

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 580

H. P. 394

House of Representatives, February 3, 1971

Speaker laid before the House and on motion of Mr. Evans of Freedom, referred to the Committee on Agriculture. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Clark of Jefferson.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Relating to Sale of Pet Animals from Kennels and Pet Shops.

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

Sec. 1. R. S., T. 7, § 3451, amended. The 7th paragraph of section 3451 of Title 7 of the Revised Statutes, as repealed and replaced by section 4 of chapter 193 of the public laws of 1965, is repealed and the following enacted in place thereof:

“Kennel” means one pack or collection of dogs kept under one ownership in a single premise, bred for show, sports or sale.

Sec. 2. R. S., T. 7, § 3451, amended. The last 4 paragraphs of section 3451 of Title 7 of the Revised Statutes, as enacted by section 4 of chapter 193 of the public laws of 1965, and as amended, are repealed and the following 11 paragraphs enacted in place thereof:

“Commercial kennels” means any establishment wherein or whereon the business of buying and selling of dogs is carried on.

“Pet shop” means any place other than commercial kennels at which dogs or other pet animals and birds are kept for the purpose of sale to the public.

No person shall maintain a commercial kennel or pet shop until he has obtained from the Commissioner of Agriculture a license to maintain such kennel or pet shop.

The commissioner shall promulgate rules and regulations as to sanitation, enclosure of animals and birds, keeping of records, health requirements and such other procedures as he may deem necessary to protect the buying public.

The commissioner shall, upon written application and the payment of a fee of \$50, if satisfied that such regulations have been complied with, issue such license to be effective until the ensuing December 31st.

The commissioner, his authorized agent or a veterinarian employed by the State may, at any time, enter any kennel, commercial kennel or pet shop, 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 diseases. A veterinarian employed by the State 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 deems necessary.

The commissioner may revoke or suspend a commercial kennel or pet shop license providing any person, firm or corporation maintaining a commercial kennel or pet shop, violates any quarantine or maintains animals or birds contrary to the rules and regulations promulgated by the commissioner or fails to keep records required by the commissioner.

Any person, firm or corporation aggrieved by any order under this section may, by petition, appeal within 30 days to the Superior Court where said person resides, or where the firm or corporation is located. Such petition shall, in substance, state the findings by the commissioner, and the grounds of appeal, and said court shall consider said proceedings de novo and the parties thereto shall have right of exception and appeal as in civil matters.

Any person, firm or corporation maintaining a commercial kennel or pet shop 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 per day.

The licensing provisions of this section shall not apply to licensed veterinarians, humane societies or shelters approved by the commissioner or his agent, but shall be subject to necessary rules and regulations promulgated by the commissioner for proper care and disease control of the animals they harbor.

The receipts and costs of carrying out this section shall become a part of the receipts and expenses of the Dog License Administration.

Sec. 3. Effective date. This Act shall become effective on January 1, 1972.

STATEMENT OF FACT

The purpose of this bill is to define a commercial kennel and pet shop and to provide for their licensing and control, to better protect the buying public.