

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2012 to July 10, 2013

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

Augusta, Maine
2013

(2) Two representatives of populations most affected by HIV/AIDS in the State;

(3) Two providers of HIV-related prevention or social services;

(4) Two representatives of the public health community who have experience in the prevention of and the care and treatment of persons with HIV or infectious diseases; and

(5) Two persons chosen by the committee because of the positive impact the persons' expertise or experience will have on the work of the committee.

See title page for effective date.

**CHAPTER 109
H.P. 479 - L.D. 687**

**An Act To Amend the Law
Concerning Protection from
Abuse Orders To Include Pets**

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

Sec. 1. 19-A MRSA §4006, sub-§5-A is enacted to read:

5-A. Interim relief; care, custody or control of animals. The court may make an order concerning the care, custody or control of any animal owned, possessed, leased, kept or held by either party or a minor child residing in the household and may enjoin the defendant from injuring or threatening to injure any such animal.

Sec. 2. 19-A MRSA §4007, sub-§1, ¶E-1 is enacted to read:

E-1. Directing the defendant to refrain from injuring or threatening to injure any animal owned, possessed, leased, kept or held by either party or a minor child residing in the household;

See title page for effective date.

**CHAPTER 110
H.P. 536 - L.D. 785**

**An Act To Ensure the Periodic
Review and Revision of
Statutory Provisions**

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

Sec. 1. 1 MRSA c. 33 is enacted to read:

CHAPTER 33

**PERIODIC REVIEW AND REVISION OF
STATUTORY PROVISIONS**

§2701. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Agency. "Agency" has the same meaning as in Title 3, section 953, subsection 1.

2. Committee of jurisdiction. "Committee of jurisdiction" has the same meaning as in Title 3, section 953, subsection 2.

3. Independent agency. "Independent agency" has the same meaning as in Title 3, section 953, subsection 3.

4. Program evaluation report. "Program evaluation report" means the report submitted to the Legislature by an agency or an independent agency in accordance with Title 3, section 956.

§2702. Report to committee

The Office of the Revisor of Statutes and the Office of Policy and Legal Analysis, referred to in this section as "the offices," shall review each program evaluation report submitted to the Legislature under Title 3, chapter 35, and any legislation recommended by a committee of jurisdiction as a result of the committee's review, analysis and evaluation of the program evaluation report. The offices shall identify those statutory provisions that are:

1. Identified for review. Identified, pursuant to Title 3, section 956, subsection 2, paragraph O, in a program evaluation report as potentially requiring legislative review regarding the necessity of amendment to align the statute with federal law, other state law or judicial decisions; and

2. Not addressed in legislation. Not addressed in legislation recommended by a committee of jurisdiction as a result of the committee's review, analysis and evaluation of the program evaluation report.

No later than November 1st prior to each first regular session of the Legislature, the offices shall develop a report that lists the provisions identified under this section and shall submit the report to each joint standing committee of the Legislature having jurisdiction over any of the statutory provisions identified under this section and to the joint standing committee of the Legislature having jurisdiction over judiciary matters.

§2703. Committee authority

During the first regular session of the Legislature following submission of a report pursuant to section 2702, each joint standing committee of the Legislature

that receives a report pursuant to section 2702 shall review the report and shall make recommendations to the joint standing committee having jurisdiction over judiciary matters. The joint standing committee having jurisdiction over judiciary matters shall review the report, and may report out a bill to the first or second regular session of the Legislature to make statutory changes the committee determines necessary to align the statutes with federal law, other state law or decisions of the United States Supreme Court or the Supreme Judicial Court.

Sec. 2. 3 MRSA §956, sub-§2, ¶M, as amended by PL 2001, c. 495, §2, is further amended to read:

M. Agency policies for collecting, managing and using personal information over the Internet and nonelectronically, information on the agency's implementation of information technologies and an evaluation of the agency's adherence to the fair information practice principles of notice, choice, access, integrity and enforcement; ~~and~~

Sec. 3. 3 MRSA §956, sub-§2, ¶N, as enacted by PL 2001, c. 495, §3, is amended to read:

N. A list of reports, applications and other similar paperwork required to be filed with the agency by the public. The list must include:

- (1) The statutory authority for each filing requirement;
- (2) The date each filing requirement was adopted or last amended by the agency;
- (3) The frequency that filing is required;
- (4) The number of filings received annually for the last 2 years and the number anticipated to be received annually for the next 2 years; and
- (5) A description of the actions taken or contemplated by the agency to reduce filing requirements and paperwork duplication; ~~and~~

Sec. 4. 3 MRSA §956, sub-§2, ¶O is enacted to read:

O. Identification of provisions contained in the agency's or independent agency's enabling or authorizing statutes that may require legislative review to determine the necessity of amendment to align the statutes with federal law, other state law or decisions of the United States Supreme Court or the Supreme Judicial Court.

See title page for effective date.

**CHAPTER 111
S.P. 245 - L.D. 696**

An Act To Include Raising Equines in the Definition of Agriculture for the Purpose of the Maine Workers' Compensation Act of 1992

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

Sec. 1. 39-A MRSA §102, sub-§2, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

2. Agriculture. "Agriculture" means the operation of farm premises, including:

- A. The planting, cultivating, producing, growing and harvesting of agricultural or horticultural commodities on those premises;
- B. The raising of livestock and poultry on those premises; ~~or~~
- C. Any work performed as an incident to or in conjunction with these farm operations, including the packing, drying and storing of these commodities for market, if these operations:

- (1) Are incident to or in conjunction with growing and harvesting farm operations of the same employer; and
- (2) Are not provided as a service for other farm operations or employers; ~~or~~

D. Equine activity, as defined in Title 7, section 4101, subsection 5.

Sec. 2. Application. Notwithstanding the Maine Revised Statutes, Title 1, section 302, this Act applies to all cases currently pending before the Workers' Compensation Board on the effective date of this Act.

See title page for effective date.

**CHAPTER 112
S.P. 320 - L.D. 943**

An Act To Amend Provisions of the Law Pertaining to Motor Vehicles

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

Sec. 1. 25 MRSA §2106-A, as amended by PL 1983, c. 862, §73, is repealed and the following enacted in its place: