

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2014 to July 16, 2015

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 15, 2015

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

Augusta, Maine
2015

D. A general description of the configuration of the scrap metal and whether the material is insulated;

E. The weight, quantity or volume, recorded in accordance with the custom of the trade, of the scrap metal purchased;

F. The consideration paid;

G. A signed statement that the seller is the owner or is otherwise authorized to sell the scrap metal on a form provided by the buyer that conspicuously bears the warning that making a false statement is a Class D crime under Title 17-A, section 453; and

H. The make, model and number and state of issue of the license plate of the vehicle being used to deliver the scrap metal.

See title page for effective date.

**CHAPTER 207
S.P. 108 - L.D. 294**

An Act To Allow a Home Heating Oil Delivery Driver To Bleed a Home Heating Oil Burner

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

Sec. 1. 32 MRSA §18134-A is enacted to read:

§18134-A. Exception; bleeding of a residential home heating oil burner

Notwithstanding section 18134, paragraph C, a home heating oil delivery driver may bleed a residential home heating oil burner without direct supervision if the delivery driver has documentation of having completed a board-approved training course in bleeding oil burners. If the oil burner fails to operate after bleeding, the delivery driver shall refer the problem to a journeyman oil and solid fuel burning technician or master oil and solid fuel burning technician.

See title page for effective date.

**CHAPTER 208
S.P. 146 - L.D. 378**

An Act To Facilitate the Issuance of a Gravestone for a Deceased Veteran with No Next of Kin

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

Sec. 1. 22 MRSA §2843-A, sub-§1, ¶D, as amended by PL 2009, c. 159, §1, is further amended to read:

D. "Next of kin" means a person having the following relationship to the subject, in the following order of priority:

- (1) The spouse;
- (1-A) A domestic partner. For purposes of this section, "domestic partner" means the partner of the subject who:
 - (a) Is a mentally competent adult;
 - (b) Had been legally domiciled with the subject for at least 12 months immediately preceding the death of the subject;
 - (c) Is not legally married to or legally separated from another individual;
 - (d) Was the sole partner of the subject; and
 - (e) Was jointly responsible with the subject for each other's common welfare as evidenced by joint living arrangements, joint financial arrangements or joint ownership of real or personal property;
- (2) An adult son or daughter;
- (3) A parent;
- (4) An adult brother or sister;
- (5) An adult grandchild;
- (6) An adult niece or nephew who is the child of a brother or sister;
- (7) A maternal grandparent;
- (8) A paternal grandparent;
- (9) An adult aunt or uncle;
- (10) An adult first cousin; ~~or~~
- (11) Any other adult relative in descending order of blood relationship; or
- (12) If the subject is a veteran and has no known living spouse or adult relative, the Adjutant General or the Adjutant General's designee. For purposes of this paragraph, "veteran" has the same meaning as in section 2900, subsection 1, paragraph B.

Sec. 2. 22 MRSA §2900, sub-§3, as enacted by PL 2011, c. 318, §1, is amended to read:

3. Sharing information. Notwithstanding any other provision of law, a funeral director, the Adjutant General or other authorized person under subsection 2

may share information concerning cremated remains in the funeral director's or other authorized person's possession with the United States Department of Veterans Affairs, the Adjutant General, a veterans' service organization or a national cemetery to determine whether the cremated remains are those of a veteran.

Sec. 3. 37-B MRSA §515 is enacted to read:

§515. Adjutant General as next of kin

If the Adjutant General is next of kin to a veteran under Title 22, section 2843-A, the Adjutant General shall ensure that the veteran receives all benefits to which the veteran is entitled, including a grave marker or other death benefit from the United States Department of Veterans Affairs.

See title page for effective date.

CHAPTER 209

S.P. 288 - L.D. 814

**An Act To Update the Maine
Veterinary Practice Act**

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

Sec. 1. 7 MRSA §3939-A, sub-§2, as enacted by PL 2007, c. 439, §23, is amended to read:

2. Detrimental to health. If a licensed veterinarian or licensed veterinary technician as defined in Title 32, section 4853 determines that a dog or cat is too sick or injured or that it would otherwise be detrimental to the health of the dog or cat to be spayed or neutered within 30 days of placement, the animal shelter or rescue group shall collect a deposit of not less than \$50 and not more than \$150 at the time of sale or placement. The animal shelter or rescue group shall determine the amount of the deposit based on the cost of spaying or neutering within the geographic area served by the animal shelter or rescue group. A person accepting ownership of the dog or cat under this subsection shall sign an agreement to have the animal sterilized as soon as it is medically advisable.

Upon receipt of proof of sterilization, the animal shelter or rescue group shall immediately and fully refund the deposit.

Sec. 2. 32 MRSA §4851, as enacted by PL 1975, c. 477, §4, is amended to read:

§4851. Legislative findings

The Legislature finds and declares that the public health, safety and welfare of the State of Maine requires the exercise of the police powers of this State to safeguard the people of Maine ~~from incompetent, dishonest or unprincipled practitioners of veterinary medicine~~ by ensuring the delivery of competent vet-

erinary medical care and further that the right to practice veterinary medicine is a privilege conferred by legislative grant to persons possessed of personal and professional qualifications specified in this chapter.

Sec. 3. 32 MRSA §4853, sub-§1-A, as enacted by PL 1993, c. 404, Pt. A, §3, is amended to read:

1-A. Veterinary assistant. ~~"Animal health assistant"~~ "Veterinary assistant" means a person employed in a veterinary facility to assist a licensed veterinarian or a licensed veterinary technician, but who has neither had the formal training required for licensure nor passed the required examination for licensure as a veterinary technician.

Sec. 4. 32 MRSA §4853, sub-§4-A, as amended by PL 1997, c. 246, §3, is further amended to read:

4-A. Direct supervision. "Direct supervision" means any time when a supervisor is on the premises ~~or~~ and is quickly and easily available.

Sec. 5. 32 MRSA §4853, sub-§4-B, as enacted by PL 1993, c. 404, Pt. A, §5, is amended to read:

4-B. Indirect supervision. "Indirect supervision" means any time when a supervisor is not on the premises, ~~but that supervisor has issued written or oral instructions pertaining to the treatment of animal patients~~ is available for consultation on patient care.

Sec. 6. 32 MRSA §4853, sub-§5-A is enacted to read:

5-A. Patient. "Patient" means an animal or group of animals examined or treated by a veterinarian.

Sec. 7. 32 MRSA §4853, sub-§7, as repealed and replaced by PL 1997, c. 246, §4, is amended to read:

7. Practice of veterinary medicine. "Practice of veterinary medicine" means:

A. The diagnosis, treatment, correction, change, relief or prevention of animal disease, deformity, defect, injury or other physical or mental condition, including the prescription or administration of a drug, medicine, biologic, apparatus, application, anesthetic or other imaging, therapeutic or diagnostic technique or nutritional substance or technique on, for or to any animal, including, but not limited to, acupuncture, dentistry, homeopathic or chiropractic procedures, physical or massage therapy, surgery including ~~cosmetic elective surgery, implanting of microchips or similar devices~~ or any manual, mechanical, biological or chemical procedure used for pregnancy testing or correcting sterility or infertility;