

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1315

H. P. 954

House of Representatives, March 4, 1971

Referred to Committee on Agriculture. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mrs. Lincoln of Bethel.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Relating to Commercial Kennels, Boarding Kennels and Pet Shops.

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

Sec. 1. R. S., T. 7, § 345I, amended. The 7th paragraph from the end of section 345I of Title 7 of the Revised Statutes, as enacted by section 4 of chapter 193 of the public laws of 1965, is amended to read as follows:

“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 ~~or maintained as a business for the buying and selling of dogs or for any form of boarding of dogs.~~

Sec. 2. R. S., T. 7, c. 706, additional. Title 7 of the Revised Statutes is amended by adding a new chapter 706 to read as follows:

CHAPTER 706

KENNELS AND PET SHOPS

§ 351I. Definitions

As used in this section, unless the context otherwise indicates, the following words shall have the following meanings:

1. Boarding kennel. “Boarding kennel” means any place, building, tract of land, abode or vehicle wherein or whereupon privately owned dogs and other pets are kept for their owner in return for a fee.

2. Commercial kennel. “Commercial kennel” means any place, building, tract of land, abode or vehicle wherein or whereupon 5 or more dogs 6 months

of age or older are bought, exchanged or raised for the purpose of selling to the public.

3. Duly authorized agent. "Duly authorized agent" shall mean any person so appointed by the Commissioner of Agriculture.

4. Housing facility. "Housing facility" means any room, building or area used to contain a primary enclosure or enclosures.

5. Persons. "Persons" shall mean any individual, firm, partnership or corporation.

6. Pet shop. "Pet shop" means any place, building, tract of land, abode or vehicle wherein or whereupon dogs and other pets are kept for the purpose of selling to the public.

7. Premises. "Preimses" shall mean any building, structure or land wherein or whereupon dogs are kept or confined.

8. Primary enclosure. "Primary enclosure" means any structure used to immediately restrict a dog or dogs to a limited amount of space, such as a room, pen or cage.

§ 3512. Licenses

No person shall operate a commercial kennel or pet shop or boarding kennel within this State without first obtaining a license from the Commissioner of Agriculture by application in a form furnished by the Department of Agriculture. Such license shall be valid to the end of the calendar year unless otherwise revoked or suspended. Failure to obtain said license shall be punishable by a fine of not more than \$50.

Upon receipt of a properly completed application and \$25 license fee, the premises shall be inspected by an agent of the Commissioner of Agriculture. If the kennel complies with the conditions of sections 3511 to 3515, the license shall be issued.

The license shall be posted in a conspicuous place on the premises and is nontransferable.

§ 3513. Maintenance of commercial kennels and pet shops

Housing facilities shall be structurally sound and maintained in good repair.

Housing facilities shall be adequately heated, lighted and ventilated.

Primary enclosures shall be of sufficient size to allow the dog to turn about fully, stand, sit and be in a comfortable and normal position.

Disposal facilities shall be adequate to minimize vermin infestation, disease and odor.

The housing facilities and primary enclosures, equipment and utensils shall be kept clean and disinfected at all times.

Dogs shall be fed and watered at least once a day.

Dogs shall be allowed exercise for a sufficient time to meet their daily bodily functions.

Dogs placed in the same primary enclosure shall be maintained in compatible groups.

All dogs shall be free of any clinical symptoms of any infectious disease.

An effective program for the control of all vermin shall be maintained.

The Commissioner of Agriculture shall promulgate added 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.

§ 3514. Inspection

The Commissioner of Agriculture shall cause to be made periodic inspections of all kennels licensed under sections 3511 to 3515 by a duly authorized agent.

Upon written complaint made to the Commissioner of Agriculture by any person, firm or corporation alleging any violation of this law or any rules or regulations pursuant thereto by any licensee, the Commissioner of Agriculture may cause an investigation to be made upon matters related in said complaint.

Such authorized agents may enter upon the premises of any licensed kennel or pet shop during their normal business hours for the purpose of inspecting said premise for compliance with this law.

Only a duly authorized veterinarian may impose a quarantine on those kennels or pet shops that do not meet accepted health standards as stated in this law. The quarantine will remain in effect as long as the inspecting veterinarian deems it necessary.

The Commissioner of Agriculture may further revoke or suspend a kennel or pet shop license if violations of the quarantine or if other provisions of sections 3511 to 3515 warrant it.

Any person aggrieved by any order under this section may appeal by petition within 30 days to the Superior Court where said person resides.

Any person operating a commercial kennel, boarding kennel or pet shop while their license has been revoked or suspended shall be further punished by a fine of not more than \$50.

All kennel license fees shall be credited to a Kennel License Account hereby established in the State Treasury. Such money shall be appropriated annually to the Department of Agriculture, Bureau of Animal Industry, to administer and enforce sections 3511 to 3515.

Any costs to enforce sections 3511 to 3515 over and above the receipts from the commercial kennel and pet shop license fee shall be paid out of the general dog license fee.

§ 3515. Sale of dogs

All dogs sold from a licensed commercial kennel or pet shop must be accompanied by a condition of sale form guaranteeing the health of said dog for a period of 10 days from date of sale.

All dogs sold from a licensed commercial kennel or pet shop must be vaccinated against those infectious diseases of dogs according to currently accepted medical methods, as recommended by the American Veterinarian Medical Association.

A certificate of vaccination must accompany each dog sold and must be signed by the administering veterinarian.

STATEMENT OF FACT

The purpose of this bill is to regulate commercial kennels, boarding kennels and pet shops.