

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 6, 2010 to April 12, 2010**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 12, 2010**

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

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**Augusta, Maine**  
**2010**

ing goals are being met in programs administered by the Department of Health and Human Services:

1. Development of a rational, equitable and clear framework for defining jobs, administering compensation, designing and delivering training and ensuring a sufficient and high-quality workforce;
2. Development of a logical sequence of employment tiers, showing employment and training links among long-term care and acute care jobs, in both facility-based and home-based services;
3. The establishment of a statewide job classification system of direct support job titles, including direct support aide, with an initial focus on personal care jobs within programs funded by the department;
4. The setting of rates for all jobs classified in the statewide job classification system for wages, benefits, training, travel, supervision and administrative costs, with a goal of achieving transparency and wage level parity across programs, with reimbursement rates that cover the cost of health insurance and workers' compensation, liability insurance, recruitment, background checks and motor vehicle violation checks; and
5. Consideration of a multidepartmental oversight entity to be established by statute or by executive action to be assigned responsibility and authority to implement and provide ongoing oversight of the recommendations regarding direct support aide employment policies that result from work undertaken pursuant to this section.

For the purposes of this section, "direct support aide" has the same meaning as defined in the Maine Revised Statutes, Title 22, section 7301, subsection 2, paragraph C.

See title page for effective date.

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**CHAPTER 547**

**H.P. 1124 - L.D. 1586**

**An Act To Amend the  
Definition of "Farmers'  
Market"**

**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 number of farmers' markets operating in the State increases abruptly in May; and

**Whereas,** it is desirable that revisions to statutes affecting farmers' markets go into effect prior to this seasonal increase; 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. 7 MRSA §415, sub-§1,** as enacted by PL 1993, c. 138, §1, is amended to read:

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Farmers' market" means a building, structure or place used by 2 or more farmers for the direct sale of farm and food products to consumers, at which all sellers of farm and food products meet the requirements of subsection 2, paragraph B.

B. "Farm and food products" means any agricultural, horticultural, forest or other product of the soil or water, including, but not limited to, fruits, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products, fish and fish products, grain and grain products, honey, nuts, maple products, apple cider, fruit juice, wine, ornamental or vegetable plants, nursery products, fiber or fiber products, firewood and Christmas trees.

**Sec. 2. 7 MRSA §415, sub-§2, ¶B,** as amended by PL 2005, c. 512, §5, is further amended to read:

B. A person may not sell farm and food products at a market labeled "farmers' market" unless at least 75% of the ~~product~~ products offered by that person ~~was~~ were grown or processed by that person or under that person's direction. A product not grown or processed by that person or under that person's direction must have been grown or processed by and purchased directly from another farmer and the name and location of the farm must be identified on the product or on a sign in close proximity to the displayed product.

**Sec. 3. 22 MRSA §2174** is enacted to read:

**§2174. Sale of baked goods at farmers' markets**

Notwithstanding section 2156 and rules adopted under section 2153, a person licensed under this subchapter and offering baked goods for sale at a farmers' market as defined in Title 7, section 415 may display and sell unpackaged baked goods in a manner that allows customers to directly select baked goods for purchase. For the purposes of this section, "baked goods" means breads, rolls, buns, flatbreads, cakes, cookies, pies and other pastries.

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

Effective March 25, 2010.

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**CHAPTER 548**

**H.P. 1125 - L.D. 1587**

**An Act To Amend the Animal Welfare Laws**

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

**Whereas,** actions to increase funds available to both the State and municipalities charged with administering and enforcing the animal welfare and dog licensing laws will benefit administration and enforcement of those laws; and

**Whereas,** Public Law 2009, chapter 343, section 13 inadvertently reduced anticipated revenue to municipalities from the collection of late fees for dog licensing; 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. 7 MRSA §3906-B, sub-§16,** as amended by PL 2005, c. 281, §4, is further amended to read:

**16. Animal welfare auxiliary fund.** The commissioner may accept gifts, donations, bequests, endowments, grants and matching funds from any private or public source for the purposes of ensuring the humane and proper treatment of animals and enhancing the administration and enforcement of this Part and Title 17, chapter 42. The commissioner shall deposit all funds accepted for these purposes and all proceeds from sales authorized under subsection 17 into a separate, nonlapsing account known as the animal welfare auxiliary fund. All gifts, donations, bequests, endowments, grants, proceeds and matching funds received must be used for the benefit of and accomplishment of the objectives in this Part and Title 17, chapter 42 and any gift, donation, bequest, endowment, grant or matching funds accepted with a stipulated purpose may be used only for that purpose.

All money deposited in the animal welfare auxiliary fund in accordance with section 1820-A, subsection 4

must be used for investigating alleged cases of mistreatment or abuse of equines and enhancing enforcement of this Part and Title 17, chapter 42 as these laws pertain to equines.

**Sec. 2. 7 MRSA §3906-B, sub-§17** is enacted to read:

**17. Fund-raising.** The commissioner may engage in the marketing and selling of general merchandise products to generate supplemental funds, which must be deposited in the animal welfare auxiliary fund established under subsection 16.

**Sec. 3. 7 MRSA §3923-A, sub-§4,** as amended by PL 2009, c. 343, §13, is further amended to read:

**4. Late fees.** An owner or keeper required to license a dog under section 3922, subsection 1 or section 3923-C, subsection 1 and applying for a license for that dog after January 31st shall pay to the municipal clerk or dog recorder a late fee of ~~\$15~~ \$25 in addition to the annual license fee paid in accordance with subsection 1 or 2 and section 3923-C, subsection 1. The clerk or dog recorder shall deposit all late fees collected under this subsection into the municipality's animal welfare account established in accordance with section 3945.

**Sec. 4. 7 MRSA §4041, sub-§1-A,** as amended by PL 2007, c. 439, §29, is further amended to read:

**1-A. Trespass.** An owner or keeper of an animal may not allow that animal to enter onto or remain on the property of another or unattended on any local, county or state road or highway after the owner or keeper has been informed by a law enforcement officer or animal control officer that that animal was found on ~~the that~~ property of another or on that local, county or state road or highway.

**Sec. 5. 7 MRSA §4041, sub-§4,** as amended by PL 1999, c. 254, §15, is further amended to read:

**4. Fine.** A ~~forfeiture~~ fine of not less than \$50 nor more than \$500 must be adjudged for a civil violation under subsection 3. In addition, the court may as part of the sentencing include an order of restitution for costs incurred in removing and controlling the animal. When appropriate, the court may order restitution to the property owner based on damage done and financial loss. Any restitution ordered and paid must be deducted from the amount of any judgment awarded in a civil action brought by the owner against the offender based on the same facts. When an owner or keeper violates this section 3 or more times within a 90-day period, the court shall order restitution of all costs incurred by the department in assisting an animal control officer or law enforcement officer responding to a violation of this section.