

MAINE STATE LEGISLATURE

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10/18

L.D. 178

DATE: 5/11/15

(Filing No. H-329)

AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE HOUSE OF REPRESENTATIVES 122ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 129, L.D. 178, Bill, "An Act To Support Animal Welfare"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 7 MRSA §714, sub-§4 is enacted to read:

4. Surcharge on registration of pet food. For each brand of pet food registered in accordance with subsection 1, the applicant shall pay a \$20 surcharge in addition to the registration fee. The commissioner shall deposit the surcharge into the Animal Welfare Fund established under section 3906-B, subsection 2.

Sec. 2. 7 MRSA §1820-A, sub-§4 is enacted to read:

4. Surcharge. A person submitting a sample to the department for an official test for equine infectious anemia shall pay a surcharge of \$4 for each sample tested by the department. The commissioner shall collect the surcharge and deposit all money received under this subsection into the animal welfare auxiliary fund established under section 3906-B, subsection 16. All revenue collected pursuant to this subsection must be used for investigating alleged cases of mistreatment or abuse of equines and enhancing enforcement of this Part and Title 17, chapter 42 as these laws pertain to equines.

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2 **Sec. 3. 7 MRSA §3906-B, sub-§2**, as amended by PL 2001, c. 422,
3 §3, is further amended to read:

4
5 **2. Animal Welfare Fund.** The commissioner shall deposit all
6 license fees received pursuant to chapters 721, 723, 725 and 735
7 in a separate account established by the Treasurer of State and
8 known as the Animal Welfare Fund. The commissioner shall deposit
9 1/2 of feed registration fees collected under section 714,
10 subsection 1 and all revenue from the surcharge collected under
11 section 714, subsection 4 in the Animal Welfare Fund. This
12 account does not lapse, but continues from year to year. The
13 commissioner shall pay from the Animal Welfare Fund the expense
14 of furnishing license blanks, stickers and tags, travel expenses
15 and salaries for necessary personnel, payments to animal shelters
16 and expenses incurred in the administration of this Part.

17 The commissioner shall annually transfer \$100,000 from the Animal
18 Welfare Fund for deposit in the Companion Animal Sterilization
19 Fund established under section 3910-B.

20
21 **Sec. 4. 7 MRSA §3906-B, sub-§16**, as enacted by PL 2003, c.
22 405, §3, is amended to read:

23
24 **16. Animal welfare auxiliary fund.** The commissioner may
25 accept gifts, donations, bequests, endowments, grants and
26 matching funds from any private or public source for the purposes
27 of ensuring the humane and proper treatment of animals and
28 enhancing the administration and enforcement of this Part and
29 Title 17, chapter 42. The commissioner shall deposit all funds
30 accepted for these purposes into a separate, nonlapsing account
31 known as the animal welfare auxiliary fund. All gifts,
32 donations, bequests, endowments, grants and matching funds
33 received must be used for the benefit of and accomplishment of
34 the objectives in this Part and Title 17, chapter 42 and any
35 gift, donation, bequest, endowment, grant or matching funds
36 accepted with a stipulated purpose may be used only for that
37 purpose.
38

39
40 All money deposited in the animal welfare auxiliary fund in
41 accordance with section 1820-A, subsection 4 must be used for
42 investigating alleged cases of mistreatment or abuse of equines
43 and enhancing enforcement of this Part and Title 17, chapter 42
44 as these laws pertain to equines.

45 **Sec. 5. 7 MRSA §3910-B, sub-§1**, as enacted by PL 2003, c. 682,
46 §4, is amended to read:

47
48 **1. Establishment.** There is established the Companion
49 Animal Sterilization Fund, an interest-bearing account, referred
50

to in this section as "the fund." The fund receives money deposited by the Treasurer of State pursuant to Title 36, section 5284-A, revenues generated in accordance with this section, all revenue from the surcharges collected under section 3931-A, subsection 4 and section 3933, subsection 4, money transferred from the Animal Welfare Fund in accordance with section 3906-B, subsection 2 and any money contributed voluntarily to the fund. All money deposited in the fund and the earnings on that money remain in the fund to be used for the spaying or neutering of companion animals owned by persons meeting income limit standards and for the necessary administrative and personnel costs associated with the management of the fund and may not be deposited in the General Fund or any other fund except as specifically provided by law.

Sec. 6. 7 MRSA §3931-A, sub-§4 is enacted to read:

4. Surcharge on sale of dogs and cats that have not been neutered. A person maintaining a breeding kennel shall collect a surcharge of \$25 on each cat or dog sold that has not been neutered and forward the entire surcharge to the department for deposit in the Companion Animal Sterilization Fund established under section 3910-B.

Sec. 7. 7 MRSA §3933, sub-§4 is enacted to read:

4. Surcharge on sale of dogs and cats that have not been neutered. A person maintaining a pet shop shall collect a surcharge of \$25 on each cat or dog sold that has not been neutered and forward the entire surcharge to the department for deposit in the Companion Animal Sterilization Fund established under section 3910-B.

Sec. 8. 17 MRSA §1031, sub-§1-B, as amended by PL 2003, c. 452, Pt. I, §15 and affected by Pt. X, §2, is further amended to read:

1-B. Aggravated cruelty to animals. A person is guilty of aggravated cruelty to animals if that person, in a manner manifesting a depraved indifference to animal life or suffering, intentionally, knowingly or recklessly:

- A. Causes extreme physical pain to an animal;
- B. Causes the death of an animal; or
- C. Physically tortures an animal.

Violation of this subsection is a Class C crime. Notwithstanding Title 17-A, section 1301, the court shall impose a fine of not

less than \$1,000 and not more than \$10,000 for a first or subsequent violation of this subsection. The sentencing provisions in subsection 3-B also apply to a person convicted of aggravated cruelty to animals.

Sec. 9. Appropriations and allocations. The following appropriations and allocations are made.

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Animal Welfare Fund 0946

Initiative: Allocates additional funds for the Animal Welfare Fund.

OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
All Other	\$72,750	\$97,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$72,750	\$97,000

Animal Welfare Fund 0946

Initiative: Deallocates funds from the Animal Welfare Fund to reflect an annual transfer to the Companion Animal Sterilization Fund.

OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
All Other	(\$100,000)	(\$100,000)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$100,000)	(\$100,000)

Animal Welfare Fund 0946

Initiative: Allocates additional funds for the animal welfare auxiliary fund.

OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
All Other	\$16,500	\$22,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$16,500	\$22,000

Animal Welfare Fund 0946

Initiative: Allocates additional funds for the Companion Animal Sterilization Fund.

OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
All Other	\$25,500	\$34,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$25,500	\$34,000

2 **Animal Welfare Fund 0946**

4 Initiative: Allocates funds to reflect an annual transfer to the
6 Companion Animal Sterilization Fund from the Animal Welfare Fund.

8	OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
	All Other	\$100,000	\$100,000
10	OTHER SPECIAL REVENUE FUNDS TOTAL	\$100,000	\$100,000

12 **AGRICULTURE, FOOD AND RURAL RESOURCES,
14 DEPARTMENT OF**

14	DEPARTMENT TOTALS	2005-06	2006-07
16	OTHER SPECIAL REVENUE FUNDS	\$114,750	\$153,000
18	DEPARTMENT TOTAL - ALL FUNDS	\$114,750	\$153,000

20 **Sec. 10. Retroactivity.** That section of this Act that amends
22 the Maine Revised Statutes, Title 17, section 1031, subsection
1-B applies retroactively to July 1, 2004.'

24 **SUMMARY**

26 This amendment replaces the bill. It does the following:

28 1. It imposes a surcharge of \$20 for each brand of pet food
30 registered in the State, to be deposited in the Animal Welfare
32 Fund;

34 2. It imposes a surcharge of \$4 for each sample submitted
36 to the Department of Agriculture, Food and Rural Resources for
38 testing for equine infectious anemia. The surcharge is to be
deposited in the animal welfare auxiliary fund and used for
investigations and enforcement of the animal welfare laws
pertaining to equines;

40 3. It amends the statutory provision for the Animal Welfare
42 Fund to indicate new sources of revenue;

44 4. It amends the statutory provision for the animal welfare
auxiliary fund to indicate a new source of revenue;

46 5. It amends the statutory provision for the Companion
48 Animal Sterilization Fund to indicate new sources of revenue;

50 6. It imposes a surcharge on each sale by breeding kennels
or pet shops of a dog or a cat that has not been neutered; and

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7. It corrects an omission of the designation of criminal
2 class for aggravated cruelty to animals. This omission occurred
in Public Law 2003, chapter 452, An Act To Implement
4 Recommendations of the MCJUSTIS Policy Board Concerning the
Drafting of Crimes and Civil Violations Pursuant to Resolve 1997,
6 Chapter 105, as Amended. This carries out the intent of chapter
452 with regard to the provision for aggravated cruelty to
8 animals, which was to make technical changes only.

10

FISCAL NOTE REQUIRED
(See attached)

12

COMMITTEE AMENDMENT



122nd MAINE LEGISLATURE

LD 178

LR 1027(02)

An Act To Support Animal Welfare

Fiscal Note for Bill as Amended by Committee Amendment *A*

Committee: Agriculture, Conservation and Forestry

Fiscal Note Required: Yes

Fiscal Note

	2005-06	2006-07	Projections 2007-08	Projections 2008-09
Appropriations/Allocations				
Other Special Revenue Funds	\$114,750	\$153,000	\$153,000	\$153,000
Revenue				
Other Special Revenue Funds	\$114,750	\$153,000	\$153,000	\$153,000
Transfers				
Other Special Revenue Funds	\$0	\$0	\$0	\$0

Fiscal Detail and Notes

The imposition of certain surcharges will increase Other Special Revenue Funds revenue collected by the Animal Welfare Fund program within the Department of Agriculture, Food and Rural Resources by \$114,750 and \$153,000 in fiscal years 2005-06 and 2006-07, respectively. The Animal Welfare Fund program will also require additional Other Special Revenue Funds allocations for these same amounts. In addition, the annual transfer of \$100,000 between accounts in the Animal Welfare Fund program will not have any net effect on Other Special Revenue Funds.