

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 159

H. P. 132

House of Representatives, January 8, 1981

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

EDWIN H. PERT, Clerk

Presented by Mr. Rolde of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Include Cats Under the Humane Laws.

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

Sec. 1. 7 MRSA § 3404 is amended to read:

§ 3404. Stealing or killing dog or cat

Whoever steals or confines and secretes any dog or cat, or willfully or negligently injures or willfully or negligently kills any ~~such~~ dog or cat, except as provided in sections 3603 and 3604 and unless ~~such~~ that killing ~~be~~ is justifiable in the protection of persons, property or game, shall be liable to the owner in a civil action for the full value of the dog or cat.

Sec. 2. 7 MRSA § 3406, as last amended by PL 1979, c. 731, § 19, is further amended to read:

§ 3406. Dogs and cats brought to veterinarian

1. **Normal procedure.** Any person finding a sick, stray, injured or abandoned dog or cat may take that dog or cat to any licensed veterinarian, humane society or shelter within the State and the veterinarian, humane society or shelter may accept the dog or cat, providing the shelter has been approved by the Commissioner of Agriculture, Food and Rural Resources or his agent. Any licensed veterinarian, humane society or shelter accepting a sick, stray, injured or abandoned dog or cat shall keep that dog or cat for a period of 10 days and shall

be entitled to receive from the State the sum of \$2.50 per day for the period or part thereof for which food and shelter are furnished for that dog or cat, provided that the licensed veterinarian, humane society or shelter notifies the clerk of the respective municipality within 24 hours after accepting the dog or cat. The notice shall include a detailed description of the dog or cat and the circumstances of its finding. Upon the expiration of the 10 days, if the owner of the dog or cat has not appeared to claim the dog or cat, then the licensed veterinarian, humane society or shelter may give away, sell or otherwise humanely dispose of the dog or cat. No dog shall leave any boarding agency until licensed by the person accepting the dog in accordance with section 3451. Proceeds from any sale shall be deducted from any claim for board made to the State. In the event the owner of the dog or cat shall appear and claim the dog or cat while still in possession of the keeper, the owner may have and receive the dog or cat upon payment of all charges provided for in this subsection. All moneys paid by the State to the keepers shall be taken from the fund received from dog licenses.

2. Animal severely injured. A veterinarian or humane agent or state approved humane shelter manager may authorize in writing, the immediate euthanasia of a severely injured or sick animal if the following conditions are met.

A. The clerk of the municipality has been notified in accordance with subsection 1 of the animal's presence.

B. The animal is not rabid or suspected of rabies.

C. The animal's recovery from his injury or illness, given reasonable time and care, is doubtful.

3. Sick or injured dog or cat. A veterinarian may authorize in writing euthanasia of a sick or injured dog or cat received by him, by a humane agent or by a shelter manager within the State if:

A. Forty-eight hours have elapsed since receipt of the sick or injured dog or cat by him, by the humane agent or by the shelter;

B. The clerk of the municipality has been notified in accordance with subsection 1 of the dog's or cat's presence;

C. The dog or cat is not rabid or suspected of rabies; and

D. The dog's or cat's recovery from his sickness or injury, given reasonable time and reasonable care, is doubtful.

A veterinarian, a humane agent or a shelter manager shall not be civilly liable to any party for authorization made in accordance with this subsection, nor shall any person performing euthanasia under that authorization.

STATEMENT OF FACT

The purpose of this bill is to amend the laws relating to killing or abuse of dogs to include cats. It also amends the law concerning care of sick, stray, injured or abandoned dogs to include cats.