for the purpose of hunting deer only with:

A. A muzzleloader as defined in section 10001, subsection 42-A that is 40 caliber or greater and capable of firing only a single charge;

B. A muzzle-loading shotgun as defined in section 10001, subsection 42-B; or

C. A traditional muzzleloader as defined in section 10001, subsection 62-A that uses projectiles that are 40 caliber or greater or that uses buckshot.

The commissioner may terminate this open season at any time in an area if, in the commissioner's opinion, an immediate emergency action is necessary due to adverse weather conditions or severe hunting pressure. The length of the special muzzle-loading season is as follows.

The commissioner shall establish by rule the length of the special muzzle-loading season. The commissioner may establish seasons of different lengths in different regions of the State. The season may extend for no more than 12 hunting days in any part of the State.

See title page for effective date.

CHAPTER 281

H.P. 129 - L.D. 178

An Act To Support Animal Welfare

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

Sec. 1. 7 MRSA §714, sub-§4 is enacted to read:

4. Surcharge on registration of pet food. For each brand of pet food registered in accordance with subsection 1, the applicant shall pay a \$20 surcharge in addition to the registration fee. The commissioner shall deposit the surcharge into the Animal Welfare Fund established under section 3906-B, subsection 2.

Sec. 2. 7 MRSA §1820-A, sub-§4 is enacted to read:

4. Surcharge. A person submitting a sample to the department for an official test for equine infectious anemia shall pay a surcharge of \$4 for each sample tested by the department. The commissioner shall collect the surcharge and deposit all money received under this subsection into the animal welfare auxiliary fund established under section 3906-B, subsection 16. All revenue collected pursuant to this subsection must be used for investigating alleged cases of mistreatment or abuse of equines and enhancing enforcement of this Part and Title 17, chapter 42 as these laws pertain to equines.

Sec. 3. 7 MRSA §3906-B, sub-§2, as amended by PL 2001, c. 422, §3, is further amended to read:

2. Animal Welfare Fund. The commissioner shall deposit all license fees received pursuant to chapters 721, 723, 725 and 735 in a separate account established by the Treasurer of State and known as the Animal Welfare Fund. The commissioner shall deposit 1/2 of feed registration fees collected under section 714, subsection 1 and all revenue from the surcharge collected under section 714, subsection 4 in the Animal Welfare Fund. This account does not lapse, but continues from year to year. The commissioner shall pay from the Animal Welfare Fund the expense of furnishing license blanks, stickers and tags, travel expenses and salaries for necessary personnel, payments to animal shelters and expenses incurred in the administration of this Part.

The commissioner shall annually transfer \$100,000 from the Animal Welfare Fund for deposit in the Companion Animal Sterilization Fund established under section 3910-B.

Sec. 4. 7 MRSA §3906-B, sub-§16, as enacted by PL 2003, c. 405, §3, is amended to read:

16. Animal welfare auxiliary fund. The commissioner may accept gifts, donations, bequests, endowments, grants and matching funds from any private or public source for the purposes of ensuring the humane and proper treatment of animals and enhancing the administration and enforcement of this Part and Title 17, chapter 42. The commissioner shall

deposit all funds accepted for these purposes into a separate, nonlapsing account known as the animal welfare auxiliary fund. All gifts, donations, bequests, endowments, grants and matching funds received must be used for the benefit of and accomplishment of the objectives in this Part and Title 17, chapter 42 and any gift, donation, bequest, endowment, grant or matching funds accepted with a stipulated purpose may be used only for that purpose.

All money deposited in the animal welfare auxiliary fund in accordance with section 1820-A, subsection 4 must be used for investigating alleged cases of mistreatment or abuse of equines and enhancing enforcement of this Part and Title 17, chapter 42 as these laws pertain to equines.

Sec. 5. 7 MRSA §3910-B, sub-§1, as enacted by PL 2003, c. 682, §4, is amended to read:

1. Establishment. There is established the Companion Animal Sterilization Fund, an interest-bearing account, referred to in this section as "the fund." The fund receives money deposited by the Treasurer of State pursuant to Title 36, section 5284-A, revenues generated in accordance with this section, all revenue from the surcharges collected under section 3931-A, subsection 4 and section 3933, subsection 4, money transferred from the Animal Welfare Fund in accordance with section 3906-B, subsection 2 and any money contributed voluntarily to the fund.

All money deposited in the fund and the earnings on that money remain in the fund to be used for the spaying or neutering of companion animals owned by persons meeting income limit standards and for the necessary administrative and personnel costs associated with the management of the fund and may not be deposited in the General Fund or any other fund except as specifically provided by law.

Sec. 6. 7 MRSA §3931-A, sub-§4 is enacted to read:

4. Surcharge on sale of dogs and cats that have not been neutered. A person maintaining a breeding kennel shall collect a surcharge of \$25 on each cat or dog sold that has not been neutered and forward the entire surcharge to the department for deposit in the Companion Animal Sterilization Fund established under section 3910-B.

Sec. 7. 7 MRSA §3933, sub-§4 is enacted to read:

4. Surcharge on sale of dogs and cats that have not been neutered. A person maintaining a pet shop shall collect a surcharge of \$25 on each cat or dog sold that has not been neutered and forward the entire surcharge to the department for deposit in the

Companion Animal Sterilization Fund established under section 3910-B.

Sec. 8. 17 MRSA §1031, sub-§1-B, as amended by PL 2003, c. 452, Pt. I, §15 and affected by Pt. X, §2, is further 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. Causes the death of an animal; or
- C. Physically tortures an animal.

Violation of this subsection is a Class C crime. Notwithstanding Title 17-A, section 1301, the court shall impose a fine of not less than \$1,000 and not more than \$10,000 for a first or subsequent violation of this subsection. The sentencing provisions in subsection 3-B also apply to a person convicted of aggravated cruelty to animals.

Sec. 9. Appropriations and allocations. The following appropriations and allocations are made.

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Animal Welfare Fund 0946

Initiative: Allocates additional funds for the Animal Welfare Fund.

OTHER SPECIAL REVENUE FUNDS		
All Other	2005-06	2006-07
	\$72,750	\$97,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$72,750	\$97,000
-----------------------------------	----------	----------

Animal Welfare Fund 0946

Initiative: Deallocates funds from the Animal Welfare Fund to reflect an annual transfer to the Companion Animal Sterilization Fund.

OTHER SPECIAL REVENUE FUNDS		
All Other	2005-06	2006-07
	(\$100,000)	(\$100,000)

OTHER SPECIAL REVENUE FUNDS TOTAL	(\$100,000)	(\$100,000)
-----------------------------------	-------------	-------------

Animal Welfare Fund 0946

Initiative: Allocates additional funds for the animal welfare auxiliary fund.

OTHER SPECIAL REVENUE FUNDS		
All Other	2005-06	2006-07
	\$16,500	\$22,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$16,500	\$22,000
-----------------------------------	----------	----------

Animal Welfare Fund 0946

Initiative: Allocates additional funds for the Companion Animal Sterilization Fund.

OTHER SPECIAL REVENUE FUNDS		
All Other	2005-06	2006-07
	\$25,500	\$34,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$25,500	\$34,000
-----------------------------------	----------	----------

Animal Welfare Fund 0946

Initiative: Allocates funds to reflect an annual transfer to the Companion Animal Sterilization Fund from the Animal Welfare Fund.

OTHER SPECIAL REVENUE FUNDS		
All Other	2005-06	2006-07
	\$100,000	\$100,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$100,000	\$100,000
-----------------------------------	-----------	-----------

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

DEPARTMENT TOTALS

OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
	\$114,750	\$153,000

DEPARTMENT TOTAL - ALL FUNDS	\$114,750	\$153,000
-------------------------------------	-----------	-----------

See title page for effective date.

CHAPTER 282

H.P. 400 - L.D. 524

An Act To Facilitate Reimbursement of Public Utilities Relocation Costs

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

Whereas, federal funds may be lost if this Act is not adopted as an emergency; 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: