

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 528

H.P. 397

House of Representatives, March 1, 1989

Reference to the Committee on Agriculture suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative TARDY of Palmyra.

Cosponsored by Representative HUSSEY of Milo, Representative SHERBURNE of Dexter and Representative RIDLEY of Shapleigh.

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STATE OF MAINE

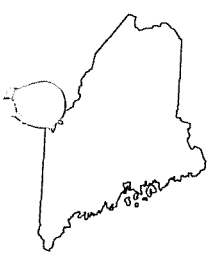
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-NINE

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An Act to Amend the Animal Welfare Laws.

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

3 **Sec. 1. 7 MRSA c. 730**, as enacted by PL 1987, c. 643, §5, is  
5 repealed and the following enacted in its place:

7 CHAPTER 730

9 FERRETS

11 §3966. Control of ferrets; seller's obligation

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

27 2. Exception; responsibility of owner. Ferrets may be off  
29 the premises of the owner provided that at all times they are  
31 securely collared or harnessed and leashed or under the positive  
33 control of the person in possession. It shall be the  
35 responsibility of the owner that the ferret does not constitute a  
37 public nuisance, risk to public safety or otherwise cause damage  
39 to public or private property.

41 3. Ferret bites; quarantine. The owner of a ferret which  
43 has bitten any person shall make available to the injured party's  
45 attending physician the complete medical and activity history of  
47 the offending ferret sufficient to allow the physician to  
49 determine if the ferret has been exposed to an animal carrying  
51 endemic sylvatic rabies or had been immunized with live rabies  
vaccine. The attending physician shall determine if confirmation  
of rabies in an exposed ferret warrants further study of tissue  
samples or if the ferret should be quarantined for a maximum of  
28 days from the time of the biting incident. The location of  
the quarantine shall be at a location mutually acceptable to the  
ferret owner and local animal control officer with the animal  
control officer having the final decision. The location shall  
insure that the ferret will neither escape nor come into contact  
with any other animal. The ferret shall be available or produced  
for examination by a licensed veterinarian at intervals  
determined by the attending physician. All costs of the  
quarantine care, feeding and ferret examination shall be the  
responsibility of the ferret owner. Lack of cooperation by the  
ferret owner shall cause the offending ferret to be treated as a  
stray ferret as provided in section 3967.

4. Transfer of ownership. Any licensed kennel, pet shop,  
shelter or veterinarian which transfers ownership of a ferret  
shall provide notification in writing of the following.

1  
3 A. Ferrets have been known to bite humans for no apparent  
reason and sometimes without warning.

5 B. At this time it is suggested that a killed rabies  
7 vaccine be administered to every ferret yearly. Live rabies  
vaccine must not be used.

9 C. A synopsis of this chapter shall be provided describing  
11 the control of ferrets, the owner's and others'  
responsibilities as required by this chapter.

13 **§3967. Seizing of ferrets**

15 Any animal control officer or person acting in that capacity  
17 may seize, impound or restrain any domesticated ferret found in  
violation of section 3966, subsection 1, as a stray ferret. The  
19 stray ferret shall be delivered to an approved shelter, as  
provided for in section 3968, or shall be taken to its owner, if  
21 known. If ownership cannot be established, or a ferret is given  
up in lieu of paying sheltering or quarantine costs, the animal  
23 may be handled as a stray ferret for the purpose of acceptance by  
an approved shelter as provided in this chapter.

25 **§3968. Disposition of ferrets**

27 1. Shelter. A shelter to which a stray ferret is taken, as  
29 a condition of approval by the board, shall accept the ferret for  
a period of 8 days, unless the shelter is in quarantine or has a  
31 bona fide lack of adequate space. The acceptance entitles the  
shelter to receive from the board the sum of \$2.50 a day for the  
33 period for which food and shelter are furnished to the ferret.  
Shelters accepting ferrets from municipalities not contracting  
35 with them may seek assistance from the board. Shelters which are  
not approved by the board to receive state funds shall not be  
37 required to accept sick, stray, injured or abandoned ferrets.

39 2. Claims; fees. The procedure for filing claims and  
calculating fees shall be as follows.

41 A. On the next business day following the date of  
43 acceptance of the ferret, the shelter shall notify the clerk  
of the respective municipality of the acceptance of the  
45 ferret, its description and the circumstances of its finding.

47 B. A shelter which accepts a ferret under this section,  
49 within 45 days of acceptance of the ferret shall submit a  
claim on a board-approved form to the clerk of the  
51 respective municipality for fees incurred in providing food  
and shelter and upon proper verification of proper  
notification and holding period by the clerk, the shelter  
shall forward the claim to the board.

1  
3 C. If the owner claims the ferret within the 8-day period,  
5 the owner may have and receive the ferret upon payment of  
7 all board-approved fees, plus any pickup fees that the  
9 municipality may impose.

11 3. Ownership of ferret. Upon expiration of the 8-day  
13 period, ownership of the stray ferret shall vest in the shelter.  
15 The shelter may then:

17 A. Sell or give away the ferret with the warning notice  
19 required by section 3966; or

21 B. Otherwise dispose of the ferret humanely in accordance  
23 with Title 32, section 4872.

25 None of the proceeds obtained from the sale, donation, adoption  
27 or other disposition of the ferret shall be deducted from the fee  
29 claimed.

31 Regardless of subsection 2, paragraph C, the previous owner  
33 may reacquire the ferret at any time prior to its sale, donation  
35 or disposal upon payment of the municipal impoundment fees and  
37 actual fees incurred for food, shelter, veterinary care and any  
39 other fees required by this chapter for each day that the ferret  
41 has been sheltered. In this case no fee may be allowed by the  
43 board.

45 **§3969. Bites by ferrets**

47 In accordance with section 3966, subsection 3, the attending  
49 physician may order the confinement of a ferret which has bitten  
51 a person. The local health officer or the local animal control  
officer shall have responsibility for implementing this section.

**§3970. Violations and damage caused by ferrets**

1. Violation. Any person who violates any section of this  
chapter commits a civil violation for which a forfeiture not to  
exceed \$100 may be adjudged.

2. Damage by ferrets. Damage caused by ferrets shall be  
subject to this chapter. In addition, the owner or keeper of a  
ferret which does damage to a person or property is liable for  
damages in a civil action to the injured person.

**Sec. 2. 7 MRSA §3972, sub-§1, ¶C, as enacted by PL 1987, c.**  
**383, §3, is repealed.**

**Sec. 3. 7 MRSA §3972, sub-§4 is enacted to read:**

