

# 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**

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.

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**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:

**§505. Audit of accounts**

The commission shall provide for the examination and audit of all accounts and all items ~~shall~~ must be allocated to the accounts in the manner prescribed by the commission.

**1. Consumer-owned water utilities.** Except as provided in this subsection, the commission may not require under this section that a qualified small water utility cause to be conducted an annual audit of its accounts. For purposes of this subsection, "qualified small water utility" means a consumer-owned water utility with gross annual revenues that do not exceed \$250,000.

A. A qualified small water utility with gross annual revenues of \$50,000 or less shall for any year used as a test year for rate-making purposes cause to be conducted, in accordance with generally accepted auditing standards, an audit of its accounts by an independent certified public accountant licensed to practice in the State.

B. A qualified small water utility with gross annual revenues greater than \$50,000:

(1) Shall cause to be conducted, in accordance with generally accepted auditing standards, an annual review of its accounts by an independent certified public accountant licensed to practice in the State; and

(2) Not less than once every 5 years and for any year used as a test year for rate-making purposes, shall cause to be conducted, in accordance with generally accepted auditing standards, an audit of its accounts by an independent certified public accountant licensed to practice in the State.

Nothing in this subsection limits or affects any other reporting, review, auditing or other requirement imposed by a creditor of the qualified small water utility or by any other applicable law or government authority.

See title page for effective date.

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**CHAPTER 78**

**H.P. 410 - L.D. 527**

**An Act To Bring Maine's  
Minimum Financial  
Responsibility Laws Pertaining  
to Rental Vehicles into  
Conformity with Privately  
Owned Vehicles**

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

**Sec. 1. 29-A MRSA §1611, sub-§2, ¶A,** as affected by PL 1995, c. 65, Pt. A, §153 and amended by Pt. B, §18 and affected by Pt. C, §15, is further amended to read:

A. Except as provided in paragraph E, there is a \$350,000 combined single limit for ~~rental vehicles~~, emergency vehicles and for-hire transportation vehicles for transporting freight or merchandise but not passengers in intrastate-exempt service or service exempted by the ~~Interstate Commerce Commission~~ federal Department of Transportation, Surface Transportation Board.

**Sec. 2. 29-A MRSA §1611, sub-§2, ¶F** is enacted to read:

F. For rental vehicles, the requirements are the same as under section 1605, subsection 1, paragraph C.

See title page for effective date.

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**CHAPTER 79**

**S.P. 133 - L.D. 429**

**An Act To Clarify the Role of  
the Public Advocate**

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

**Sec. 1. 5 MRSA §12004-I, sub-§92,** as enacted by PL 2007, c. 657, §1, is repealed.

**Sec. 2. 35-A MRSA §1702, sub-§§9 and 10** are enacted to read:

**9. Other advocacy forums.** The Public Advocate, consistent with the priorities established in section 1702-A and the requirements of this chapter, may represent and promote the interests of the using and consuming public:

A. In appropriate proceedings of the Legislature; and

B. In regional or national forums, including but not limited to any proceeding of an independent system operator or the Federal Energy Regulatory Commission.

**10. Independent representation of the interests of the using and consuming public.** The Public Advocate, when taking a position on any matter in any proceeding or forum pursuant to the Public Advocate's authority under this chapter, shall exercise independent judgment to ensure the position:

A. Is consistent with the priorities established in section 1702-A and the requirements of this chapter; and