

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1023

H.P. 706

House of Representatives, March 19, 2015

An Act To Revise the Animal Welfare Laws

Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 204.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MAREAN of Hollis.
Cosponsored by Senator EDGECOMB of Aroostook and
Representatives: BLACK of Wilton, NOON of Sanford.

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

2 **Sec. 1. 7 MRSA §3907, sub-§5-A**, as amended by PL 2005, c. 510, §1, is further
3 amended to read:

4 **5-A. Animal shelter.** "Animal shelter" means a facility, including an animal rescue,
5 that houses animals and operates for the purpose of providing stray, abandoned, abused or
6 owner-surrendered animals with sanctuary or finding the animals temporary or permanent
7 adoptive homes.

8 **Sec. 2. 7 MRSA §3907, sub-§23-A**, as enacted by PL 2007, c. 439, §5, is
9 repealed.

10 **Sec. 3. 7 MRSA §3907, sub-§28**, as enacted by PL 1987, c. 383, §3, is repealed.

11 **Sec. 4. 7 MRSA §3919-A, sub-§4**, as amended by PL 2007, c. 439, §10, is
12 further amended to read:

13 **4. Euthanasia for severely sick or severely injured cat or small animal.** A
14 humane agent, an animal control officer or an animal shelter may authorize in writing the
15 immediate euthanasia of a severely sick or severely injured cat or small animal upon
16 determining that the following conditions are met:

17 A. The animal control officer of the municipality where the cat or small animal was
18 found has been notified or, if the cat or small animal has ~~ea~~ identification, the owner
19 of the cat or small animal has been notified; and

20 B. A veterinarian states in writing that the cat's or small animal's recovery from its
21 injury or illness, given reasonable time and reasonable care, is doubtful or that the cat
22 or small animal presents a danger to the public.

23 Notwithstanding paragraphs A and B, a veterinarian may authorize immediate euthanasia
24 if, in the veterinarian's judgment, there is no possibility of recovery for a severely injured
25 or severely sick cat or small animal.

26 **Sec. 5. 7 MRSA §3919-A, sub-§5**, as enacted by PL 2001, c. 363, §3, is amended
27 to read:

28 **5. Immunity.** A veterinarian, a humane agent, an animal control officer or an
29 animal shelter, including a person employed by an animal shelter, is not civilly liable to
30 the owner of a cat or small animal for the loss of that cat or small animal resulting from
31 actions taken in compliance with this section.

32 Nothing in this subsection grants to an animal shelter or person any immunity from
33 liability arising from the gift, sale or other transference of a cat or small animal to a
34 research facility in violation of subsection 2.

35 **Sec. 6. 7 MRSA §3919-C, first ¶**, as amended by PL 2007, c. 439, §11, is further
36 amended to read:

1 When an animal shelter holds an animal at the request or with the approval of the
2 ~~department person who seized the animal~~ pending an investigation or disposition by the
3 court of an alleged violation of chapter 739 or Title 17, chapter 42, the shelter is entitled
4 to receive from the ~~department person who seized the animal~~ monetary compensation in
5 accordance with this section for the period for which food and shelter are furnished to the
6 animal. For the purposes of this section, "person who seized the animal" includes a
7 humane agent, law enforcement or an animal control officer permitted by law to obtain a
8 search warrant or to seize animals ex parte.

9 **Sec. 7. 7 MRSA §3919-E, sub-§1, ¶A,** as enacted by PL 2013, c. 115, §8, is
10 amended to read:

11 A. Offer the small animal for adoption, sell the small animal, give away the small
12 animal or transfer the small animal to an appropriate facility ~~or rescue group~~ that can
13 provide for that specific type of small animal; or

14 **Sec. 8. 7 MRSA §3932-A, sub-§4,** as enacted by PL 2013, c. 115, §14, is
15 repealed.

16 **Sec. 9. 7 MRSA §3939-A,** as enacted by PL 2007, c. 439, §23, is amended to
17 read:

18 **§3939-A. Spay; neuter of dogs and cats**

19 **1. Spay; neuter.** Except as otherwise provided in subsections 2 and 3, an animal
20 shelter ~~or rescue group~~ may not place with a new owner a dog or cat that has not been
21 spayed or neutered unless an appointment has been made with a licensed veterinarian to
22 spay or neuter the animal within 30 days of accepting ownership. A person who accepts
23 ownership of a dog or cat that is unaltered shall, in addition to any other charges or other
24 fees, make a deposit equal to 100% of the cost of the scheduled surgery with the animal
25 shelter ~~or rescue group~~ and shall sign a spay-neuter agreement. The animal shelter ~~or~~
26 ~~rescue group~~ must refund the deposit upon receiving proof of sterilization.

27 For purposes of this section, "place" means to sell, give away or otherwise transfer
28 possession of a cat or dog.

29 **2. Detrimental to health.** If a licensed veterinarian or veterinary technician as
30 defined in Title 32, section 4853 determines that a dog or cat is too sick or injured or that
31 it would otherwise be detrimental to the health of the dog or cat to be spayed or neutered
32 within 30 days of placement, the animal shelter ~~or rescue group~~ shall collect a deposit of
33 not less than \$50 and not more than \$150 at the time of sale or placement. The animal
34 shelter ~~or rescue group~~ shall determine the amount of the deposit based on the cost of
35 spaying or neutering within the geographic area served by the animal shelter ~~or rescue~~
36 ~~group~~. A person accepting ownership of the dog or cat under this subsection shall sign an
37 agreement to have the animal sterilized as soon as it is medically advisable.

38 Upon receipt of proof of sterilization, the animal shelter ~~or rescue group~~ shall
39 immediately and fully refund the deposit.

1 **3. Extension.** Notwithstanding subsection 1, an animal shelter ~~or rescue group~~ may
2 extend the date by which spaying or neutering is to be completed at its discretion for good
3 cause. An extension must be in writing.

4 **4. Reimbursement of deposit.** If a dog or cat dies prior to spaying or neutering and
5 within the agreement period, the owner is entitled to reimbursement of the deposit paid
6 under subsection 1. If a dog or cat dies prior to spaying or neutering and within 120 days
7 of signing an agreement under subsection 2, the owner is entitled to reimbursement of the
8 deposit paid under subsection 2. To receive reimbursement under this subsection, the
9 owner must provide the animal shelter ~~or rescue group~~ with a letter signed by a licensed
10 veterinarian stating that the cat or dog has died and providing a description of the animal.

11 **5. Unclaimed deposits.** Except as provided in subsections 2, 3 and 4, deposits
12 received under subsection 1 or 2 that are unclaimed within 120 days of the date the spay-
13 neuter agreement was signed must be:

14 A. Used to subsidize spaying or neutering of dogs and cats offered for placement by
15 the animal shelter ~~or rescue group~~ receiving the deposits; or

16 B. Remitted to the department for deposit in the Companion Animal Sterilization
17 Fund established under section 3910-B.

18 When extensions are granted under subsection 3 and the deposits are unclaimed 120 days
19 after the extended date for spaying or neutering, those deposits must be disposed of under
20 paragraphs A and B.

21 **Sec. 10. 7 MRSA §3939-B**, as enacted by PL 2007, c. 439, §24, is amended to
22 read:

23 **§3939-B. Violations**

24 **1. Noncompliance by new owner.** If a person receiving a dog or cat from an animal
25 shelter ~~or rescue group~~ fails to comply with section 3939-A, that person forfeits the
26 sterilization deposit and commits a civil violation for which a fine of not less than \$50 nor
27 more than \$200 per animal may be adjudged.

28 **2. Noncompliance by animal shelter.** If an animal shelter ~~or rescue group~~ fails to
29 require a spay-neuter agreement or fails to collect a deposit as required under section
30 3939-A, that animal shelter ~~or rescue group~~ commits a civil violation for which a fine of
31 not less than \$50 nor more than \$200 per animal may be adjudged.

32 **Sec. 11. 7 MRSA §3942**, as amended by PL 2003, c. 405, §20, is further amended
33 to read:

34 **§3942. Issuance of dog licenses**

35 Municipal clerks shall issue dog licenses in accordance with chapter 721, receive the
36 license fees and pay to the department ~~\$9~~ \$10 for dogs capable of producing young and
37 \$3 from each license fee received for dogs incapable of producing young. The clerks
38 shall keep a record of all licenses issued by them, with the names of the owners or
39 keepers of dogs licensed and the sex, registered numbers and description of all dogs

1 except those covered by a kennel license. The clerks shall make a monthly report to the
2 department on a department-approved form of all dog licenses issued and fees received.

3 The clerk shall retain \$1 from each license fee as a recording fee. The clerk shall
4 deposit \$2 from each license for a dog incapable of producing young in the municipality's
5 animal welfare account established in accordance with section 3945.

6 **Sec. 12. 7 MRSA §3972, sub-§1, ¶E,** as amended by PL 1995, c. 144, §1, is
7 further amended to read:

8 E. Tie, tether or restrain any animal in a manner that is inhumane or detrimental to its
9 welfare; ~~or~~

10 **Sec. 13. 7 MRSA §3972, sub-§1, ¶F,** as amended by PL 1997, c. 690, §40, is
11 further amended to read:

12 F. Intentionally cause an equine to fall or lose its balance by any means whatsoever.
13 For the purposes of this paragraph, the term "equine" means, but is not limited to, a
14 horse, mare, pony, ass, donkey, burro, mule or hinny. This paragraph does not apply
15 to the lawful laying down of an equine for medical or identification purposes; or

16 **Sec. 14. 7 MRSA §3972, sub-§1, ¶G** is enacted to read:

17 G. Abandon, dump or dispose of any deceased domesticated animal on public
18 property or on private property without the permission of the property owner.

19 SUMMARY

20 This bill amends the definition of "animal shelter" to include animal rescue and
21 applies that expanded definition to the laws dealing with animal shelters. This bill
22 repeals the definition of "warrant," as municipal warrants were repealed in Public Law
23 2009, chapter 343, section 19. The bill also transfers the responsibility for the costs of
24 maintaining seized animals from the Department of Agriculture, Conservation, and
25 Forestry to the person who seized the animals. The bill corrects an error made in 2007,
26 when the Legislature changed dog licensing and recording fees in the Maine Revised
27 Statutes, Title 7, section 3923-A but did not change a similar provision in Title 7, section
28 3942. This bill provides that small animals can be euthanized if sick or injured. This bill
29 repeals the conditional animal shelter license law that was enacted in 2013. This bill
30 clarifies that a person may not dispose of a deceased domesticated animal on public
31 property or on private property without permission from the landowner.