

MAINE STATE LEGISLATURE

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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

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Sec. 2. 7 MRSA §3907, sub-§7, as enacted by PL 1987, c. 383, §3, is repealed.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Sec. 5. 7 MRSA §3907, sub-§12-B, as enacted by PL 1995, c. 490, §3, is repealed.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:

M. Entering any other orders determined necessary or appropriate in the discretion of the court; or

Sec. 12. 19-A MRSA §4007, sub-§1, ¶N is enacted to read:

N. Directing the care, custody or control of any animal owned, possessed, leased, kept or held by either party or a minor child residing in the household.

Sec. 13. 19-A MRSA §4011, sub-§2, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

2. Exception. When the only provision that is violated concerns relief authorized under section 4007, subsection 1, paragraphs H to ~~M~~ N, the violation must be treated as contempt and punished in accordance with law.

See title page for effective date.

CHAPTER 511

S.P. 687 - L.D. 1770

An Act To Amend the Laws Governing Licensure of Workers in the Field of Radiologic Technology

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

Whereas, this legislation, which amends the laws governing medical radiologic technology by clarifying the scope of practice for this profession and by providing for reciprocal licensure for qualified applicants from other jurisdictions, needs to take effect as soon as possible to protect the health and safety of the residents of this State; 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. 32 MRSA §9852, as enacted by PL 1983, c. 524, is amended to read:

§9852. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

1. Board. "Board" means the Radiologic Technology Board of Examiners.

2. Dental radiographer. "Dental radiographer" means a person, other than a licensed practitioner, whose duties include radiography of the maxilla, mandible and adjacent structures for diagnostic purposes and who is licensed under chapter 16.

3. Ionizing radiation. "Ionizing radiation" means gamma rays and x rays; alpha and beta particles, high-speed electrons, neutrons, protons and other nuclear particles; but not ultrasound, sound or radio waves, magnetic fields or visible, infrared or ultraviolet light.

4. License. "License" means a certificate issued by the board authorizing the licensee to use radioactive materials or equipment emitting ionizing radiation on human beings for diagnostic or therapeutic purposes in accordance with the provisions of this ~~Act~~ chapter.

4-A. Licensed physician. "Licensed physician" means a person licensed to practice medicine or osteopathy in this State.

5. Licensed practitioner. "Licensed practitioner" means a person licensed to practice medicine, dentistry, chiropractic, podiatry or osteopathy in this State.

6. Nuclear medicine technologist. "Nuclear medicine technologist" means a person, other than a licensed practitioner, who uses radionuclide agents on human beings for diagnostic ~~or~~ and therapeutic purposes.

7. Nuclear medicine technology. "Nuclear medicine technology" means the use of radionuclides ~~in vivo~~ on human beings for diagnostic ~~or~~ and therapeutic purposes under the supervision of a licensed physician. The use of radionuclides on human beings for diagnostic and therapeutic purposes includes the use of dual imaging devices. For purposes of this subsection, "use" means all activities involved in the application of radioactive material. These activities include, but are not limited to, adjusting equipment settings, positioning the patient, positioning the equipment and positioning the image receptor.

8. Radiation therapist. "Radiation ~~therapy~~ technologist therapist" means a person, other than a licensed practitioner, who applies ionizing radiation to human beings for therapeutic and simulation purposes, excluding the administration of radiopharmaceuticals.