

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 663

H. P. 510 House of Representatives, January 27, 1965
Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

JEROME G. PLANTE, Clerk
Presented by Mr. Boissonneau of Westbrook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

AN ACT Revising the Laws Relating to Dogs and Dog Kennels.

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

Sec. 1. R. S., T. 7, § 3451, repealed and replaced. Section 3451 of Title 7 of the Revised Statutes is repealed and the following enacted in place thereof:

‘Sec. 3451. Dogs and kennels.

1. Definition. In this chapter, unless the context otherwise requires:

A. “Kennel” means one pack or collection of dogs kept under one ownership in a single premise for breeding, hunting, show, training, field trials and exhibition purposes.

B. “Commercial kennel” means a kennel maintained as a business for raising or the buying and selling of dogs.

2. Dog licenses. On or before the first day of April of each year, the owner or keeper of any dog 4 months old or over shall apply to the city or town clerk either orally or in writing for a license for each such dog owned or kept by him. Such application shall state the breed, sex, color and markings of such dogs and the name and address of the last previous owner.

A fee of \$1.15 shall be paid the city or town clerk for each license issued on male dogs, and a fee of \$5.15 shall be paid for all female dogs capable of bearing young. All female dogs shall be considered capable of producing young unless a certificate issued by any licensed veterinarian, or any previous license record, is presented from a licensed veterinarian stating that such female was made incapable of bearing young by spaying by him. When such certificate accompanies

the application, a fee of \$1.15 shall then be paid on such spayed females. In addition to the amount paid for license and tag, each applicant shall pay the city or town clerk 25c 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 without payment of any fee required under this section. When any such dog has not been previously registered or licensed by the town or city clerk to whom such application is being made, such town or city clerk shall not register such dog nor issue to the owner or keeper a license and tag therefor unless written evidence shall be exhibited to him that the dog is trained and educated and intended in fact to perform such guide service for such applicant.

Such license shall be made in triplicate, the original copy shall be mailed to the commissioner, one copy given to the person applying for the license and one copy retained by the city or town clerk.

A suitable tag showing the year such license is issued and bearing other data as the commissioner may prescribe shall be given with each license and must be securely attached to a leather or metal collar which must be worn at all times by the dog for which the license was issued, and it shall be unlawful for any person to remove such tag or to place either collar or tag on any dog not described or for which the license was not issued.

All license blanks and tags shall be furnished by the commissioner. The representatives of the Department of Agriculture in charge of animal husbandry shall be known as the Animal Husbandry Specialist and the assistant animal husbandry specialist, who shall carry out the dog licensing laws and the adjustment of claims for damages to livestock and poultry by dogs and wild animals, and to the promotion of animal husbandry within the State. The expense of furnishing the blanks and tags, and the necessary clerk hire and travel, and the salary of the Animal Husbandry Specialist and the assistant animal husbandry specialist shall be paid from the funds received from the licensing of dogs. Money is appropriated out of the dog license receipts for the purposes of this section.

Any person becoming the owner or keeper of a dog after the first day of April, not duly licensed as required, shall, within 10 days after he becomes the owner or keeper of said dog, cause said dog to be described and licensed as provided.

3. Kennel licenses.

A. Kennel licenses. The clerk of any municipality in which a kennel is located shall issue a kennel license, as herein provided, for the owner or operator thereof, provided the dogs are kept within a proper kennel; such kennel license shall permit the licensee or authorized agent to transport under control and supervision such kennel dogs within or without the State.

When the number of dogs, so kept, does not exceed 10, the fee for such license shall be \$10 and in addition 25c for each license as a fee for recording and making the return required by law; when the number of dogs, so kept, exceeds 10 the fee for such license shall be \$20 and in addition 25c for each such license as a fee for recording, and making return required by law, and no fees shall be required for dogs of such license under the age of 4 months. Dogs covered

by kennel license shall be furnished suitable kennel tags as prescribed by the commissioner or his agent.

B. Commercial kennel license. No person, firm or corporation shall maintain a commercial kennel wherein dogs are kept for sale, boarding, hire or training until he has obtained from the municipal clerk a license, as hereinabove provided, to maintain such kennel under such regulations as the commissioner or his authorized agent provides as to the sanitation and humane treatment of such animals.

The fee for such commercial kennel license shall be \$25 and in addition 25c for each license as a fee for recording and making the return required by law.

4. Inspection of kennels; hearings; penalties. The Commissioner of Agriculture, his authorized agent, a humane agent or a veterinarian employed by the State may, at any time, enter any kennel or commercial kennel, excepting any building used for human habitation heretofore recognized as not subject to search warrant, and make examination and conduct any recognized test for the existence of any contagious or infectious disease or condition and may quarantine such kennel in person or by registered mail and such quarantine shall be maintained as long as the veterinarian employed by the State may deem necessary. Any kennel or commercial kennel where dogs are housed or confined shall be maintained in a sanitary and humane manner. Records of purchases and sales of all dogs must be kept, stating names, complete address of persons from whom purchased and to whom sold shall be open for inspection to local police officers or humane agents, the Commissioner of Agriculture or his authorized agent.

The Commissioner of Agriculture may revoke or suspend a kennel license providing any person, firm or corporation, maintaining a kennel or commercial kennel, violates any quarantine or maintains dogs in an insanitary or inhumane manner, or fails to comply with laws or orders of the commissioner by not keeping records required by law.

5. Penalties. Any person, firm or corporation aggrieved by any order issued under this chapter may, by petition, take an appeal within 60 days to the Superior Court in the county where the said person resides, or where the firm or corporation is located. Such petition shall, in substance, state the findings by the Commissioner of Agriculture and the grounds of appeal, and said court shall consider said proceeding de novo and the parties thereto shall have right of exception and appeal as in civil matters.

Any person, firm or corporation maintaining a kennel or corporation maintaining a kennel or commercial kennel without having obtained a license for same or after any license has been revoked or suspended shall be punished by a fine of not more than \$50.'

Sec. 2. R. S., T. 7, § 3501, repealed. Section 3501 of Title 7 of the Revised Statutes is repealed.