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## **An Act To Update the Laws Affecting the Maine Center for Disease Control and Prevention**

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

**Sec. 1. 22 MRSA §1313**, as amended by PL 2007, c. 133, §1, is further amended to read:

### **§ 1313. Procedures for the transportation, quarantine, euthanasia and testing of animals suspected of having rabies**

**1. Establishment of procedures.** The commissioner, in consultation with the Commissioner of Agriculture, Food and Rural Resources and the Commissioner of Inland Fisheries and Wildlife, shall adopt rules, in accordance with the Maine Administrative Procedure Act, establishing procedures for responding to a report of an animal suspected of having rabies. The procedures must include provisions for the transportation, quarantine, euthanasia and testing of an animal suspected of having rabies and, when reasonable cause exists to believe that the animal has bitten either exposed a person or other animal to rabies or has been exposed to rabies, provisions for the notification of the animal control officer in the locality where the bite exposure occurred. The procedures may differ based on the perceived public health threat determined in part by consideration of the following factors:

- A. Whether the animal is a domesticated animal for which a known effective vaccine exists and, if so, whether the animal's vaccination status can be verified;
- B. Whether the animal has bitten a person or exhibited other aggressive behavior; and
- C. Whether the animal is a wolf hybrid that has bitten or may have otherwise exposed a person or a domesticated animal to rabies.

**2. Role of animal control officer; game warden.** An animal control officer appointed in accordance with Title 7, section 3947 receiving a report of an animal suspected of having rabies shall ensure that the procedures established pursuant to this section and sections 1313-A and 1313-B are carried out. ~~If the animal is~~ When reasonable cause exists to believe that an undomesticated animal, other than a wolf hybrid, has exposed a person to rabies, a game warden shall assist the animal control officer.

**3. Costs associated with transportation, quarantine, testing and euthanasia.** ~~The Department of Inland Fisheries and Wildlife shall provide for or pay all necessary costs for transportation and euthanasia of an undomesticated animal suspected of having rabies. The owner of a domesticated animal or a wolf hybrid suspected of having rabies shall pay all costs for transportation, quarantine, euthanasia and testing of the animal. If a domesticated animal or a wolf hybrid is a stray or the owner is unknown, the municipality in which the animal was apprehended is responsible for~~ following provisions

~~govern costs associated with the transportation, quarantine, testing and euthanasia and testing costs of animals suspected of having rabies. Cost of testing animals judged by the department to have created a public health risk of rabies must be borne by the department through its General Fund appropriations.~~

A. The Department of Inland Fisheries and Wildlife shall provide for or pay all necessary costs for transportation and euthanasia of an undomesticated animal when reasonable cause exists to believe that the undomesticated animal has exposed a person to rabies.

B. The owner or keeper of a domesticated animal, wolf hybrid or undomesticated animal suspected of having rabies shall pay all costs for transportation, quarantine, euthanasia and testing of the animal.

C. The owner or keeper of a domesticated animal exposed to an undomesticated animal suspected of having rabies shall pay all costs for transportation, quarantine and euthanasia of the undomesticated animal.

D. If a domesticated animal or a wolf hybrid is a stray or the owner is unknown, the municipality in which the animal was apprehended is responsible for transportation, quarantine, euthanasia and testing costs.

E. The cost of testing animals judged by the department to have created a public health risk of rabies must be borne by the department through its General Fund appropriations.

**Sec. 2. 22 MRSA §1313-A**, as amended by PL 2007, c. 598, §11, is repealed and the following enacted in its place:

**§ 1313-A. Provisions for immediate destruction of certain animals**

Euthanasia of certain animals must be carried out as follows.

**1. Undomesticated animal that exposed person to rabies.** If reasonable cause exists to believe that an undomesticated animal has exposed a person to rabies, an animal control officer or a game warden shall immediately remove the undomesticated animal, or cause the undomesticated animal to be removed, and cause the undomesticated animal to be euthanized for testing.

**2. Undomesticated animal that exposed domesticated animal to rabies.** If reasonable cause exists to believe that an undomesticated animal has exposed a domesticated animal to rabies, an animal control officer, law enforcement officer, owner or owner's agent may immediately cause the undomesticated animal to be euthanized for testing.

**3. Wolf hybrid that exposed person or domesticated animal to rabies.** If reasonable cause exists to believe that a wolf hybrid has exposed a person or domesticated animal to rabies, an animal control officer or a law enforcement officer shall immediately cause the wolf hybrid to be euthanized for testing.

**4. Domesticated or un domesticated animal poses an immediate threat of a rabies exposure.** If reasonable cause exists to believe that a domesticated or un domesticated animal poses an immediate threat of a rabies exposure to a person or domesticated animal, an animal control officer, game warden or law enforcement officer may immediately kill or order killed an animal without destroying the head.

**5. Transportation of head of un domesticated animal to laboratory.** If reasonable cause exists to believe that an un domesticated animal has exposed a person to rabies, the Department of Inland Fisheries and Wildlife shall arrange for the transportation of the head of that un domesticated animal to the State Health and Environmental Testing Laboratory, except that the animal control officer shall make the arrangements if the animal is a wolf hybrid.

The Department of Inland Fisheries and Wildlife shall pay transportation costs for un domesticated animals that are involved in a human exposure, except that the owner or keeper of an un domesticated animal that is owned, kept by permit or is illegally held shall pay transportation, confinement and testing costs for that animal. The owner of any domesticated animal, including livestock or a ferret, dog, cat or wolf or wolf hybrid kept as a domesticated animal, shall pay transportation, confinement and testing costs for that animal.

**Sec. 3. 22 MRSA §1313-B, sub-§1,** as enacted by PL 1997, c. 704, §12, is amended to read:

**1. Violation.** A person who violates a rule established under this chapter commits a civil violation for which a ~~forfeiture~~fine of not less than ~~\$100~~\$500 nor more than ~~\$500~~\$1,000 may be adjudged for each offense. In addition, the court may include an order of restitution as part of the sentencing for costs including removing, controlling and confining the animal.

**Sec. 4. 22 MRSA §1313-B, sub-§2,** as amended by PL 2007, c. 133, §3, is further amended to read:

**2. Court authorization for removal.** ~~When~~reasonable cause exists to believe that quarantine procedures, as described on the official notice of quarantine, have been violated, or in the case of a wolf hybrid, when ~~if the owner or keeper of a wolf hybrid or other legally or illegally possessed un domesticated animal fails to bring the animal to a veterinarian for euthanasia and testing or to turn~~fails to relinquish the animal over to authorities as required by rules established pursuant to this chapter, an animal control officer, person acting in that capacity or law enforcement officer shall apply to the District Court or Superior Court for authorization to take possession of the animal for placement, at the owner's expense, in a veterinary hospital, boarding kennel or other suitable location for the remainder of the quarantine period or, in the case of a wolf hybrid, removal for euthanasia. At the end of the quarantine period for domestic animals, or if the animal shows signs of rabies, the person in possession of the animal shall report to the court, and the court shall either dissolve the possession order or order the animal euthanized and tested for rabies.

A. A domesticated animal must be placed at the owner's expense in a veterinary hospital, boarding kennel or other suitable location for the remainder of the quarantine period. If reasonable cause exists to believe that the domesticated animal shows any symptoms of rabies during the quarantine, the person in possession of the animal shall immediately notify the animal control officer and have

the animal examined by a licensed veterinarian. If the licensed veterinarian has reasonable cause to believe that the animal has symptoms consistent with rabies, the person in possession of the animal shall report to the court and the animal must immediately be euthanized and tested for rabies. At the end of the specified quarantine period, the person in possession of the animal shall report to the court and, if reasonable cause exists to believe that the domesticated animal has not developed symptoms consistent with rabies, the court shall dissolve the possession order or order the animal euthanized.

B. Wolf hybrids or other legally or illegally possessed undomesticated animals must be euthanized and tested for rabies.

**Sec. 5. 22 MRSA §1313-B, sub-§3, ¶A**, as enacted by PL 1997, c. 704, §12, is amended to read:

A. The municipality may record a lien for costs of confinement, quarantine and testing against the property of the owner or keeper of an animal if the person fails or refuses to comply with an order to confine or quarantine the animal;

**Sec. 6. 22 MRSA §1313-B, sub-§3, ¶D**, as enacted by PL 1997, c. 704, §12, is amended to read:

D. If the owner or keeper of the animal fails to pay the costs of confinement ~~or~~, quarantine or euthanasia within 30 days after written demand from the municipal officers, the municipal assessors may file a record of lien against the property of the owner or keeper of the animal.

**Sec. 7. 22 MRSA §2494, sub-§3**, as amended by PL 2007, c. 539, Pt. F, §1, is further amended to read:

**3. Three hundred dollars.**~~One hundred seventy-five~~Three hundred dollars for all other establishments, places and camps not included in subsection 1 or 2.

**Sec. 8. 22 MRSA §2502** is enacted to read:

**§ 2502. Transaction fee for electronic renewal of license**

The department may collect a transaction fee from a licensee who renews a license electronically under this chapter. The fee may not exceed the cost of providing the electronic license renewal service. The department may adopt rules necessary to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 9. 30-A MRSA §2652, sub-§1, ¶C**, as amended by PL 2005, c. 683, Pt. C, §8, is further amended to read:

C. Affidavit establishing or correcting a record of birth, marriage or death as provided by Title 22, sections 2705 and 2764, \$4;

(1) Issuance of a copy of the record to the applicant, ~~\$10~~ \$15 for the first copy and ~~\$5~~ \$6 for each additional copy;

**Sec. 10. 30-A MRSA §2652, sub-§1, ¶D**, as amended by PL 2005, c. 683, Pt. C, §8, is further amended to read:

D. Affidavit legitimating a birth as provided by Title 22, section 2765, §4;

(1) Issuance of a copy of the amended birth record to the applicant, ~~\$10~~ \$15 for the first copy and ~~\$5~~ \$6 for each additional copy;

**Sec. 11. 30-A MRSA §2652, sub-§2**, as amended by PL 2005, c. 86, §1, is further amended to read:

**2. Marriage intentions and license.** Recording marriage intentions and issuing a marriage license, ~~\$30~~ \$40, except, when the laws of this State require 2 licenses, the fee is ~~\$15~~ \$20 each;

**Sec. 12. 30-A MRSA §2652, sub-§3**, as amended by PL 2005, c. 112, §§1 and 2, is further amended to read:

**3. Birth, marriage or death certificates.** Issuing the following:

A. Certificate of birth, marriage or death, the clerk may charge up to ~~\$10~~\$15 for the first copy and ~~up to \$5~~\$6 for each additional copy; and

B. Burial permit, ~~\$5~~\$40; and

**Sec. 13. 30-A MRSA §2652, sub-§4**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

**4. Marginal release.** Entering in the margin of a record the release of an attachment, no charge;

A. The person making the marginal release must sign it; and

**Sec. 14. 30-A MRSA §2652, sub-§5** is enacted to read:

**5. Fees owed to the department.** Of the fees collected under subsection 1, paragraphs C and D; subsection 2; and subsection 3, paragraphs A and B, 25% of each fee collected is owed to and must be remitted to the Department of Health and Human Services.

Each clerk shall remit the Department of Health and Human Services' share of the fees collected at the end of each calendar year quarter. These fees must be deposited in a nonlapsing special revenue account to be used by the Department of Health and Human Services, Maine Center for Disease Control and Prevention for the support of the Office of Health Data and Program Management, Division of Data, Research and Vital Statistics.

**Sec. 15. 30-A MRSA §2652, last ¶**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

If a municipality provides for a salary to be paid to the clerk as full compensation, all revenues received by the clerk on behalf of the town accrue to the municipality, except for those portions that must be remitted to the Department of Health and Human Services.

**Sec. 16. 30-A MRSA §4211, sub-§5**, as amended by PL 2009, c. 213, Pt. FFFF, §1, is further amended to read:

**5. Permit fees.** The following permit fees may be charged.

A. A plumbing permit fee of ~~\$6~~not to exceed \$10 per internal fixture may be charged.

C. A minimum fee, not to exceed ~~\$24~~\$40, may be charged for all internal plumbing permits combined.

D. A nonengineered subsurface wastewater disposal system fee not to exceed ~~\$100~~ \$250 may be charged, and a surcharge of \$15 must be charged. The surcharge must be paid by the municipality to the Treasurer of State, who shall credit the amount to the Water Quality Improvement Fund established under Title 38, section 424-B.

**Sec. 17. 32 MRSA §1243**, as amended by PL 1991, c. 416, §5, is further amended to read:

### **§ 1243. Inspections**

Upon any person's request and payment of a ~~\$50~~license fee not to exceed \$150, the department shall inspect that person's training, place of practice and equipment for compliance with the rules adopted by the department under this chapter. All fees collected by the department must be deposited in the ~~General Fund~~ a special revenue account dedicated to a health inspection program.

**Sec. 18. 32 MRSA §4252**, as amended by PL 1975, c. 293, §4 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

### **§ 4252. Issuance of licenses**

The Department of Health and Human Services is empowered to license persons to practice the art of tattooing. Such licenses ~~shall be~~are issued annually by the department upon the payment of a fee of ~~\$50~~not to exceed \$250. Licenses ~~shall~~ expire on September 30th of each year. All fees collected by the department pursuant to this section must be deposited in a special revenue account dedicated to a health inspection program.

**Sec. 19. 32 MRSA §4314**, as enacted by PL 1997, c. 383, §1, is amended to read:

### **§ 4314. Fee**

The fee for a license under this chapter may not exceed ~~\$50~~\$150. The fee required by this section includes the cost of a biennial inspection of the micropigmentation facility by the department. However, the department may inspect the facility at any time. All fees collected by the department pursuant to this section must be deposited into a special revenue account dedicated to a health inspection program.

**Sec. 20. 32 MRSA §4325**, as enacted by PL 1997, c. 206, §1, is amended to read:

## **§ 4325. Issuance of licenses**

The department may license persons to practice the art of body piercing. Licenses are issued annually by the department upon the payment of a fee not to exceed ~~\$75~~\$250. The license for a person engaged in both the arts of tattooing, as defined by chapter 63, and body piercing may not exceed ~~\$100~~\$300. The fee required by this section includes the cost of an annual inspection of the body piercing establishment by the department. Licenses expire one year from date of issue. All fees collected by the department pursuant to this section must be deposited into a special revenue account dedicated to a health inspection program.

### **SUMMARY**

This bill implements the recommendations of an interagency work group on the control of rabies and allocates the responsibilities in various situations for taking possession, quarantine, confinement, testing and euthanasia of certain animals.

This bill increases the maximum fees that may be charged with respect to certain documents regarding birth, marriage and death and requires that a portion of these fees be remitted to the Department of Health and Human Services, Maine Center for Disease Control and Prevention. It increases the maximum fee that may be charged for certain plumbing permits. It increases the license fee for certain eating establishments, eating and lodging places, lodging places, recreational camps, youth camps and camping areas and allows the department to collect a transaction fee from a licensee who renews a license electronically. It increases the fee for a voluntary inspection by the department of an electrologist's training, place of practice and equipment. It increases the license fee for micropigmentation practitioners and tattoo and body piercing artists. It provides that fees collected by the department for an inspection of an electrologist's training, place of practice and equipment and license fees for micropigmentation practitioners and tattoo and body piercing artists must be deposited into a special revenue account for health inspections.