

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2010 to June 29, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 28, 2011**

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

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**Augusta, Maine**  
**2011**

Title 37-B, section 102, or the United States Armed Forces, including the National Guard and Reserves, whether pursuant to orders of the Governor or the President of the United States, when the duty assignment is in a combat theater, in an area where armed conflict is taking place or in an area away from a person's normal duty station;

See title page for effective date.

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**CHAPTER 14**

**H.P. 293 - L.D. 367**

**An Act To Amend the Laws  
Regarding Noncommercial  
Foreign Vessels**

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

**Sec. 1. 38 MRSA §87-A, sub-§1, ¶D,** as amended by PL 1999, c. 355, §7, is further amended to read:

D. The vessel on regularly scheduled ferry operations between Bar Harbor, Maine and Yarmouth, Nova Scotia, provided that the master of such vessel has completed an appropriate number of trips, as established by commission rules and has met any appropriate federal requirements;

**Sec. 2. 38 MRSA §87-A, sub-§1, ¶E,** as amended by PL 1999, c. 355, §7, is further amended to read:

E. All military ships navigating the Kennebec River to and from the Bath Iron Works Corporation for the purpose of accomplishing overhaul, repair, post shakedown availability and sea trials; and

**Sec. 3. 38 MRSA §87-A, sub-§1, ¶F** is enacted to read:

F. Noncommercial foreign vessels with overall length of under 200 feet.

See title page for effective date.

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**CHAPTER 15**

**H.P. 151 - L.D. 174**

**An Act To Amend the Law  
Governing Employment,  
Discipline and Dismissal of  
Chief Deputy Sheriffs**

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

**Sec. 1. 30-A MRSA §383, sub-§5** is enacted to read:

**5. Minimum qualifications.** The chief deputy must meet the minimum qualifications for sheriffs pursuant to section 371-B, subsection 3.

**Sec. 2. 30-A MRSA §501, sub-§5** is enacted to read:

**5. Application to chief deputy.** Subsections 1, 2 and 3 do not apply to the appointment, dismissal, suspension or discipline of a chief deputy by a sheriff.

See title page for effective date.

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**CHAPTER 16**

**H.P. 55 - L.D. 67**

**An Act Relating to  
Standardbred Horse Breeding**

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

**Whereas,** it is important to the future of the Maine Standardbred horse breed that the best breeding stallions be available; and

**Whereas,** it is necessary for this legislation to take effect sooner than 90 days after adjournment of the First Regular Session in order to make available the best breeding opportunities; 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. 8 MRSA §281-B** is enacted to read:

**§281-B. Registration of stallions**

For the 2011 and 2012 breeding seasons as defined in rule by the commission adopted under section 281, a person may register a stallion with the commission between January 1st and July 15th to stand at stud in the State and the offspring of that stallion conceived during that breeding season may be registered as a Maine Standardbred under section 281 as long as all other requirements for registration established in rule adopted under section 281 are met. A person who registers a stallion under this section must pay a late fee as established by rule adopted under section 281 in addition to the registration fee established in rule.

This section is repealed December 31, 2012.

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

Effective March 31, 2011.

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**CHAPTER 17**

**S.P. 65 - L.D. 214**

**An Act To Establish Governor William King Day**

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

**Sec. 1.** 1 MRSA §150-F is enacted to read:

**§150-F. Governor William King Day**

The Governor shall annually issue a proclamation indicating March 16th of each year as Governor William King Day in honor of the first Governor of Maine, a proponent of statehood for Maine.

See title page for effective date.

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**CHAPTER 18**

**H.P. 75 - L.D. 89**

**An Act Regarding Repeated Animal Trespass**

**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 State's current animal trespass law is not adequate to address repeated instances of animal trespass; and

**Whereas,** it is necessary to address the animal trespass law as soon as possible to prevent damage to property and public health; 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 §4041, as amended by PL 2009, c. 548, §§4 and 5, is further amended to read:

**§4041. Animal trespass**

**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, authorized employee of the department or animal control officer that that animal was found on that property or on that local, county or state road or highway.

**2. Removal.** The owner or keeper of an animal is responsible, at the owner's or keeper's expense, for removing any animal found trespassing. An animal control officer, authorized employee of the department or law enforcement officer may, at the owner's or keeper's expense, remove and control an animal found trespassing if:

A. The owner or keeper fails to remove the animal after having been notified by an animal control officer, authorized employee of the department or law enforcement officer that the animal was trespassing; or

B. The animal is an immediate danger to itself, persons or another's property.

**3. Civil violation.** A person commits a civil violation if an animal owned or kept by that person is found trespassing and:

A. That person fails to remove the animal within 12 hours, or immediately if public safety or private or public property is threatened, after having been personally notified by an animal control officer, authorized employee of the department or law enforcement officer that the animal was trespassing; or

C. That person owns an animal or animals that have been found trespassing on 5 or more days within a 30-day period or 3 or more days within a 7-day period.

**4. Fine.** A 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 responding to a violation of this section or assisting an animal control officer or law enforcement officer responding to a violation of this section.

**5. Exemption.** A person is not liable under this section if, at the time of the alleged trespass, that person was licensed or privileged to allow the animal to be on the property.