

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 538

S. P. 206

In Senate, February 14, 1979

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

Presented by Senator Hichens of York.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Prevent Cruelty to Animals by Establishing Certain Licensing Categories and Restrictions.

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

Sec. 1. 7 MRSA § 3451, as last amended by PL 1977, c. 696, § 104, is further amended by adding after the 11th paragraph which begins "Boarding kennel" a new paragraph to read:

The commissioner shall not issue a license to maintain a kennel, boarding kennel or pet shop to any person, partnership or corporation which has, within the 5 years previous to the application for the license, been convicted of a criminal violation or civil violation under this Part or Title 17, chapter 43, which violation involves cruelty to animals.

Sec. 2. 7 MRSA § 3459 is enacted to read:

§ 3459. License for sale of animals or for providing animals for stud

1. Sale of animals. No person, partnership, corporation or other legal entity shall sell any animal in this State unless he or it holds a valid currently effective license to sell animals issued by the commissioner. This license shall expire 5 years from the date of its issue. The fee for this license and for its renewal shall be \$10.

The commissioner shall not issue or renew a license, if the applicant, within the 5 years previous to the application, has been convicted of a criminal violation or civil violation under this Part or under Title 17, chapter 43, which violation involves cruelty to an animal.

2. Providing of animals for stud. No person, partnership, corporation or other legal entity shall accept compensation for providing any animal for stud in this State without a valid, currently effective license to provide animals for stud issued by the commissioner. This license shall expire 5 years from the date of its issue. The fee for this license and for its renewal shall be \$10.

The commissioner shall not issue or renew a license if the applicant, within the 5 years previous to the application, has been convicted of a criminal violation or civil violation under this Part or under Title 17, chapter 43, which violation involves cruelty to an animal.

3. Suspension or revocation. The administrative court may suspend or revoke a license issued under subsection 1 or subsection 2 whenever it finds a licensee:

- A. Has been convicted of a criminal violation or a civil violation involving cruelty to an animal; or
- B. Made any material misrepresentation in his application for a license.

4. Display of license. Each licensee under subsection 1 and subsection 2 shall display his license:

- A. Upon the request of any employee of the Department of Agriculture while that employee is engaged in his official duties; and
- B. While the licensee is engaged in selling or offering to sell an animal upon the request of the person to whom the sale or offer is being made.

5. Rules. The superintendent may establish, pursuant to Title 5, Part 18, such rules as are necessary to carry out this chapter.

6. Exception.

A. This section shall not apply to any person, partnership, corporation or other legal entity which is licensed to maintain a kennel, boarding kennel or pet shop while acting under that license.

B. Subsection 1 shall not apply to any person, partnership, corporation or other legal entity which does not realize a least \$250 annually from the sale of animals; or

C. Subsection 2 shall not apply to any person, partnership, corporation or other legal entity which does not realize at least \$250 annually from providing animals for stud.

STATEMENT OF FACT

This bill provides:

1. That no one shall be licensed to keep a kennel, boarding kennel or pet shop if within 5 years he has been convicted of a criminal or civil violation involving cruelty to animals; and
2. For a license to sell animals or to provide animals for stud and states that no one may get such a license if he has been convicted of cruelty to animals within the past 5 years.