

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

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

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTIETH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 2020 to March 30, 2021**

**FIRST SPECIAL SESSION**  
**April 28, 2021 to July 19, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 18, 2021**

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

---

---

**Augusta, Maine**  
**2021**

Department of Health and Human Services shall provide to the joint standing committee of the Legislature having jurisdiction over health and human services matters a final report regarding the effects of the removal of the full family unit sanction.

**Sec. 4. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**Temporary Assistance for Needy Families 0138**

Initiative: Provides allocation to terminate Temporary Assistance for Needy Families benefits for only the noncomplying parent but continue assistance to the children and complying parents.

FEDERAL BLOCK GRANT FUND	2021-22	2022-23
All Other	\$0	\$753,666
FEDERAL BLOCK GRANT FUND TOTAL	\$0	\$753,666

See title page for effective date.

**CHAPTER 98  
H.P. 47 - L.D. 81**

**An Act To Ensure the Safety of  
Children Experiencing  
Homelessness by Extending  
Shelter Placement Periods and  
Amending Licensing  
Requirements for Emergency  
Shelters**

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

**Sec. 1. 22 MRSA §8101, sub-§2,** as amended by PL 2013, c. 179, §7, is further amended to read:

**2. Emergency children's shelter.** "Emergency children's shelter" means a facility that operates to receive children 24 hours a day and that limits placement to ~~30~~ 90 consecutive days or less. For purposes of this section, the definition of "children" includes a person under 21 years of age. "Emergency children's shelter" does not mean a family foster home or specialized children's home. If emergency shelter is a service provided by a children's residential care facility, the service is restricted to a designated physical area of the facility.

**Sec. 2. 22 MRSA §8101, sub-§4-A,** as amended by PL 2013, c. 179, §7, is further amended to read:

**4-A. Shelter for homeless children.** "Shelter for homeless children" means a facility designed to provide for the overnight lodging and supervision of children 10

years of age or older for no more than ~~30~~ 90 consecutive overnights. For purposes of this section, the definition of "children" includes a person under 21 years of age.

**Sec. 3. Rules for licensing of emergency shelters for children.** The Department of Health and Human Services shall amend its rule Chapter 9: Rules for the Licensing of Emergency Shelters for Children to make it consistent with the notification requirements for facilities licensed under rule Chapter 8: Rules for the Licensure of Shelters for Homeless Children and specifically to allow the admission of a child into care for up to 3 hours without first notifying the child's guardian. The department shall amend its rule Chapter 9: Rules for the Licensing of Emergency Shelters for Children to require a facility to allow the admission of a child into care for up to 48 hours without the permission of the child's guardian. Rules adopted in accordance with this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 99  
H.P. 69 - L.D. 103**

**An Act To Improve the Animal  
Welfare Laws**

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

**Sec. 1. 7 MRSA §3906-B, sub-§12,** as enacted by PL 1995, c. 502, Pt. C, §12, is repealed.

**Sec. 2. 7 MRSA §3906-B, sub-§12-A** is enacted to read:

**12-A. Right to call and designate assistance.** The commissioner may employ a person considered necessary to assist in a response to a natural or man-made disaster affecting animals. A person called and employed for assistance shall proceed to help resolve the natural or man-made disaster as directed by the commissioner or the commissioner's designee.

A. A person considered necessary to assist in a response must receive compensation for services at the prevailing rate in the State, except that animal control officers, veterinarians, animal shelter staff or other groups used outside the State may receive pay at their usual rates. Equipment may be provided by individuals or groups during a response. Equipment used in a response must, upon application, be compensated for at an amount fixed by the state in which the response occurred. A person responding under this subsection may be provided with subsistence pay during the response.

B. The commissioner or the commissioner's designee shall promptly prepare a report of the commissioner's or the designee's investigation of the response detailing the cause of the natural or man-made disaster and recommendations for future prevention and response. The commissioner or the commissioner's designee shall prepare and include in the report a detailed statement of expenses incurred immediately after the natural or man-made disaster on forms provided by the department.

All requests for reimbursement must be presented to the commissioner or the commissioner's designee within 60 days after demobilization or become void. The commissioner or the commissioner's designee may extend the time as long as a preliminary report has been made.

The commissioner or the commissioner's designee shall examine all invoices presented to the State for reimbursement or direct payment. After items not qualifying for reimbursement have been deducted, the commissioner or the commissioner's designee shall approve the remaining items for payment.

**Sec. 3. 7 MRSA §3906-C, sub-§1, ¶E**, as amended by PL 1995, c. 502, Pt. C, §13, is further amended to read:

E. One member representing licensed pet shops or pet food suppliers;

**Sec. 4. 7 MRSA §3906-C, sub-§1, ¶I**, as enacted by PL 2001, c. 399, §3, is amended to read:

I. One attorney with experience in animal welfare law or prosecutorial experience within the state court system;

**Sec. 5. 7 MRSA §3907, sub-§22-C** is enacted to read:

22-C. Pet food supplier. "Pet food supplier" means any retail location located in the State that sells feeding supplies for pets or livestock.

**Sec. 6. 7 MRSA §3916, sub-§1-A**, as amended by PL 2007, c. 439, §8, is repealed and the following enacted in its place:

1-A. Required for dogs. Except as provided in subsection 4, an owner or keeper of a dog, within 30 days after the dog attains the age of 3 months, shall have that dog vaccinated against rabies. The rabies vaccine must be administered by a licensed veterinarian or under the supervision of a licensed veterinarian. Upon receiving an initial vaccination, a dog is considered protected for one year and an owner or keeper of that dog shall get a booster vaccination for that dog one year after the initial vaccination and subsequent booster vaccinations at intervals that do not exceed the intervals recommended by a national association of state public health veterinarians for the type of vaccine adminis-

tered. A wolf hybrid is required to be vaccinated in accordance with this subsection. The procedure prescribed under Title 22, chapter 251, subchapter 5 for a wolf hybrid suspected of having rabies does not change based on proof that the wolf hybrid has received a rabies vaccination.

**Sec. 7. 7 MRSA §3916, sub-§4**, as amended by PL 2005, c. 422, §6, is further amended by amending the first blocked paragraph to read:

An owner or keeper of a cat or dog is exempt from the requirements of subsection 1 if a medical reason exists that precludes the vaccination of the cat or dog. To qualify for this exemption, the owner or keeper must have a written statement signed by a licensed veterinarian that includes a description of the cat or dog and the medical reason that precludes the vaccination.

**Sec. 8. 7 MRSA §3923-G, sub-§6**, as enacted by PL 2011, c. 100, §12, is amended to read:

**6. Exclusion of wolf hybrids, dangerous dogs and nuisance dogs.** This section does not apply to the licensing of a wolf hybrid, a dangerous dog or a nuisance dog. A person owning a wolf hybrid, a dangerous dog or a nuisance dog shall obtain a license from the municipal clerk or the dog recorder for the municipality, plantation or unorganized territory in which the person owning the wolf hybrid, the dangerous dog or the nuisance dog resides.

**Sec. 9. 7 MRSA §3950-A, sub-§2**, as amended by PL 2009, c. 343, §22, is further amended to read:

**2. Penalty.** A person who violates subsection 1 commits a civil violation for which a fine of not less than \$50 and not more than \$500 and costs may be adjudged and, for an animal control officer, revocation of that person's certification as an animal control officer may be imposed.

**Sec. 10. 17 MRSA §1011, sub-§2-A** is enacted to read:

**2-A. Animal care facility.** "Animal care facility" means any person that provides care, sustenance, housing, maintenance or other necessary care of an animal and includes, but is not limited to, veterinarians' offices, boarding kennels, equine facilities, animal grooming facilities, animal shelters and animal day care facilities.

**Sec. 11. 17 MRSA §1011, sub-§8**, as enacted by PL 1987, c. 383, §4, is amended to read:

**8. Boarding kennel.** "Boarding kennel" means any place, building, tract of land, abode or vehicle in or on which privately owned dogs or other pets, or both, animals are kept for their owners in return for a fee.

**Sec. 12. 17 MRSA §1038, first ¶**, as enacted by PL 2005, c. 422, §11, is amended to read:

Abandoning an animal at a veterinarian's office, boarding kennel, animal grooming facility or animal

day care facility an animal care facility is a Class D crime.

**Sec. 13. 17 MRSA §1038, sub-§1, ¶A**, as enacted by PL 2005, c. 422, §11, is amended to read:

A. Places an animal in the custody of ~~a licensed veterinarian for treatment, boarding or other care, or in a boarding kennel, animal grooming facility or animal day care facility~~ an animal care facility for services offered by that facility; and

**Sec. 14. 17 MRSA §1038, sub-§2**, as enacted by PL 2005, c. 422, §11, is amended to read:

**2. Notice requirement.** Before any animal may be considered abandoned under this section, ~~a veterinarian's office, boarding kennel, animal grooming facility or animal day care facility~~ an animal care facility shall send written notice, by registered or certified mail, return receipt requested, to the owner or keeper at the owner's or keeper's last known address. Proof of attempted delivery constitutes sufficient notice.

**Sec. 15. 17 MRSA §1038, sub-§3**, as enacted by PL 2005, c. 422, §11, is amended to read:

**3. Ownership of abandoned animal.** When an owner or keeper fails to claim an animal within 10 days of a notice being sent under subsection 2, the ~~veterinarian, kennel, animal care facility~~ or individual who has custody and control of the animal is considered the owner of the animal and shall arrange for its care, including, but not limited to, its adoption, sale or placement with a licensed animal shelter.

**Sec. 16. Transition provision.** An owner or keeper of a dog that is over 3 months of age on the effective date of this Act that has not been vaccinated against rabies shall have that dog vaccinated against rabies within 30 days after the effective date of this Act, unless exempt under the Maine Revised Statutes, Title 7, section 3916, subsection 4.

See title page for effective date.

**CHAPTER 100  
H.P. 98 - L.D. 142**

**An Act To Give the  
Commissioner of Inland  
Fisheries and Wildlife Rule-  
making Authority To Establish  
a Bear Season Framework and  
Bag Limits**

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

**Sec. 1. 12 MRSA §10902, sub-§6, ¶E**, as repealed and replaced by PL 2011, c. 691, Pt. A, §7, is amended to read:

~~E. Buying or selling bear, hunting or trapping bear after having killed 2 or exceeding the bag limit on bear, in violation of section 11217; or hunting or trapping bear or exceeding the bag limit on bear in violation of section 11351 or 12260;~~

**Sec. 2. 12 MRSA §11151, sub-§1**, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §118 and affected by §422, is further amended to read:

**1. Permit required.** Except as otherwise authorized pursuant to this Part, a person may not hunt for bear without a valid permit ~~from the first Monday preceding September 1st to the day preceding the open firearm season on deer during the open season on hunting bear established pursuant to section 11251.~~ A person may hunt for bear without a valid permit during the open firearm season on deer under section 11401. This section does not apply to trapping for bear.

Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

**Sec. 3. 12 MRSA §11151, sub-§3**, as amended by PL 2009, c. 213, Pt. OO, §6, is further amended to read:

**3. Issuance; permit fee.** The commissioner, through the commissioner's authorized agent, shall issue a bear hunting permit or permits to an eligible person. When the bag limit on bear is more than one, a bear hunting permit is required for each bear. The annual fee for each permit issued is ~~\$27~~ \$10 for residents and \$74 for nonresidents.

**Sec. 4. 12 MRSA §11151-A, sub-§3**, as enacted by PL 2007, c. 168, §4 and affected by §8, is amended to read:

**3. Issuance; permit fee.** The commissioner, through the commissioner's authorized agent, shall issue a nonresident late season bear hunting permit or permits to an eligible person. When the bag limit on bear is more than one, a bear hunting permit is required for each bear. The annual fee for each permit issued is \$40.

**Sec. 5. 12 MRSA §11251, sub-§1**, as amended by PL 2017, c. 357, §1, is further amended to read:

**1. Open season on bear; commissioner's authority.** This subsection governs the open and closed seasons on bear.

~~A. There is an open season on hunting bear from the first Monday preceding September 1st to November 30th annually. The commissioner shall by rule establish an open season on hunting bear beginning no earlier than the 2nd Monday preceding September 1st and ending no later than November 30th annually. The commissioner may, pursuant to section 10104, subsection 1, adopt rules prohibiting~~