

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**June 19, 2018 to September 13, 2018**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**DECEMBER 13, 2018**

**ONE HUNDRED AND TWENTY-NINTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2018 to June 20, 2019**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 2019**

**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**  
**2019**

must be made available for statistical evaluation and may not be made available for any other purpose.

See title page for effective date.

**CHAPTER 90**  
**S.P. 309 - L.D. 1049**

**An Act Regarding the Sale of  
Cats and Dogs with Health  
Problems**

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

**Sec. 1. 7 MRSA §4155, sub-§3, ¶¶B and C,** as enacted by PL 1995, c. 589, §1, are amended to read:

B. Exchange of the animal for an animal of the purchaser's choice of equivalent value, ~~providing if a replacement is available; or~~

C. Retainment of the animal and reimbursement for 1/2 of the reasonable veterinary fees not to exceed 1/2 of the original purchase price of the animal; ~~or~~

**Sec. 2. 7 MRSA §4155, sub-§3, ¶D** is enacted to read:

D. For an animal with less than one year of life expectancy, as determined by a veterinarian pursuant to subsection 1, retainment of the animal and a full refund of the original purchase price of the animal. Reimbursement of veterinary fees by the seller is not required under this paragraph.

**Sec. 3. 7 MRSA §4155, sub-§5,** as amended by PL 2007, c. 702, §27, is further amended to read:

**5. Sellers not exempt.** Sellers may not, contractually or otherwise, exempt themselves from the remedies provided by this section for deaths or health problems in animals caused by infectious, contagious, parasitic or communicable disease or for deaths or health problems in animals caused by hereditary or congenital defects as described in subsection 1.

**Sec. 4. 7 MRSA §4156, sub-§2,** as amended by PL 2007, c. 702, §29, is further amended to read:

**2. Refund.** If the purchaser wishes to receive a full refund for the animal, the purchaser must return the animal no later than 2 business days after receipt of a written statement from a veterinarian indicating that the animal is unfit due to a health problem. With respect to a dead animal, the purchaser must provide the seller with a written statement from a veterinarian indicating that the animal died from a health problem that existed on or before the receipt of the animal by the purchaser. This subsection does not apply to a

refund requested pursuant to section 4155, subsection 3, paragraph D.

See title page for effective date.

**CHAPTER 91**  
**S.P. 223 - L.D. 779**

**An Act To Improve the  
Definition of "Strangulation"  
in the Aggravated Assault  
Laws**

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

**Sec. 1. 17-A MRSA §208, sub-§1, ¶C,** as amended by PL 2015, c. 358, §1, is further amended to read:

C. Bodily injury to another under circumstances manifesting extreme indifference to the value of human life. Such circumstances include, but are not limited to, the number, location or nature of the injuries, the manner or method inflicted, the observable physical condition of the victim or the use of strangulation. For the purpose of this paragraph, "strangulation" means ~~the intentional~~ impeding ~~of~~ the breathing or circulation of the blood of another person by intentionally, knowingly or recklessly applying pressure on the person's throat or neck. Violation of this paragraph is a Class B crime.

See title page for effective date.

**CHAPTER 92**  
**H.P. 509 - L.D. 688**

**An Act To Set Maine Dental  
Provider Licensing Fees**

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

**Sec. 1. 32 MRSA §18323, sub-§3,** as enacted by PL 2015, c. 429, §21, is amended to read:

**3. Fees.** The authority to adopt by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that ~~the fee for any one purpose may not exceed \$550;~~

A. The fee for any one purpose may not exceed \$550 unless another fee is authorized by paragraph B or C;

B. The fee for an initial license or a license renewal under section 18342 or a permit under section 18379 may not exceed \$1,000; and

C. The fee for an initial license or a license renewal under section 18345 may not exceed \$200;

See title page for effective date.

**CHAPTER 93**

**S.P. 190 - L.D. 603**

**An Act To Amend the Laws  
Governing Funding for  
Landfill Closure Costs**

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

**Sec. 1. 38 MRSA §1310-F, sub-§1-B, ¶E**, as amended by PL 2015, c. 302, §1, is further amended to read:

E. Notwithstanding paragraphs B, C and D, the state cost share is 75% of closure costs, including landfill cover costs, incurred on or after July 1, 1994 and before December 31, 2025, if:

(1) The commissioner originally issued a license on or before September 1, 1989 or accepted a license application for processing on or before September 1, 1989 that was approved by the commissioner within one year of acceptance for processing for operation of the landfill and found that the landfill met the design requirements and environmental protection standards at the time of licensing; and

(2) The commissioner has since determined that the landfill or portion of the landfill must be closed based on the finding that the landfill is contaminating groundwater and that corrective actions have not been successful.

See title page for effective date.

**CHAPTER 94**

**H.P. 305 - L.D. 396**

**An Act To Support Justice for  
Victims of Sexual Assault by  
Increasing the Time Sexual  
Assault Forensic Examination  
Kits Must Be Stored**

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

**Sec. 1. 24 MRSA §2986, sub-§3**, as amended by PL 2011, c. 59, §1, is further amended to read:

**3. Completed kit.** If the alleged victim has not reported the alleged offense to a law enforcement agency when the examination is complete, the hospital or health care practitioner shall then notify the nearest law enforcement agency, which shall transport and store the completed forensic examination kit for ~~at least 90 days~~ 8 years. The completed kit may be identified only by the tracking number. If during that ~~90-day~~ storage period an alleged victim decides to report the alleged offense to a law enforcement agency, the alleged victim may contact the hospital or health care practitioner to determine the tracking number. The hospital or health care practitioner shall provide the alleged victim with the tracking number on the forensic examination kit and shall inform the alleged victim which law enforcement agency is storing the kit.

If the alleged victim reports the alleged offense to a law enforcement agency by the time the examination is complete, the investigating agency shall retain custody of the forensic examination kit.

If an examination is performed under subsection 5 and the alleged victim does not, within 60 days, regain a state of consciousness adequate to decide whether or not to report the alleged offense, the State may file a motion in the District Court relating to storing or processing the forensic examination kit. Upon finding good cause and after considering factors, including, but not limited to, the possible benefits to public safety in processing the kit and the likelihood of the alleged victim's regaining a state of consciousness adequate to decide whether or not to report the alleged offense in a reasonable time, the District Court may order either that the kit be stored for additional time or that the kit be transported to the Maine State Police Crime Laboratory for processing, or such other disposition that the court determines just. In the interests of justice or upon motion by the State, the District Court may conduct hearings required under this paragraph confidentially and in camera and may impound pleadings and other records related to them.

**Sec. 2. 25 MRSA §3821, 2nd ¶**, as amended by PL 2017, c. 156, §4, is further amended to read:

If an alleged victim of sexual assault has a forensic examination and has not reported the alleged offense to a law enforcement agency when the examination is complete, the licensed hospital or licensed health care practitioner that completed the forensic examination shall notify the nearest law enforcement agency. That law enforcement agency shall transport the completed forensic examination kit, identified only by a tracking number assigned by the kit manufacturer, to its evidence storage facility. The law enforcement agency shall store the forensic examination kit for ~~at least 90 days from the time of receipt~~ 8 years. If during that ~~90-day~~ storage period the alleged victim reports the offense to a law enforcement agency, the