

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

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
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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)
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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
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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
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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
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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
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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:

Sec. 1. 23 MRSA §4210-A is enacted to read:

§4210-A. Payment for cost of relocating utility facilities underground in federally designated historic districts on federal aid highways

1. Reimbursement. The department, in the course of delivering the federal surface transportation program, 23 United States Code, Section 133 (2005) may reimburse a National Register Historic District or the community in which the National Register Historic District is located for the portion of the cost to move or relocate overhead utilities underground to the extent that such payments by the department are eligible for reimbursement under the federal surface transportation program pursuant to 23 United States Code, Section 133 (2005). To be eligible for this reimbursement, the project must be located in a National Register Historic District and on the National Highway System and may not increase the department's cost or liability in complying with the National Historic Preservation Act, 16 United States Code, Sections 470 to 470x-6 (2005) or with 49 United States Code, Section 303 (2005). For the purposes of this section, "National Register Historic District" means a district that is individually listed in the National Register of Historic Places pursuant to the National Historic Preservation Act, 16 United States Code, Sections 470 to 470x-6 (2005).

The amount paid in any biennium under this section may not exceed federal surface transportation program funds available under 23 United States Code, Section 133 (2005) to reimburse the State in that biennium.

2. Rules. The department may adopt rules necessary to implement this section. The rules must be consistent with any applicable federal regulations relating to the cost of relocation and with rules adopted pursuant to section 255. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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

Effective June 2, 2005.

CHAPTER 283

S.P. 407 - L.D. 1179

An Act Concerning Persons Who Hold Durable Powers of Attorney or Act as Responsible Parties for Residents of Long-term Care Facilities

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

Whereas, the improper management of the property and financial affairs of principals by individuals with actual or apparent management authority jeopardizes the ability of principals to live in nursing homes and other supported-living settings when costs of care or rent remain unpaid; and

Whereas, this jeopardy may be removed and proper financial management secured if improper behavior by an agent is brought to the attention of the Probate Court; and

Whereas, financial exploitation may be discouraged, the welfare of elderly persons with physical or mental challenges and of disabled adults may be enhanced and their ability to remain in nursing homes and other supported-living settings may be improved; 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. 18-A MRSA §5-404, sub-§(c) is enacted to read:

(c) A petition for a protective order made under oath may be used to initiate court consideration, accounting and remediation of the actions of any individual responsible for the management of the property or affairs of another. In the case of an emergency, the petition must be given priority scheduling by the court.

(1) The petition must include the following information and may include other information required by rule:

(i) Name, address and telephone number of the petitioner;

(ii) Name, address and telephone number of the principal;

(iii) Name, address and telephone number of the person with actual or apparent authority to manage the property or affairs of the principal;

(iv) Facts concerning the extent and nature of the principal's inability to manage the principal's property or affairs effectively