

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 2016 to August 2, 2017

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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
2017

Sec. 3. 15 MRSA §393, sub-§4, as amended by PL 2009, c. 503, §2, is further amended to read:

4. Notification, objection and decision. Upon receipt of an application, the ~~commissioner~~ Office of the Governor shall determine if the application is in proper form. If the application is proper, the ~~commissioner~~ Governor shall within 30 days notify in writing the sentencing or presiding judge, the Attorney General, the district attorney for the county where the applicant resides, the district attorney for the county where the conviction occurred, the law enforcement agency that investigated the crime, the chief of police and sheriff in the municipality and county where the crime occurred and the chief of police and sheriff in the municipality where the applicant resides as of the filing of the application. The ~~commissioner~~ Governor may direct any appropriate investigation to be carried out.

A. If, within 30 days of the sending of notice, a person notified objects in writing to the ~~commissioner~~ Governor regarding the initial issuance of a permit and provides the reason for the objection, the ~~commissioner~~ Governor may not issue a permit. The reason for the objection must be communicated in writing to the ~~commissioner~~ Governor in order for it to be the sole basis for denial.

B. If, within 30 days of the sending of notice, a person notified objects in writing, including the reason for the objection, to the ~~commissioner~~ Governor regarding a 2nd or subsequent issuance of a permit, the ~~commissioner~~ Governor shall take the objection and its reason into consideration when determining whether to issue a 2nd or subsequent permit to the applicant, but need not deny the issuance of a permit based on an objection alone.

The ~~commissioner~~ Governor may deny any application for a permit even if no objection is filed.

See title page for effective date.

CHAPTER 207

H.P. 390 - L.D. 548

An Act To Amend Laws Relating to Agricultural Pulling Events

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

Sec. 1. 7 MRSA §81, sub-§3-A is enacted to read:

3-A. Driver. "Driver" means a person who drives or controls the animal that is pulling in a pulling event.

Sec. 2. 7 MRSA §81, sub-§14, as enacted by PL 2005, c. 563, §3, is repealed.

Sec. 3. 7 MRSA §96, sub-§§3, 4 and 7, as enacted by PL 2005, c. 563, §3, are amended to read:

3. Animals subject to examination; scope; request for test. An animal entered in an event is subject to examination under the direction of a licensed veterinarian or an agent of the licensed veterinarian. The licensed veterinarian, with the approval of the commissioner, may appoint technicians and agents to perform duties under this section that are not prohibited by other provisions of law. The examination may include physical, saliva, urine or blood tests or other tests or procedures that the licensed veterinarian considers necessary to carry out the purposes of this section. The licensed veterinarian may examine an animal entered in an event if that animal is on the grounds of the event. The licensed veterinarian also may examine an animal withdrawn by the owner ~~or trainer~~ of the animal within 24 hours prior to an event for which the animal had been entered. The pull superintendent appointed under section 99, subsection 1 may undertake a visual examination of any animal entered in an event and may request a licensed veterinarian or an agent of the licensed veterinarian to undertake an examination under this subsection.

4. Refusal to submit animal for examination. ~~An~~ The owner or trainer or driver may not refuse to secure or restrain an animal for examination under this section by a licensed veterinarian or a technician or agent of the licensed veterinarian and may not interfere with the restraining or securing of an animal for that examination.

7. Responsibility of owner and driver for condition of animal. In the absence of substantial evidence to the contrary, the owner ~~and trainer and driver~~ of an animal are responsible for the condition of the animal, including the presence of a prohibited substance, and are charged with knowledge of all the provisions contained in this section and the ~~regulations~~ rules adopted pursuant to this section. ~~If a trainer the owner is prevented from performing the trainer's owner's duties, including responsibility for an animal under this subsection, by illness or other cause, or is absent from the event where an animal under the trainer's owner's care is entered and stabled, the trainer owner shall immediately shall notify the secretary or general manager of the event. At the time of notification, the trainer shall specify a substitute trainer and the substitute trainer shall place the substitute trainer's name on the entry blank. The substitute trainer has the same responsibilities as the trainer concerning the condition of an animal in that trainer's care.~~

Sec. 4. 7 MRSA §96, sub-§8, as amended by PL 2011, c. 73, §1, is further amended to read:

8. Administrative hearing; suspension. In lieu of a civil action under subsection 9, the commissioner may institute an administrative proceeding on any alleged violation of this section. If the commissioner institutes an administrative proceeding, the commissioner shall give notice and an opportunity for hearing under Title 5, chapter 375, subchapter 4. Upon giving notice to a person who is alleged to be in violation of this section, the commissioner shall immediately prohibit that person from competing in an event within the State. This prohibition remains in effect for 30 days or until the commissioner's decision following the hearing is received, whichever occurs first, except that the prohibition period is extended by any delays of the hearing requested by the person against whom the violation is alleged.

If the person against whom the violation is alleged does not request a hearing or if, after a hearing, the commissioner finds the person has committed the violation, the commissioner shall prohibit that person from competing in any event within the State for a period of ~~up to~~ 2 years for the first offense, 3 years for the 2nd offense and 5 years for the 3rd and subsequent offenses and shall also exclude the animal from competing in any event within the State for a period of ~~up to~~ one year. The commissioner may also, in an adjudicatory proceeding, in lieu of a civil action under subsection 9, impose an administrative penalty not to exceed \$1,000 for a violation of this section.

The commissioner may establish, by rule, a schedule of administrative penalties for violations of this section that includes fines and prohibitions on competing. The schedule must be based on the severity of the violation. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 5. 7 MRSA §96, sub-§10, as enacted by PL 2005, c. 563, §3, is amended to read:

10. Suspension. When a violation is adjudicated under subsection 9, the commissioner shall immediately suspend the person adjudicated to have committed the violation from participating in events for a period of 2 years for the first offense, 3 years for the 2nd offense and 5 years for the 3rd and subsequent offenses and shall also exclude the animal involved from competing in any event for a period of one year. An action by the commissioner based upon an adjudication under this section is automatic, and there is no right to a hearing before the commissioner on the suspension. A person who participated in an event during any period of suspension or prohibition ordered by the commissioner under this subsection or subsection 8 and the owner ~~and trainer~~ of any animal that competes during a period of suspension or prohibition commit an additional violation of this section.

Sec. 6. 7 MRSA §96, sub-§12, ¶C, as enacted by PL 2005, c. 563, §3, is amended to read:

C. Only a licensed veterinarian or ~~a trainer~~ an owner acting under the direction of a licensed veterinarian may administer medication. The ~~trainer~~ owner may administer medication under the direction of a licensed veterinarian if the licensed veterinarian has assumed responsibility for making medical judgments regarding the health of the animal, has sufficient knowledge of the animal to make a general or preliminary diagnosis of the animal and is readily available to care for the animal in the event of an adverse reaction to medication or the failure of ~~a trainer~~ the owner to adhere to a therapy regimen.

Sec. 7. 7 MRSA §97, sub-§4, ¶A, as enacted by PL 2005, c. 563, §3, is amended to read:

A. All ~~teamsters~~ drivers who are to compete in contests must have their teams ready at the published starting time. All classes must be closed after the positions are drawn. Classes must start as nearly as possible to the published time.

Sec. 8. 7 MRSA §97, sub-§4, ¶¶I, L and N, as enacted by PL 2005, c. 563, §3, are amended to read:

I. Any number of helpers is allowed to help hitch. After hitch-on, there may be no more than 2 helpers. The helpers shall stay behind the drag unless needed to help the ~~teamster~~ driver. The helpers may not have a stick. This paragraph applies to distance pulls only.

L. Heading of horses or oxen is not allowed. One inch pulled constitutes a hitch. Stepping over the rail counts as a hitch and 5 minutes are allowed for hitching. Three attempts may be made within that period. Time taken out to position the drag for the next pull may not be counted. ~~Teamsters~~ Drivers may not be changed after the first load is pulled. A team deliberately driven over the rail is disqualified from the contest. In case of a tie on the longest distance, the 2nd-longest distances already pulled will take first place. Persons acting as eveners shall remain quiet after hitching on. This paragraph does not apply to distance pulls.

N. A substantial barrier must be maintained at the end of the ring toward which the pull is proceeding to prevent or substantially impede runaways. A ~~teamster~~ driver losing control of the team is disqualified immediately.

Sec. 9. 7 MRSA §97, sub-§4, ¶R is enacted to read:

R. An animal must have an ear tag or microchip implant for identification purposes. The pull superintendent or the assistant pull superintendent shall verify the animal's identification at the time of weigh-in and at the time of entry.

Sec. 10. 7 MRSA §100, sub-§1, as enacted by PL 2005, c. 563, §3, is amended to read:

1. Violation by driver. Upon receipt of a written report alleging that a ~~teamster~~ driver has violated the laws or rules governing pulling events, the Pull Events Commission may after a hearing disqualify a ~~teamster driver~~ driver from participation in pulling events.

See title page for effective date.

CHAPTER 208

H.P. 976 - L.D. 1418

An Act To Ban the Purchase of Retail Marijuana and Retail Marijuana Products with Temporary Assistance for Needy Families Program Benefits

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

Sec. 1. 22 MRSA §3763, sub-§11, ¶¶H and I, as enacted by PL 2015, c. 484, §1, are amended to read:

H. Publications, services or entertainment that contain or promote obscene matter. For purposes of this paragraph, "obscene matter" has the same meaning as in Title 17, section 2911, subsection 1, paragraph D; ~~or~~

I. Tattoos, as defined by Title 32, section 4201, or body art; or

Sec. 2. 22 MRSA §3763, sub-§11, ¶J is enacted to read:

J. Retail marijuana and retail marijuana products, as defined by Title 7, section 2442.

See title page for effective date.

CHAPTER 209

S.P. 497 - L.D. 1442

An Act To Raise the Debtor's Exemption on Vehicles

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

Sec. 1. 14 MRSA §4422, sub-§2, as amended by PL 2001, c. 306, §2, is further amended to read:

2. Motor vehicle. The debtor's interest, not to exceed ~~\$5,000~~ \$7,500 in value, in one motor vehicle.

See title page for effective date.

CHAPTER 210

S.P. 498 - L.D. 1443

An Act To Update Professional and Occupational Licensing Laws

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

PART A

Sec. A-1. 10 MRSA §1404, first ¶, as amended by PL 1989, c. 717, §1, is further amended to read:

A statutory warranty is hereby established under which both the manufacturer and the dealer certify that to the best of their knowledge, the new ~~mobile~~ manufactured home is free from any substantial defects in the approved building systems, materials and workmanship. The dealer shall deliver the written warranty to the buyer at the time of sale, and the warranty ~~shall~~ must contain the following terms:

Sec. A-2. 10 MRSA §1404, sub-§1, as enacted by PL 1973, c. 435, is amended to read:

1. Defects. That the ~~mobile~~ manufactured home is free from any substantial defects in materials or workmanship;

Sec. A-3. 10 MRSA §1404, sub-§3, as enacted by PL 1973, c. 754, §2, is amended to read:

3. Liability. That the manufacturer and dealer ~~shall be~~ are jointly and severally liable to the consumer for the fulfillment of the terms of warranty, and the consumer may notify either one or both of the need for appropriate corrective action in instances of substantial defects in the approved building systems, materials or workmanship;

Sec. A-4. 10 MRSA §1404, sub-§5, as amended by PL 1989, c. 717, §2, is further amended to read:

5. Responsibility. That, while the manufacturers of any ~~or all~~ appliances may also issue their own express warranties, the primary responsibility for appropriate corrective action under the warranty rests with the dealer and manufacturer, and the consumer should report all complaints to the dealer and manufacturer initially; and

Sec. A-5. 10 MRSA §1404-A, sub-§§1 and 2, as enacted by PL 1993, c. 642, §7, are amended to read: