

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

SECOND REGULAR SESSION
January 2, 2008 to March 31, 2008

FIRST SPECIAL SESSION
April 1, 2008 to April 18, 2008

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 2008

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 18, 2008

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

Penmor Lithographers
Lewiston, Maine
2008

Sec. 11. Master plan to be developed. Resolved: That the Director of the Bureau of General Services within the Department of Administrative and Financial Services, to the extent practicable within existing resources, shall convene a stakeholder group to develop a master plan to guide the future of the state property that is the subject of this resolve. Any such plan must recognize the historical and current uses of the site as well as the establishment of the integrated veterans' campus. The stakeholder group must include representatives of the municipality, the Dorothea Dix Psychiatric Facility, veterans' organizations, tenants, Saxl Park and others as determined by the Director of the Bureau of General Services; and be it further

Sec. 12. Repeal. Resolved: That the authority to convey the property set forth in section 2 and section 9 is repealed 5 years from the effective date of this resolve.

See title page for effective date.

CHAPTER 202

H.P. 1621 - L.D. 2258

Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 3: Maine Clean Election Act and Related Provisions, a provisionally

adopted major substantive rule of the Commission on Governmental Ethics and Election Practices that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective April 14, 2008.

CHAPTER 203

H.P. 1394 - L.D. 2010

Resolve, Directing the Commissioner of Agriculture, Food and Rural Resources To Review and Make Recommendations Regarding the Regulation of Dog and Cat Breeding Facilities

Sec. 1. Commissioner of Agriculture, Food and Rural Resources to convene a working group. Resolved: That the Commissioner of Agriculture, Food and Rural Resources shall convene a working group to evaluate the regulation of dog and cat breeding facilities in the State and recommend any changes necessary to ensure the humane treatment of animals and effective enforcement of state laws. The commissioner shall invite a representative of each of the following stakeholder groups to participate in the working group: the Maine Veterinary Medical Association, the Maine Federation of Humane Societies, an animal advocacy organization, the Federation of Maine Dog Clubs, the American Kennel Club, the Down East Sled Dog Club, the Maine Animal Control Officers Association and the Maine Town and City Clerks' Association. The commissioner shall invite one owner of a licensed breeding kennel and one owner of a licensed cat breeding facility to participate in the working group. The director of the animal welfare program within the Department of Agriculture, Food and Rural Resources, the state veterinarian assigned to the animal welfare program and a member of the Animal Welfare Advisory Council designated by the commissioner shall participate in the working group. The department shall provide staff to and coordinate meetings of the working group using existing resources or funds specifically donated to facilitate this undertaking; and be it further

Sec. 2. Duties. Resolved: That the Commissioner of Agriculture, Food and Rural Resources, in consultation with the working group under section 1, shall review:

1. Existing statutory and regulatory provisions pertaining to the breeding and sale of dogs and cats, including definitions;

2. The criteria and availability of documentation to determine when a kennel or breeding kennel license is required; and

3. Statutes relating to both inspection and licensing authority in order to strengthen current authority of both municipal animal control officers and state humane agents to carry out their statutory duties under state animal welfare laws and rules.

The commissioner, in consultation with the working group, may examine definitions and provisions in other states and in federal regulations that distinguish between types of facilities requiring licenses and discuss the advisability of making regulatory distinctions based on the number of dogs or cats or any other criteria; and be it further

Sec. 3. Reporting date established. Resolved: That, no later than January 15, 2009, the Commissioner of Agriculture, Food and Rural Resources shall submit a report with findings and recommendations pursuant to the review under section 2, including any recommended legislative changes, to the joint standing committee of the Legislature having jurisdiction over animal welfare matters. The joint standing committee of the Legislature having jurisdiction over animal welfare matters may submit legislation pertaining to the definition and regulation of breeding facilities, breeding and sale of dogs and cats, enforcement of the State's animal welfare laws and regulations and humane treatment of dogs and cats to the First Regular Session of the 124th Legislature. The Department of Agriculture, Food and Rural Resources shall post the report on its publicly accessible website as soon as practicable.

See title page for effective date.

CHAPTER 204

H.P. 1558 - L.D. 2188

**Resolve, To Establish a
Moratorium on Development
in Saco Bay**

Sec. 1. Moratorium adopted. Resolved: That the Legislature finds that the waters and coastal resources of Saco Bay represent an important and unique environmental and economic resource for the communities surrounding Saco Bay and that it is necessary to examine the adequacy of the regulatory structure for new uses affecting multiple municipalities. There is a moratorium for 18 months on the processing or issuance of new submerged lands leases for commercial projects by the Department of Conser-

vation, Bureau of Parks and Lands and aquaculture leases by the Department of Marine Resources in any part of Saco Bay from Prouts Neck to East Point at Biddeford Pool and including islands in the bay; and be it further

Sec. 2. Working group established. Resolved: That the Town of Old Orchard Beach and the City of Saco may provide representatives to convene a working group to examine municipal boundaries, regulatory jurisdictions and parameters for future development in Saco Bay. If a working group is convened, the Legislature intends that the Director of the State Planning Office within the Executive Department or the director's designee be invited as well as representatives of the Department of Marine Resources and the Department of Conservation, Bureau of Parks and Lands and any other departments that are determined appropriate. Representatives of the Town of Scarborough and the City of Biddeford must also be invited to participate in the working group; and be it further

Sec. 3. Working group report. Resolved: That, if a working group is established pursuant to section 2, it is authorized to submit a report on its findings related to municipal boundaries, regulatory jurisdiction and future development strategies in Saco Bay to the joint standing committee of the Legislature having jurisdiction over state and local government matters no later than January 15, 2009; and be it further

Sec. 4. Authority to submit legislation. Resolved: That the joint standing committee of the Legislature having jurisdiction over state and local government matters is authorized to submit legislation concerning the moratorium and the working group's findings to the First Regular Session of the 124th Legislature.

See title page for effective date.

CHAPTER 205

H.P. 1612 - L.D. 2250

**Resolve, Regarding Legislative
Review of Portions of Chapter
220: Methodology for
Identification of Regional
Service Centers, a Major
Substantive Rule of the
Executive Department, State
Planning Office**

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