

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

June 27, 1977

Honorable Walter Hichens
Senate
State House
Augusta, ME 04333

RE: Amendments to L.D. 1092

Dear Mr. Hichens:

This is in response to your letter, dated June 22, 1977, requesting an interpretation of the meaning of "authorized agencies" in §1226 of Committee Amendment "A" to S.P. 333, L.D. 1092, Bill, "AN ACT Concerning Euthanasia of Cats and Dogs.

Neither in L.D. 1092 nor the above amendment is there any definition of "authorized agency". There is no other indication in the L.D. 1092 or the amendment which can be used to explain the meaning of the phrase.

Absent a clear indication from the words of the statute it is necessary to determine the legislative intent. In that context, reference may then be made to the Statement of Fact for the amendment. There, humane shelters and licensed veterinarians are given as examples of authorized agencies. This would only be one factor in finding the legislative intent. Many other factors such as Committee debate, House and Senate debate and Committee reports could also be considered in finding legislative intent. However, because the legislative history of L.D. 1092 is not complete until it is adopted by the legislature, an opinion based on it at this time is of limited utility.

Since interpreting the legislative intent is always a difficult and uncertain procedure, it is recommended that any ambiguity in "authorized agencies" be eliminated by specifying what governmental entities and trained professionals are authorized to act under L.D.

Honorable Walter Hichens
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1092.

If I can be of further assistance please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Allan A. Toubman", with a long horizontal flourish extending to the right.

ALLAN A. TOUBMAN
Assistant Attorney General
Natural Resources Section

AAT/kp