

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2005**

Domtar Woodland Mill on Main Street and north on Main Street to the Louisiana-Pacific Oriented Strand Board mill in Baileyville.

B. Allowable truck configuration under this pilot project must be limited to:

(1) A 3-axle truck tractor with a 3-axle semitrailer at a gross vehicle weight of 108,900 pounds; and

(2) A 3-axle truck tractor with a semitrailer-semitrailer combination, configured as a B-train double with 8 axles total, at a gross vehicle weight of 137,700 pounds. The weight of the 2nd semitrailer may not exceed the weight of the first semitrailer.

C. Maine axle weight limits, axle group limits, commodity allowances, maximum dimensions and all other commercial vehicle limits and requirements must apply under the pilot project, except that the B-train double overall length limit must be 82.02 feet, or 25 meters.

D. The manufacturer's ratings for gross vehicle weight, axle capacity, brake systems and other components for which a manufacturer's rating is available may not be exceeded under the pilot project.

E. Each truck combination under the pilot project must display a credential obtained for a fee from the Secretary of State. The fee must be established by the Commissioner of Transportation in an amount to cover related administrative costs, compliance monitoring and the additional cost of highway damage resulting from the pilot project, calculated using accepted engineering practices. The Secretary of State shall adopt rules to implement this paragraph in consultation with the Department of Transportation and the Department of Public Safety. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

F. The Commissioner of Transportation may revoke the privileges under the pilot project of participating trucks and trucking companies for cause, including repeatedly exceeding size and weight limits or operating outside the designated route of travel. Revocation by the Commissioner of Transportation is considered a final agency action.

2. Definition. As used in this section, unless the context otherwise indicates, "B-train double" means a truck tractor-semitrailer-semitrailer combination vehicle in which the 2 trailing units are connected with

a B-train assembly. The B-train assembly is a rigid frame extension attached to the rear frame of a first semitrailer that allows for a 5th wheel connection point for a 2nd semitrailer. This combination has one less articulation point than the conventional A-dolly-connected truck tractor-semitrailer-trailer combination.

3. Report. The Commissioner of Transportation shall submit a report to the joint standing committee of the Legislature having jurisdiction over transportation matters for presentation to the First Regular Session of the 124th Legislature. The report must include the status of the pilot project, the impact of the pilot project on road conditions and recommendations for continuance, discontinuance or modification of the pilot project's terms.

4. Termination of pilot project. The Commissioner of Transportation is authorized to terminate the pilot project at any time if, in the commissioner's judgment, continuation of the pilot project would cause excessive damage to a public way.

5. Repeal. This section is repealed December 31, 2010.

**Sec. 2. Contingent effective date.** This Act does not take effect until the pilot project created in section 1 of this Act has been approved by the United States Department of Transportation, Federal Highway Administration.

See title page for effective date, unless otherwise indicated.

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## CHAPTER 422

H.P. 1036 - L.D. 1473

### An Act To Strengthen the Animal Welfare Laws

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

**Sec. 1. 7 MRSA §3909, sub-§1,** as enacted by PL 1997, c. 456, §3, is amended to read:

**1. Attorney General and District Attorneys.** Whenever a person has engaged in or is about to engage in an act or practice that constitutes a violation of this ~~Act~~ Part, a rule adopted pursuant to this ~~Act~~ Part or a condition of an order, license or permit approved or decision issued by the commissioner pursuant to this ~~Act~~ Part, or that constitutes a violation of ~~chapter 739 or~~ Title 17, chapter 42, the Attorney General or a District Attorney, at the request of the commissioner, may institute proceedings before the District Court or Superior Court for an order enjoining

those acts or practices, an order directing compliance or imposing a civil or criminal penalty, or any combination of these actions, as provided by law. Upon a showing by the commissioner that the person has engaged or is about to engage in such an act or practice, the court may grant a permanent or temporary injunction, restraining order or other order as appropriate.

**Sec. 2. 7 MRSA c. 720**, as amended, is further amended by repealing the chapter headnote and enacting the following in its place:

## **CHAPTER 720**

### **RABIES PREVENTION AND SHELTER PROVISIONS**

**Sec. 3. 7 MRSA §3916, sub-§1-A** is enacted to read:

**1-A. Required for dogs.** A person owning or keeping a dog, except for a wolf hybrid, shall, within 30 days after the dog attains the age of 6 months, cause the dog to be immunized against rabies and shall have booster vaccinations administered periodically in accordance with rules adopted by the Commissioner of Health and Human Services under section 3922, subsection 3.

**Sec. 4. 7 MRSA §3916, sub-§2**, as amended by PL 1997, c. 704, §4, is further amended to read:

**2. Certificate.** A licensed veterinarian who vaccinates or supervises the vaccination of a cat or dog shall issue to the owner or keeper a certificate of rabies vaccination approved by the State and shall indicate on the certificate the date by which a booster vaccination is required pursuant to subsection 1 or 1-A.

**Sec. 5. 7 MRSA §3916, sub-§3**, as amended by PL 1995, c. 490, §7, is further amended to read:

**3. Enforcement.** A humane agent, an animal control officer or a law enforcement officer may ask an owner or keeper of a cat or dog to present proof of a certificate of rabies vaccination from the State.

**Sec. 6. 7 MRSA §3916, sub-§4**, as amended by PL 1997, c. 704, §5, is further amended to read:

**4. Exception.** Notwithstanding any provision of this chapter, an animal shelter operated by a nonprofit organization is not required to vaccinate an abandoned or stray cat or dog received by the shelter.

An owner or keeper of a cat is exempt from the requirements of subsection 1 if a medical reason exists that precludes the vaccination of the cat. To qualify for this exemption, the owner or keeper must have a

written statement signed by a licensed veterinarian that includes a description of the cat and the medical reason that precludes the vaccination.

**Sec. 7. 7 MRSA §3923-C, sub-§6** is enacted to read:

**6. Late fees.** A late fee of \$25 in addition to the annual fee must be paid by a person who fails to obtain a municipal kennel license by January 31st of each year as required in this section. The late fee must be deposited in the municipality's animal welfare account established pursuant to section 3945.

**Sec. 8. 7 MRSA §3935**, as amended by PL 1993, c. 657, §35, is further amended to read:

#### **§3935. License prohibited**

The department may not issue a license to maintain a boarding kennel, breeding kennel or pet shop to a person who, within the 5 years previous to the application for the license, has been convicted of a criminal violation under Title 17, chapter 42, or under a criminal law involving cruelty to animals that is no longer in effect, or within 2 years previous to the application for the license, has been adjudicated of a civil violation for cruelty to animals under chapter 739.

**Sec. 9. 7 MRSA §3935-A** is enacted to read:

#### **§3935-A. Late fees**

A person maintaining a facility required to be licensed under this chapter shall pay a late fee equal to 50% of the required license fee if that person fails to renew a license within 30 days of that license's expiration date. The late fee must be deposited in the Animal Welfare Fund established in section 3906-B.

**Sec. 10. 17 MRSA §1031, sub-§1, ¶D-2** is enacted to read:

D-2. Abandons an animal in violation of paragraph D and that animal dies as a result. Violation of this paragraph is a Class C crime;

**Sec. 11. 17 MRSA §1038** is enacted to read:

#### **§1038. Animals abandoned at animal care facilities**

Abandoning an animal at a veterinarian's office, boarding kennel, animal grooming facility or animal day-care facility is a Class D crime.

**1. Determination of abandonment.** There is a rebuttable presumption of abandonment if an owner:

A. Places an animal in the custody of a licensed veterinarian for treatment, boarding or other care, or in a boarding kennel, animal grooming facility

or animal day-care facility for services offered by that facility; and

B. Fails to claim the animal within 10 days after written notice is sent in accordance with subsection 2.

**2. Notice requirement.** Before any animal may be considered abandoned under this section, a veterinarian's office, boarding kennel, animal grooming facility or animal day-care facility shall send written notice, by registered or certified mail, return receipt requested, to the owner or keeper at the owner's or keeper's last known address. Proof of attempted delivery constitutes sufficient notice.

**3. Ownership of abandoned animal.** When an owner or keeper fails to claim an animal within 10 days of a notice being sent under subsection 2, the veterinarian, kennel, facility or individual who has custody and control of the animal is considered the owner of the animal and shall arrange for its care, including, but not limited to, its adoption, sale or placement with a licensed animal shelter.

**4. Financial obligation.** The disposal of an abandoned animal under this section does not relieve the owner or keeper of the animal of any financial obligation, including, but not limited to, costs incurred for veterinary treatment, boarding, grooming or other care.

**5. Penalty.** In addition to the penalties provided in Title 17-A for a Class D crime, the penalties in section 1031, subsection 3-B also apply.

See title page for effective date.

## CHAPTER 423

### H.P. 997 - L.D. 1433

#### An Act To Amend the Sex Offender Registration and Notification Act of 1999

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

**Sec. 1. 34-A MRSA §11202**, as repealed and replaced by PL 2003, c. 711, Pt. C, §5 and affected by Pt. D, §2, is repealed and the following enacted in its place:

#### **§11202. Application**

This chapter applies to:

**1. Maine.** A person sentenced in this State on or after January 1, 1982 for a sex offense or a sexually

violent offense as an adult or as a juvenile sentenced as an adult; and

**2. Other jurisdictions.** A person sentenced in another jurisdiction as an adult or as a juvenile sentenced as an adult:

A. At any time of an offense that requires registration in the jurisdiction of conviction pursuant to that jurisdiction's sex offender registration laws or that would have required registration had the person remained there; or

B. On or after January 1, 1982, of an offense that contains the essential elements of a sex offense or sexually violent offense.

**Sec. 2. 34-A MRSA §11203, sub-§1-A**, as amended by PL 2003, c. 711, Pt. C, §6 and affected by Pt. D, §2, is further amended to read:

**1-A. Conditional release.** "Conditional release" means supervised release of a registrant from institutional confinement for placement on probation, parole, intensive supervision, supervised release for sex offenders, supervised community confinement, home release monitoring or release under Title 15, section 104-A or Title 17-A, chapter 50 §4-G.

**Sec. 3. 34-A MRSA §11203, sub-§4-A**, as amended by PL 2003, c. 711, Pt. C, §10 and affected by Pt. D, §2, is further amended to read:

**4-A. Risk assessment instrument.** "Risk assessment instrument" means an instrument created and modified as necessary by reviewing and analyzing precursors to a sex offense, victim populations of a registrant, living conditions and environment of a registrant and other factors predisposing a person to become a registrant, for the ongoing purpose of identifying risk factors ~~used to provide notification of a registrant's conditional release or discharge from a state correctional facility to law enforcement agencies and to the public.~~

**Sec. 4. 34-A MRSA §11203, sub-§6, ¶A**, as amended by PL 2003, c. 371, §2, is repealed.

**Sec. 5. 34-A MRSA §11203, sub-§6, ¶C**, as enacted by PL 1999, c. 437, §2, is amended to read:

~~C. A violation of an offense in another jurisdiction, including, but not limited to, a state, federal, military or tribal court, that includes the essential elements of an offense listed in paragraph A or B.~~

**Sec. 6. 34-A MRSA §11203, sub-§7, ¶B**, as amended by PL 2001, c. 553, §4, is further amended to read: