

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

SECOND SPECIAL SESSION

July 29, 2005

SECOND REGULAR SESSION

January 4, 2006 to May 24, 2006

THE GENERAL EFFECTIVE DATE FOR

SECOND SPECIAL SESSION

NON-EMERGENCY LAWS IS

OCTOBER 28, 2005

THE GENERAL EFFECTIVE DATE FOR

SECOND REGULAR SESSION

NON-EMERGENCY LAWS IS

AUGUST 23, 2006

**PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.**

Penmor Lithographers

Lewiston, Maine

2006

§6851-A. Limited wholesale shellfish harvester's license

1. License required. A person may not engage in the activities authorized under this section without a current commercial shellfish license issued under section 6601.

2. Licensed activity. A holder of a limited wholesale shellfish harvester's license may, within or beyond the state limits, sell, ship or transport in the wholesale trade only shellfish the holder has taken.

3. License limited. A limited wholesale shellfish harvester's license authorizes activities under this section at only one establishment and with only one vehicle.

4. Fee. The fee for a limited wholesale shellfish harvester's license is \$100.

Sec. 2. 12 MRSA §6856, sub-§1, as amended by PL 2003, c. 248, §11, is further amended to read:

1. Shellfish sanitation certificate. A person may not undertake the processing, buying, selling, shipping, transporting or shucking of shellfish or whole scallops without a shellfish sanitation certificate unless authorized under section 6701 or 6702. The commissioner may issue a shellfish sanitation certificate to a wholesale seafood license holder, a limited wholesale shellfish harvester's license holder or a shellfish transportation license holder that authorizes the holder to undertake the activities expressly authorized therein, which may include buying and selling, shipping, transporting, shucking or other processing of shellfish or whole scallops. A wholesale seafood license, limited wholesale shellfish harvester's license or shellfish transportation license is also necessary to undertake the activities authorized under those licenses.

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

Effective March 24, 2006.

CHAPTER 509

S.P. 375 - L.D. 1058

**An Act To Regulate the Use of
Batteries Containing Mercury**

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

Sec. 1. 38 MRSA §1661, sub-§2-A is enacted to read:

2-A. Mercury-added button cell battery. "Mercury-added button cell battery" means a button cell battery to which the manufacturer intentionally introduces mercury.

Sec. 2. 38 MRSA §1661-C, sub-§9 is enacted to read:

9. Button cell batteries. After June 30, 2011, a person may not sell or offer to sell or distribute for promotional purposes a mercury-added button cell battery for consumer use or a product for consumer use that contains a mercury-added button cell battery.

Sec. 3. Report. By January 15, 2009, the Department of Environmental Protection shall submit a report, including recommendations, on the state of the technology of mercury-free button cell batteries to the joint standing committee of the Legislature having jurisdiction over natural resources matters. As part of its study, the department shall review and report on the following matters concerning all uses of button cell batteries and specifically their use in watches, precision instruments, hearing aids and medical devices:

1. The availability of mercury-free button cell batteries in retail outlets in the State;
2. The reliability and safety of mercury-free button cell batteries being sold in the State;
3. Whether reasonable substitutes exist for mercury-added button cell batteries in all applications;
4. The status of any testing and analysis of mercury-free button cell batteries;
5. The disparity, if any, between the cost of mercury-free button cell batteries and button cell batteries containing mercury; and
6. Whether prohibiting the sale of mercury-added button cell batteries after June 30, 2011 is practical.

The department shall confer with and solicit information from representatives of the battery, watch, precision instrument, hearing aid and medical device industries regarding the industries' experience with testing, reliability of use, cost and availability of mercury-free button cell batteries.

The joint standing committee of the Legislature having jurisdiction over natural resources matters may report out legislation relating to the department's report to the First Regular Session of the 124th Legislature.

See title page for effective date.

CHAPTER 510

H.P. 1321 - L.D. 1881

An Act Amending the Animal Welfare Laws

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

Sec. 1. 7 MRSA §3907, sub-§5-A, as amended by PL 1993, c. 657, §3, is further amended to read:

5-A. Animal shelter. "Animal shelter" means a facility that ~~includes a physical structure or part of a physical structure that provides temporary or permanent shelter to~~ houses animals and operates for the purpose of providing stray, abandoned, abused or owner-surrendered animals with sanctuary or finding the animals temporary or permanent adoptive homes.

Sec. 2. 7 MRSA §3907, sub-§7, as enacted by PL 1987, c. 383, §3, is repealed.

Sec. 3. 7 MRSA §3907, sub-§8-A, as amended by PL 1997, c. 690, §4, is further amended to read:

8-A. Breeding kennel. "Breeding kennel" means a ~~facility operated for the purpose of breeding or buying, selling or in any way exchanging dogs or cats for value that exchanges more than 16 dogs or 16 cats in a 12-month period~~ location where 5 or more adult dogs, wolf hybrids or cats capable of breeding are kept and some or all of the offspring are offered for sale, sold or exchanged for value.

Sec. 4. 7 MRSA §3907, sub-§11-B is enacted to read:

11-B. Council. "Council" means the Animal Welfare Advisory Council as established by Title 5, section 12004-I, subsection 2-C or its duly authorized agent.

Sec. 5. 7 MRSA §3907, sub-§12-B, as enacted by PL 1995, c. 490, §3, is repealed.

Sec. 6. 7 MRSA §3910-B, sub-§1, as amended by PL 2005, c. 281, §5, is further 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. 7. 7 MRSA §3931-A, sub-§4, as enacted by PL 2005, c. 281, §6, is repealed.

Sec. 8. 17 MRSA §1011, sub-§5-A, as amended by PL 1993, c. 657, §44, is further amended to read:

5-A. Animal shelter. "Animal shelter" means a facility that ~~includes a physical structure or part of a physical structure that provides temporary or permanent shelter to~~ houses animals and operates for the purpose of providing stray, abandoned, abused or owner-surrendered animals with sanctuary or finding the animals temporary or permanent adoptive homes.

Sec. 9. 17 MRSA §1011, sub-§8-A, as amended by PL 1997, c. 690, §56, is further amended to read:

8-A. Breeding kennel. "Breeding kennel" means a ~~facility operated for the purpose of breeding or buying, selling or in any way exchanging dogs or cats for value~~ location where 5 or more adult dogs, wolf hybrids or cats capable of breeding are kept and some or all of the offspring are offered for sale, sold or exchanged for value.

Sec. 10. 19-A MRSA §4007, sub-§1, ¶L, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

L. Ordering the defendant or, if the complaint is dismissed, the plaintiff to pay court costs or reasonable attorney's fees; ~~or~~

Sec. 11. 19-A MRSA §4007, sub-§1, ¶M, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read: