

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.

Augusta, Maine
2010

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

Effective March 25, 2010.

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.

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

Effective March 25, 2010.

CHAPTER 549

H.P. 1106 - L.D. 1569

An Act To Clarify the Informed Growth Act

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

Whereas, recent local interpretations of the Informed Growth Act have been inconsistent, resulting in unpredictability for developers; and

Whereas, it is important for economic growth to clarify the Informed Growth Act to encourage timely local economic development; 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. 30-A MRSA §4366, sub-§6, as enacted by PL 2007, c. 347, §1, is amended to read:

6. Large-scale retail development. "Large-scale retail development" means any retail business establishment having a gross floor area of 75,000 square feet or more in one or more buildings at the same location, and any expansion or renovation of an existing building or buildings that results in a retail business establishment's having a gross floor area of 75,000 square feet or more in one or more buildings except when the expansion of an existing retail business establishment is less than 20,000 square feet. Other retail business establishments on the same site as the large-scale retail business establishment are not included in this definition unless they share a common check stand, management, controlling ownership or storage areas.

Sec. 2. 30-A MRSA §4372 is enacted to read:

§4372. Existing structure

This subchapter does not apply to a retail business establishment proposing to occupy an existing building in which the most recent occupant was a large-scale retail development as long as no increase greater than 20,000 square feet in gross floor area is proposed.

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

Effective March 25, 2010.

CHAPTER 550

S.P. 615 - L.D. 1650

An Act To Amend Provisions of Certain Laws Relating to Fish and Wildlife

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

Whereas, this legislation is intended to advance the date upon which the open water fishing season for 2010 begins; 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. 12 MRSA §10351, sub-§2, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

2. Deputy game wardens. The commissioner may appoint, on a temporary basis, ~~assistant~~ deputy game wardens.

Sec. 2. 12 MRSA §10352, sub-§2, as amended by PL 2007, c. 421, §1, is further amended to read:

2. Compensation. The compensation of the wardens appointed pursuant to section 10351, subsection 1 is determined under the Civil Service Law. ~~Assistant~~ Deputy game wardens appointed pursuant to section 10351, subsection 2 are not entitled to compensation but, at the discretion of the Game Warden Colonel and approval of the commissioner, may be compensated for mandatory assignments and for attendance at mandatory training or other required meetings or classes and reimbursed for approved expenses.

Sec. 3. 12 MRSA §11224, sub-§1, as enacted by PL 2007, c. 168, §5, is amended to read:

1. Prohibition. A person may not waste a wild bird or wild animal that has been wounded or killed by that person while hunting. For purposes of this section, "waste" means to intentionally leave a wounded or killed animal in the field or forest without making a