

# 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**

## CHAPTER 340

## H.P. 155 - L.D. 204

An Act To Protect Dogs That Are  
Left Outside

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

**Sec. 1. 7 MRSA §4015, sub-§2, ¶B**, as amended by PL 1997, c. 456, §8, is further amended to read:

B. Except as provided in ~~subsection~~ subsections 5 and 6, shelter from inclement weather must be as follows.

(1) An artificial shelter, with a minimum of 3 sides and a waterproof roof, appropriate to the local climatic conditions for the species concerned must be provided as necessary for the health of the animal.

(2) If a dog is tied or confined unattended outdoors under weather conditions that adversely affect the health of the dog, a shelter of suitable size with a floor above ground and waterproof roof must be provided to accommodate the dog and protect it from the weather and, in particular, from severe cold. Inadequate shelter may be indicated by the shivering of the dog due to cold weather for a continuous period of 30 minutes.

**Sec. 2. 7 MRSA §4015, sub-§6** is enacted to read:

**6. Dogs confined by tethering for long time periods.** In addition to the requirements of subsection 2, paragraph B, subparagraph (2), when tethering is the primary means of confinement for a dog, the standards for shelter and tethering are as follows:

A. A shelter must be provided that is fully enclosed except for a portal. The portal must be of a sufficient size to allow the dog unimpeded passage into and out of the structure. For dogs other than arctic breeds, the portal must be constructed in a manner that keeps wind and precipitation out of the interior. The shelter must have clean bedding material sufficient to retain the dog's normal body heat; and

B. The chain or tether must be attached to both the dog and the anchor using swivels or similar devices that prevent the chain or tether from becoming entangled or twisted. The chain or tether must be attached to a well-fitted collar or harness on the dog. For dogs other than arctic breeds, the

chain or tether must be at least 5 times the length of the dog measured from the tip of its nose to the base of its tail. For arctic breeds, the chain or tether must be at least 2.5 times the length of the dog measured from the tip of its nose to the base of its tail.

For the purposes of this subsection, "primary means of confinement" means the method used to confine a dog for periods of time that exceed 12 hours in a 24-hour period. For the purposes of this subsection, "arctic breeds" means Siberian Huskies, Alaskan Huskies, Alaskan Malamutes and other dogs with a double-layered coat and bred to live in an arctic climate.

**Sec. 3. 17 MRSA §1037, sub-§2, ¶B**, as amended by PL 1997, c. 456, §18, is further amended to read:

B. Except as provided in ~~subsection~~ subsections 5 and 7, shelter from inclement weather must be as follows.

(1) An artificial shelter, with a minimum of 3 sides and a waterproof roof, appropriate to the local climatic conditions for the species concerned must be provided as necessary for the health of the animal.

(2) If a dog is tied or confined unattended outdoors under weather conditions that adversely affect the health of the dog, a shelter of suitable size with a floor above ground and waterproof roof must be provided to accommodate the dog and protect it from the weather and, in particular, from severe cold. Inadequate shelter may be indicated by the shivering of the dog due to cold weather for a continuous period of 30 minutes.

**Sec. 4. 17 MRSA §1037, sub-§7** is enacted to read:

**7. Dogs confined by tethering for long time periods.** In addition to the requirements of subsection 2, paragraph B, subparagraph (2), when tethering is the primary means of confinement for a dog, the standards for shelter and tethering are as follows:

A. A shelter must be provided that is fully enclosed except for a portal. The portal must be of a sufficient size to allow the dog unimpeded passage into and out of the structure. For dogs other than arctic breeds, the portal must be constructed in a manner that keeps wind and precipitation out of the interior. The shelter must have clean bedding material sufficient to retain the dog's normal body heat; and

B. The chain or tether must be attached to both the dog and the anchor using swivels or similar devices that prevent the chain or tether from becoming entangled or twisted. The chain or tether must be attached to a well-fitted collar or harness on the dog. For dogs other than arctic breeds, the chain or tether must be at least 5 times the length of the dog measured from the tip of its nose to the base of its tail. For arctic breeds, the chain or tether must be:

(1) At least 2.5 times the length of the dog measured from the tip of its nose to the base of its tail if the anchor is stationary; or

(2) At least 1.5 times the length of the dog measured from the tip of its nose to the base of its tail if the anchor is a pivot point allowing a 360° area of movement.

For the purposes of this subsection, "primary means of confinement" means the method used to confine a dog for periods of time that exceed 12 hours in a 24-hour period. For the purposes of this subsection, "arctic breeds" means Siberian Huskies, Alaskan Huskies, Alaskan Malamutes and other dogs with a double-layered coat and bred to live in an arctic climate.

See title page for effective date.

---



---

## CHAPTER 341

### H.P. 430 - L.D. 597

#### An Act To Amend the Solid Waste Landfill Laws

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

**Sec. 1. 38 MRSA §1310-S, sub-§2,** as amended by PL 1997, c. 624, §15, is further amended to read:

**2. Public hearing.** The department may hold an adjudicatory public hearing within the municipality in which the facility may be located or in a convenient location in the vicinity of the proposed facility. The department shall hold an adjudicatory public hearing on an application for a new or expanded commercial or state-owned solid waste disposal facility that accepts special waste upon request from a resident or a property owner in the municipality in which the proposed facility is located. Upon a timely request for an adjudicatory hearing from 5 or more residents in the municipality in which the facility is located or abutting property owners of the facility, the commissioner shall hold an adjudicatory public hearing on an application for a vertical increase in the approved final elevation that would increase the waste disposal

capacity of a commercial or state-owned solid waste disposal facility that accepts special waste or the commissioner shall request that the board assume jurisdiction in accordance with section 344, subsection 2-A. At a hearing on an application for a vertical increase in the approved final elevation that would increase the waste disposal capacity, the testimony is limited to issues related to relevant standards of review under chapter 13, subchapter 1-A. The hearing must be conducted in accordance with Title 5, chapter 375, subchapter 4. Administrative expenses of a hearing held pursuant to this subsection and all costs incurred by the department in processing an application must be paid for by the applicant person applying for the license as provided in department rules.

**Sec. 2. Resolve 2003, c. 93, §1, sub-§5** is amended to read:

5. Notwithstanding the Maine Revised Statutes, Title 38, section 1310-U, the municipality in which the disposal facility is located may not regulate the operation or any other aspect of the disposal facility as provided in Title 38, section 2173 or by means of any municipal ordinances, regulations, licenses or permits, except that the municipality may enact ordinances with respect to the operation of any expansion of the disposal facility, including any expansion of the type of waste the facility is licensed to accept, that contain standards the municipality finds reasonable, including, without limitation, standards concerning conformance with federal and state solid waste rules; fire safety; traffic safety; levels of noise heard outside the facility; the distance from existing residential, commercial or institutional uses; groundwater protection; surface water protection; erosion and sedimentation control; and compatibility of the disposal facility with local zoning and land use controls, as long as the standards are not more strict than those contained in Title 38, chapter 3, subchapter 1, articles 5-A and 6 and Title 38, chapter 13 and the rules adopted under those chapters. The municipality is prohibited from enacting stricter standards than those contained in Title 38, chapter 13 governing the hydrogeological criteria for siting or designing the expansion of or the governing of the engineering criteria related to waste handling and disposal areas of the expanded disposal facility. Such municipal ordinances must use definitions consistent with those adopted by the Department of Environmental Protection, Board of Environmental Protection. The municipal officers of the City of Old Town and the Town of Alton shall establish a joint citizen advisory committee consisting of 7 8 members, of which 5 must be from the City of Old Town and 2 from the Town of Alton and one from the Penobscot Nation. In appointing members to the committee, the municipal officers shall use Title 38, section 2171, subsection 1 as guidance. The Penobscot Nation shall appoint one member of the committee. The committee shall meet as soon as