

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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The commissioner may apply for a temporary or permanent injunction restraining any person from violating or continuing to violate this subchapter, notwithstanding the existence of other remedies at law. The injunction shall be issued without bond being required of the State.

§ 785. Rules and regulations

The commissioner is authorized pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, to adopt and enforce such rules as may be necessary for this subchapter.

§ 786. Adulteration

No person shall distribute an adulterated plant or soil amendment. A plant or soil amendment shall be deemed to be adulterated if:

1. Deleterious or harmful agent. It contains any deleterious or harmful agent in sufficient amount to render it injurious to beneficial plant, animal or aquatic life when applied in accordance with directions for use on the label, or if adequate warning statements and directions for use, which may be necessary to protect plant, animal or aquatic life, are not shown upon the label;

2. Inferior composition. If its composition falls below or differs from that which it is purported to possess by its labeling; or

3. Unwanted crop or weed seed. If it contains unwanted crop or weed seed or primary noxious or secondary noxious weed seed.

§ 787. Cancellation or refusal of registration

Consistent with the Maine Administrative Procedure Act, Title 5, chapter 375, the commissioner may refuse registration of any brand of plant or soil amendment if he finds the brand of plant or soil amendment violates this subchapter, and may investigate whether the registration of any plant or soil amendment should be cancelled, in which case he may apply to the Administrative Court for cancellation.

Sec. 2. Effective date. This Act shall become effective January 1, 1980.

Effective January 1, 1980

CHAPTER 492

H. P. 775 — L. D. 977

AN ACT Relating to License Fees for Dogs.

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

Sec. 1. 7 MRSA § 3406, 2nd and 3rd sentences, as last amended by PL 1969, c. 242, are further amended to read:

Any licensed veterinarian, humane society or shelter accepting such a sick, stray, injured or abandoned dog shall keep the same for a period of 10 days and shall be entitled to receive from the State the sum of ~~\$1.50~~ \$2.50 per day for such period or part thereof as they shall provide food and shelter, provided such licensed veterinarian, humane society or shelter ~~shall notify~~ notifies the clerk of their respective municipality within 24 hours after accepting such a dog, such notice to include a detailed description of the dog and the circumstances of its finding. Upon the expiration of ~~said~~ the 10 days if the owner of the dog has not appeared to claim the same then ~~said~~ the licensed veterinarian, humane society or shelter may give away, sell or otherwise humanely dispose of ~~said~~ the dog.

Sec. 2. 7 MRSA § 3406, 4th sentence, as enacted by PL 1967, c. 491, is amended to read:

No dog shall leave any boarding agency until licensed by the person accepting ~~said~~ the dog in accordance with section 3451.

Sec. 3. 7 MRSA § 3451, 2nd paragraph, first 4 sentences, as amended, are repealed and the following enacted in their place:

A fee of \$5.50 shall be paid the city or town clerk for each license issued on all dogs 6 months old or older capable of producing young. All dogs shall be considered capable of producing young unless a certificate issued by any licensed veterinarian stating that the dog, if female, was made incapable of producing young by spaying by him or, if male, was made incapable of producing young by sterilization by him, or upon examination by him is certified to be incapable of producing young or by previous registration, the owner has declared that the dog is incapable of producing young. When that certificate accompanies the application, a fee of \$2.00 shall be paid for each license. In addition to the amount paid for a license and tag, each applicant shall pay the city or town clerk \$1 for recording and making a return to the Commissioner of Agriculture, except that a license and tag shall be issued by the city or town clerk, upon application, for any trained guide dog owned or kept by a blind person or for any trained hearing dog kept by a deaf person without payment of any fee required under this section.

Sec. 4. 7 MRSA § 3451, 9th ¶, first sentence, as amended by PL 1975, c. 393, § 2, is repealed and the following enacted in its place:

When the number of dogs over 6 months of age so kept does not exceed 10, the fee for the license shall be \$15 and in addition \$1 for each license as a fee for recording and making the return required by law; when the number of dogs over 6 months of age so kept exceeds 10, the fee for the license shall be \$30 and in addition \$1 for each such license as a fee for recording and making the return required by law.

Sec. 5. 7 MRSA § 3452, first sentence, as repealed and replaced by PL 1977, c. 579, § C, § 1, is amended to read:

The clerks of cities and towns shall issue the licenses, receive the money therefor and pay ~~the same~~ **each fee received for dogs capable of producing young and all money received for kennel, pet shop or boarding kennel license fees** to the commissioner.

Sec. 6. 7 MRSA § 3452, 4th sentence, as enacted by PL 1977, c. 579, § C, § 2, is amended to read:

Such moneys ~~received to be paid to the commissioner~~ shall be paid into a separate account to be established by the Treasurer of State to be used for salaries and other expenses incurred in the administration of this chapter.

Sec. 7. 7 MRSA § 3452, as last amended by PL 1977, c. 579, § C, §§ 1 and 2, is further amended by adding at the end a new paragraph to read:

All license fees received from dogs incapable of producing young shall be retained by the municipality.

Sec. 8. 7 MRSA § 3452-A is enacted to read:

§ 3452-A. Animal control officer

Each municipality shall have one or more animal control officers who shall be a person appointed by the municipality whose duties shall be enforcement of sections 3454 to 3458 and 3701 to 3704 and other duties to control animals as may be required by the municipality.

Sec. 9. 7 MRSA § 3452-B is enacted to read:

§ 3452-B. Use of license fees retained by municipalities

All fees retained by municipalities shall be kept in a separate account and shall be used for costs and salaries for animal control and enforcement of licensing laws or to support one or more approved humane society or shelter or municipal or regional shelter. All fees retained shall be kept in a separate account. Any money not expended for the purpose shall not lapse but shall be carried over to the next fiscal year.

For the purposes of this section, animal control shall mean control of dogs, cats, small pets or undomesticated animals which may be a problem in the community and which are not controlled by any other statute.

Sec. 10. 7 MRSA § 3456, first sentence, as enacted by PL 1973, c. 45, § 1, is amended to read:

Any police officer, sheriff, **animal control officer**, deputy sheriff, game warden or constable shall seize, impound or restrain any dog in violation of section 3455 and deliver such dog to any person or shelter authorized to board dogs by the Department of Agriculture under section 3406.

Sec. 11. 7 MRSA § 3702, as last amended by PL 1975, c. 391, § 3, is further amended to read:

§ 3702. Warrants; disposal

The municipal officers of each municipality shall annually between January 1st and April 30th issue a warrant, returnable on October 15th following, to one or more police officers, constables ~~or~~, sheriff **or animal control officer**, directing him or them to proceed forthwith to enter complaint and summons to court the owner or keeper of any unlicensed dog. The ~~said~~ police officer, constable ~~or~~, sheriff **or animal control officer** shall, before entering such complaint and obtaining ~~said~~ the summons, call on the owner or keeper of ~~said~~ the dog and demand that he conform with the law and obtain a license from the clerk within 7 days from the day of demand, paying to the clerk in addition to the license fee, an officer's fee of \$4, which the clerk shall pay over to the officer, unless ~~said~~ the payment is otherwise provided for in the municipal ordinance or charter.

Sec. 12. 7 MRSA § 3703, first sentence, as last amended by PL 1969, c. 91, § 2, is further amended to read:

Each police officer, constable ~~or~~, sheriff **or animal control officer**, to whom the warrants named in section 3702 are issued shall return the same at the time specified.

Sec. 13. 7 MRSA § 3704, as repealed and replaced by PL 1977, c. 696, § 110, is amended to read:

§ 3704. Official refusal or neglect of duty

Any mayor, selectman, clerk, constable, police officer ~~or~~, sheriff **or animal control officer** who refuses or intentionally fails to perform the duties imposed by sections 3402, 3403, 3451, 3452, 3651 to 3653 and 3701 to 3703 commits a civil violation for which a forfeiture of not less than \$10 nor more than \$50, and costs, shall be adjudged.

Sec. 14. Effective date. This Act shall become effective on January 1, 1980.