

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 397, L.D. 528, Bill, "An Act to Amend the Animal Welfare Laws"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 7 MRSA §3966, sub-§1, as enacted by PL 1987, c. 643, §5, is repealed and the following enacted in its place:

1. Control. Except as provided in this section, it is unlawful for any domesticated ferret to be off the premises of the owner or other person having care, custody and control of the ferret. If the owner or other person in possession cannot locate the ferret, the owner or person in possession shall immediately notify the municipal office serving the area in which the ferret was lost.

A ferret may be off the premises of the owner provided that at all times the ferret is securely collared or harnessed and leashed and under the direct physical control of the person in possession. It shall be the responsibility of the owner that the ferret does not constitute a public nuisance, risk to public safety or otherwise cause damage to public or private property.

Sec. 2. 7 MRSA §3972, sub-§§2 and 3, as enacted by PL 1987, c. 383, §3, are amended to read:

2. Violation. Any person who makes unlawful use of animals contrary to this section commits a civil violation for which a forfeiture not to exceed \$100 may be adjudged. For the purposes of this section, "animal" does not include lobsters or shellfish.

3. Construction. Nothing in this section may be construed to apply to any animal to be used or raised for agriculture,

1 aquaculture or fishing, or to any dog to be used or raised for
2 hunting or exhibition purposes, by persons with proper facilities
3 otherwise authorized by law, or to games using animals in which
4 the participating animal is not caused, directly or indirectly,
5 to perform any act that deviates from the animal's natural
6 behavior provided that the game is conducted by an educational or
7 cultural institution or other nonprofit service organization.

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FISCAL NOTE

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12 It is anticipated that enactment of this legislation would
13 result in an insignificant financial impact on the Department of
14 Agriculture, Food and Rural Resources and that any costs would be
15 absorbed by the department utilizing existing resources.'

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STATEMENT OF FACT

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20 This amendment deletes the original bill, but retains
21 provisions to permit the walking of a domesticated ferret on a
22 leash. The amendment adds provisions to allow the use of
23 lobsters and shellfish as raffle or promotional prizes. The
24 amendment also provides an exemption to the statutory prohibition
25 against the use of a live animal as a fund-raising device or in a
26 raffle or contest in order to allow civic organizations to
27 operate games such as "cow chip casino" or frog races.

Reported by the Committee on Agriculture
Reproduced and distributed under the direction of the Clerk of the
House
5/22/89 (Filing No. H-251)