

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

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

Augusta, Maine
2011

§10257. Lake and River Protection Fund

1. Fund established. The Lake and River Protection Fund, referred to in this section as the "fund," is established within the department as a nonlapsing fund. The fund must be administered by the commissioner. The fund is funded from fees collected for lake and river protection stickers issued under section 13058, subsection 3 and from other funds accepted for those purposes by the commissioner or allocated or appropriated by the Legislature. Money in the fund may be used for enforcing laws pertaining to invasive aquatic plants and nuisance species, inspecting watercraft for invasive aquatic plant and nuisance species materials, educational and informational efforts targeted at invasive aquatic plant and nuisance species prevention, eradication and management activities and the production and distribution of lake and river protection stickers required under section 13058, subsection 3. For purposes of this section, "nuisance species" has the same meaning as in Title 38, section 1861, subsection 2.

See title page for effective date.

**CHAPTER 75
S.P. 96 - L.D. 316**

**An Act To Clarify the Scope of
Maine's Franchise Laws for
Dealers of Power Equipment,
Machinery and Appliances**

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

Whereas, there is uncertainty regarding the extraterritorial effect of Maine's franchise laws for dealers of power equipment, machinery and appliances and whether these laws apply to out-of-state dealerships; and

Whereas, such uncertainty has the potential to immediately and substantially disrupt the ability of Maine manufacturers, distributors and franchisors to maintain dealerships in other states and cause such manufacturers and distributors to relocate out of Maine, which could cost Maine jobs; 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. 10 MRSA §1361, sub-§1, as enacted by PL 1993, c. 195, §1, is amended to read:

1. Dealer. "Dealer" means a person located within this State who sells goods or solicits or advertises the sale of goods to the public. "Dealer" does not include receivers, trustees, administrators, executors, guardians or other persons appointed by or acting under judgment, decree or order of any court nor does it include public officers performing their duties as officers.

Sec. 2. 10 MRSA §1361, sub-§4, as enacted by PL 1993, c. 195, §1, is amended to read:

4. Franchisee. "Franchisee" means a person, dealer or distributor of goods located within this State to whom a franchise is offered or granted.

Sec. 3. Intent; application. It is the intent of the Legislature that the amendments set forth in this Act are a clarification of existing law, not a change in the law. Notwithstanding the Maine Revised Statutes, Title 1, section 302, this Act applies to all actions and proceedings pending on the effective date of this Act.

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

Effective May 16, 2011.

**CHAPTER 76
H.P. 253 - L.D. 320**

**An Act To Amend Shelter
Provisions To Accommodate
Rotational Grazing of
Livestock**

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

Sec. 1. 7 MRSA §4015, sub-§2, ¶B, as amended by PL 2007, c. 439, §27, is further amended to read:

B. Except as provided in subsections 5, ~~5-A~~ and 6, shelter from inclement weather must be as follows.

(1) An artificial shelter, with a minimum of 3 sides and a waterproof roof, appropriate to the local climatic conditions and for the species and breed of the animal must be provided as necessary for the health of the animal.

(2) If a dog is tied or confined unattended outdoors under weather conditions that adversely affect the health of the dog, a shelter must be provided in accordance with subsection 6, paragraph A to accommodate the dog and protect it from the weather and, in par-

ticular, from severe cold. Inadequate shelter may be indicated by the shivering of the dog due to cold weather for a continuous period of 10 minutes or by symptoms of frostbite or hypothermia. A metal barrel is not adequate shelter for a dog.

Sec. 2. 7 MRSA §4015, sub-§5, as amended by PL 1999, c. 765, §10, is further amended to read:

5. Livestock. Livestock must be provided with shelter suitable for the health of the animal. ~~Livestock~~ Except as provided in subsection 5-A, livestock must have access to a constructed or natural shelter that is large enough to accommodate all livestock comfortably at one time. The shelter should be well drained and protect the livestock from direct sun, rain, wind and other inclement weather. Notwithstanding this subsection, shelter for equines must be provided in accordance with subsection 2, paragraph B, subparagraph (1). For purposes of this subsection, "livestock" includes large game as defined in section 1341, subsection 5 kept at a licensed commercial large game shooting area as defined in section 1341, subsection 1.

Sec. 3. 7 MRSA §4015, sub-§5-A is enacted to read:

5-A. Livestock maintained under a rotational grazing system. Notwithstanding subsection 5, a person is not required to provide shelter for livestock while the animals are maintained under a rotational grazing system as long as the animals do not have injuries or infirmities that prevent them from accessing food and water and are in good body condition. For the purposes of this subsection, "rotational grazing system" means the practice of dividing up available pasture into multiple smaller areas during grazing season when pasture is available to meet the dietary requirements of the animals and subsequently moving the animals from one area to another after a number of days or weeks as determined by forage production and quality.

Sec. 4. 17 MRSA §1037, sub-§2, ¶B, as amended by PL 2007, c. 702, §49, is further amended to read:

B. Except as provided in subsections 5, 5-A and 7, shelter from inclement weather must be provided according to this paragraph.

(1) An artificial shelter, with a minimum of 3 sides and a waterproof roof, appropriate to the local climatic conditions for the species and breed of the animal must be provided as necessary for the health of the animal.

(2) If a dog is tied or confined unattended outdoors under weather conditions that adversely affect the health of the dog, a shelter must be provided in accordance with subsection 7, paragraph A to accommodate the dog

and protect it from the weather and, in particular, from severe cold. Inadequate shelter may be indicated by the shivering of the dog due to cold weather for a continuous period of 10 minutes or by symptoms of frostbite or hypothermia. A metal barrel is not adequate shelter for a dog.

Sec. 5. 17 MRSA §1037, sub-§5, as amended by PL 1999, c. 765, §12, is further amended to read:

5. Livestock. Livestock must be provided with shelter suitable for the health of the animal. ~~Livestock~~ Except as provided in subsection 5-A, livestock must have access to a constructed or natural shelter that is large enough to accommodate all livestock comfortably at one time. The shelter should be well drained and protect the livestock from direct sun, rain, wind and other inclement weather. Notwithstanding this subsection, shelter for equines must be provided in accordance with subsection 2, paragraph B, subparagraph (1). For purposes of this subsection, "livestock" includes large game as defined in Title 7, section 1341, subsection 5 kept at a licensed commercial large game shooting area as defined in Title 7, section 1341, subsection 1.

Sec. 6. 17 MRSA §1037, sub-§5-A is enacted to read:

5-A. Livestock maintained under a rotational grazing system. Notwithstanding subsection 5, a person is not required to provide shelter for livestock while the animals are maintained under a rotational grazing system as long as the animals do not have injuries or infirmities that prevent them from accessing food and water and are in good body condition. For the purposes of this subsection, "rotational grazing system" means the practice of dividing up available pasture into multiple smaller areas during grazing season when pasture is available to meet the dietary requirements of the animals and subsequently moving the animals from one area to another after a number of days or weeks as determined by forage production and quality.

See title page for effective date.

CHAPTER 77

H.P. 579 - L.D. 772

An Act To Modify the Auditing Requirements for Certain Small Water Utilities

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

Sec. 1. 35-A MRSA §505, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read: