

# 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**

**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.

**6. Definitions.** ~~For purposes of~~ As used in this section, the term "animal" does not include cats unless the context otherwise indicates, the following terms have the following meanings.

A. "Animal" does not include cats.

B. "Authorized employee of the department" means a humane agent or any other employee of the department designated by the commissioner to assist with compliance and enforcement of this section.

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

Effective April 1, 2011.

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**CHAPTER 19  
H.P. 38 - L.D. 45**

**An Act To Allow Marriage and Family Therapists To Provide Related Services in Public Schools**

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

**Sec. 1. 20-A MRSA §7007** is enacted to read:

**§7007. Related services**

Related services must be provided by qualified individuals employed or contracted by the school administrative unit in accordance with rules adopted by the department pursuant to section 7005.

**Sec. 2. 20-A MRSA §7251-A**, as enacted by PL 1987, c. 395, Pt. A, §74, is amended to read:

**§7251-A. Local special education services; related services**

A school administrative unit may offer or contract for special education services. A school administrative unit may also offer or contract for related services in accordance with rules adopted by the department pursuant to section 7005.

**Sec. 3. Rules amended; marriage and family therapists.** The Commissioner of Education shall amend its rules in Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty to clarify that a person licensed as a marriage and family therapist under the Maine Revised Statutes, Title 32, chapter 119 is qualified to:

1. Serve as a qualified evaluator for children 3 to 20 years of age as described in Section IV, subsection 2, paragraph G of the rule;

2. Provide related services to children with disabilities as described in Section XI of the rule; and

3. Serve as a qualified licensed contractor pursuant to a contract for the provision of related services to children with disabilities as described in Section XVIII, subsection 1, paragraph C, subparagraph (3), division (a) of the rule.

See title page for effective date.

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**CHAPTER 20  
S.P. 168 - L.D. 576**

**An Act To Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2011**

**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 90-day period may not terminate until after the beginning of the next fiscal year; and

**Whereas**, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; 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:**

**PART A**

**Sec. A-1. Appropriations and allocations.** The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Bureau of General Services - Capital Construction and Improvement Reserve Fund 0883**

Initiative: Provides funding necessary to meet the required debt service payment due in fiscal year 2010-11.