

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

(e) Hydroelectric generators that meet all state and federal fish passage requirements applicable to the generator; ~~or~~

(f) Biomass generators that are fueled by wood ~~or~~, wood waste; or landfill gas ~~or anaerobic digestion of agricultural products, by products or wastes~~; or

(g) Anaerobic digestion of by-products of waste from animals or agricultural crops, food or vegetative material, algae or organic refuse; or

(2) That relies on wind power installations.

See title page for effective date.

CHAPTER 221

S.P. 277 - L.D. 779

An Act To Increase the Minimum Population Requirement for a Municipality in Which the Bureau of Alcoholic Beverages and Lottery Operations May Locate an Additional Agency Liquor Store

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

Sec. 1. 28-A MRSA §453, sub-§2-A, as amended by PL 2013, c. 253, §1, is further amended to read:

2-A. Limitation on number of agency liquor stores. Beginning July 1, 2009, the bureau may license up to 10 agency liquor stores in a municipality with a population over 50,000; up to 8 agency liquor stores in a municipality with a population over 20,000 but less than 50,001; up to 5 agency liquor stores in a municipality with a population of at least 10,001 but less than 20,001; up to 4 agency liquor stores in a municipality with a population of at least 5,001 but less than 10,001; ~~and up to 3 agency liquor stores in a municipality with a population of at least 2,000 but less than 5,001.~~ ~~In addition, the bureau may establish, and one agency liquor store in a municipality where the population is less than 2,000.~~ The bureau may issue one additional liquor store license beyond those otherwise authorized by this subsection in a municipality with a population of less than 10,000. The bureau may consider the impact of seasonal population or tourism and other related information provided by the municipality requesting an additional agency liquor store ~~location~~ license.

Nothing in this subsection may be construed to reduce the number of agency stores the bureau may license in a municipality as of June 30, 2009.

Sec. 2. 28-A MRSA §453, sub-§2-D, as enacted by PL 2013, c. 269, Pt. A, §6, is amended to read:

2-D. Exception. If a retailer that is located in this State and has at least 5 locations licensed as an agency liquor store is sold or ownership is transferred to another company that will assume operation of some or all of the retailer's stores and that company submits an application for an agency liquor store license at some or all of those stores, the bureau may waive the requirement of subsection 2-C, paragraph A. The bureau may provide this waiver only if the applicant has held a license in another state to sell malt liquor and wine or spirits at retail for off-premises consumption, for at least one year prior to submitting the application, without a violation of the laws governing the sale of alcoholic beverages in that state and can provide the bureau with documentation of financial success as determined by the bureau. The bureau may not provide this waiver when issuing an additional liquor store license in a municipality with a population of less than 10,000 beyond the limit on the number of agency liquor stores authorized under subsection 2-A.

See title page for effective date.

CHAPTER 222

H.P. 632 - L.D. 912

An Act To Allow the Establishment of Regional Municipal Utility Districts To Support Broadband Communications

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

Sec. 1. 30-A MRSA §2203, sub-§9 is enacted to read:

9. Included powers. Without limiting the powers, privileges or authority that may be jointly or cooperatively exercised pursuant to this chapter, any 2 or more parties may enter into an agreement to establish a regional municipal utility district for any or all of the following purposes:

A. To provide or, through public-private partnerships, to support or promote the provision of any of the following:

- (1) Broadband services; and
- (2) Internet services; and

B. To issue revenue bonds in support of any of the activities undertaken pursuant to paragraph A.

Nothing in this subsection exempts a regional municipal utility district from any applicable provisions of Title 35-A.

See title page for effective date.

CHAPTER 223

H.P. 706 - L.D. 1023

An Act To Revise the Animal Welfare Laws

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

Sec. 1. 7 MRSA §3907, sub-§5-A, as amended by PL 2005, c. 510, §1, is repealed and the following enacted in its place:

5-A. Animal shelter. "Animal shelter" means a:

A. Facility that houses domesticated animals and operates for the purpose of providing stray, abandoned, abused or owner-surrendered animals with sanctuary or finding the animals temporary or permanent adoptive homes; or

B. Rescue group.

Sec. 2. 7 MRSA §3907, sub-§23-A, as enacted by PL 2007, c. 439, §5, is amended to read:

23-A. Rescue group. "Rescue group" means an organization or individual that receives domesticated animals that have been abandoned, surrendered or removed from an animal facility or that takes in homeless dogs or cats and sells, gives or otherwise places the animals in private homes. ~~"Rescue group" does not include a facility licensed under chapter 723.~~

Sec. 3. 7 MRSA §3907, sub-§28, as enacted by PL 1987, c. 383, §3, is repealed.

Sec. 4. 7 MRSA §3919-A, sub-§4, as amended by PL 2007, c. 439, §10, is further amended to read:

4. Euthanasia for severely sick or severely injured cat or small animal. A humane agent, an animal control officer or an animal shelter may authorize in writing the immediate euthanasia of a severely sick or severely injured cat or small animal upon determining that the following conditions are met:

A. The animal control officer of the municipality where the cat or small animal was found has been notified or, if the cat or small animal has ~~eat~~ identification, the owner of the cat or small animal has been notified; and

B. A veterinarian states in writing that the cat's or small animal's recovery from its injury or illness, given reasonable time and reasonable care, is doubtful or that the cat or small animal presents a danger to the public.

Notwithstanding paragraphs A and B, a veterinarian may authorize immediate euthanasia if, in the veterinarian's judgment, there is no possibility of recovery for a severely injured or severely sick cat or small animal.

Sec. 5. 7 MRSA §3919-A, sub-§5, as enacted by PL 2001, c. 363, §3, is amended to read:

5. Immunity. A veterinarian, a humane agent, an animal control officer or an animal shelter, including a person employed by an animal shelter, is not civilly liable to the owner of a cat or small animal for the loss of that cat or small animal resulting from actions taken in compliance with this section.

Nothing in this subsection grants to an animal shelter or person any immunity from liability arising from the gift, sale or other transference of a cat or small animal to a research facility in violation of subsection 2.

Sec. 6. 7 MRSA §3919-C, first ¶, as amended by PL 2007, c. 439, §11, is further amended to read:

When an animal shelter holds an animal at the request or with the approval of the ~~department~~ person who seized the animal pending an investigation or disposition by the court of an alleged violation of chapter 739 or Title 17, chapter 42, the shelter is entitled to receive from the ~~department~~ person who seized the animal monetary compensation in accordance with this section for the period for which food and shelter are furnished to the animal. For the purposes of this section, "person who seized the animal" includes a humane agent, law enforcement or an animal control officer permitted by law to obtain a search warrant or to seize animals ex parte.

Sec. 7. 7 MRSA §3919-E, sub-§1, ¶A, as enacted by PL 2013, c. 115, §8, is amended to read:

A. Offer the small animal for adoption, sell the small animal, give away the small animal or transfer the small animal to an appropriate facility ~~or rescue group~~ that can provide for that specific type of small animal; or

Sec. 8. 7 MRSA §3932-A, sub-§4, as enacted by PL 2013, c. 115, §14, is repealed.

Sec. 9. 7 MRSA §3939-A, as enacted by PL 2007, c. 439, §23, is amended to read:

§3939-A. Spay; neuter of dogs and cats

1. Spay; neuter. Except as otherwise provided in subsections 2 and 3, an animal shelter ~~or rescue group~~ may not place with a new owner a dog or cat