

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

OK  
R. of S.

L.D. 1830

(Filing No. S-523)

2  
4  
6  
8  
10  
12  
14  
16  
18  
20  
22  
24  
26  
28  
30  
32  
34  
36  
38  
40  
42  
44  
46

STATE OF MAINE  
SENATE  
114TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A " to S.P. 691, L.D. 1830, Bill, "An Act to Ensure the Independence of the Animal Welfare Board"

Amend the bill by striking out everything after section 1 and before the statement of fact and inserting in its place the following:

Sec. 2. 7 MRSA §3906, sub-§7-A is enacted to read:

7-A. Executive director. Appoint, by majority vote, an executive director subject to review by the joint standing committee of the Legislature having jurisdiction over agricultural matters and confirmation by the Legislature. The executive director is entitled to receive a salary established by the board and serves at the will of the board;

Sec. 3. 7 MRSA §3906, sub-§8, as enacted by PL 1987, c. 383, §3, is amended to read:

~~8. Employees. Approve an executive director and such other employees as are~~ Employ personnel, subject to the civil service law, as necessary to assist the board in enforcing this Part and in carrying out its duties and responsibilities as may be employed by the commissioner subject to the Civil Service Law. The board shall appoint part-time humane agents who shall serve as agents of the board in the enforcement of this Part and as otherwise provided by law. These part-time agents shall be unclassified employees whose standards of employment, training, compensation and hours of employment ~~will be~~ are determined by the board. The jurisdiction of each part-time humane agent shall extend throughout the State. In connection with its enforcement responsibilities, the board shall be entitled to and shall receive the assistance of the Attorney General and of several district attorneys and may apply to the commissioner for the assistance of state veterinarians;

COMMITTEE AMENDMENT "A" to S.P. 691, L.D. 1830

2           Sec. 4. 17 MRSA §1023, as enacted by PL 1987, c. 383, §4, is  
amended to read:

4

**§1023. Investigation and reporting of cruelty**

6

8           1. **Investigation.** Sheriffs, deputy sheriffs, police  
officers, constables, animal control officers and humane agents  
shall investigate all cases of cruelty to animals coming to their  
10 attention and report on them to the board on a board-approved  
form. Upon completion of an investigation, the board shall, if  
12 requested, report the result of the investigation to the person  
complaining of alleged cruelty.

14

~~Upon completion of the investigation, the board shall, if  
16 requested, report on the results of the investigation to the  
person complaining of alleged cruelty.~~

18

20           2. **Commissioner role.** The commissioner may assume  
responsibility for the investigation of any complaints received  
by the board that involve commercial farmers, harness racing  
horses or animals used in pulling events. When conducting an  
investigation the commissioner shall determine if acceptable  
animal husbandry practices are or were complied with and shall  
report any findings and recommendations to the board for its  
consideration.

28           **Sec. 5. Transition.** The person holding the position of  
Executive Director of the Animal Welfare Board on the effective  
30 date of this Act shall remain executive director without  
appointment by the board or confirmation by the Legislature and  
32 shall remain in the civil service while occupying that position.

34           **Sec. 6. Appropriation.** The following funds are appropriated  
from the General Fund to carry out the purposes of this Act.

36

1990-91

38 **ANIMAL WELFARE BOARD**

40 **Animal Welfare Board**

42	Positions	(4)
	Personal Services	\$156,523
44	All Other	31,005

46           Provides funds to establish  
the Animal Welfare Board as  
48 an independent agency.

COMMITTEE AMENDMENT "A" to S.P. 691, L.D. 1830

2 ANIMAL WELFARE BOARD  
TOTAL \$187,528

4 AGRICULTURE, FOOD AND RURAL  
RESOURCES, DEPARTMENT OF

6 Animal Welfare Board

8 Positions (-4)  
10 Personal Services (\$156,523)  
12 All Other (31,005)

14 Provides for the transfer of  
16 funds from the Department of  
18 Agriculture, Food and Rural  
Welfare Board.

20 DEPARTMENT OF AGRICULTURE,  
FOOD AND RURAL RESOURCES  
TOTAL (\$187,528)

22 TOTAL APPROPRIATIONS \$-0-

24 Sec. 7. Allocation. The following funds are allocated from  
26 Other Special Revenue to carry out the purposes of this Act.

28 1990-91  
ANIMAL WELFARE BOARD

30 Dog License  
32 Positions (3)  
34 Personal Services \$65,655  
36 All Other 217,627  
Capital Expenditures 13,000

38 Provides for the allocation  
40 of funds to establish the  
Animal Welfare Board as an  
independent agency.

42 ANIMAL WELFARE BOARD  
44 TOTAL \$296,282

46 AGRICULTURE, FOOD AND RURAL  
RESOURCES, DEPARTMENT OF

48 Dog License

R. of S.

COMMITTEE AMENDMENT "A" to S.P. 691, L.D. 1830

2	Positions	(-3)
	Personal Services	(\$65,655)
4	All Other	(217,627)
	Capital Expenditures	(13,000)
6		
8	Provides for the deallocation	
	or transfer of funds from the	
10	Department of Agriculture,	
	Food and Rural Resources to	
12	the Animal Welfare Board.	
14	<b>DEPARTMENT OF AGRICULTURE,</b>	
	<b>FOOD AND RURAL RESOURCES</b>	
	<b>TOTAL</b>	<u>(\$296,282)</u>
16		
	<b>TOTAL ALLOCATIONS</b>	<u>\$-0-</u>
18		

**FISCAL NOTE**

Enactment of this legislation would result in:

1. A General Fund appropriation to the Animal Welfare Board in the amount of \$187,528 for fiscal year 1990-91 and an offsetting deappropriation to the Department of Agriculture, Food and Rural Resources;

2. An allocation of Other Special Revenue to the Animal Welfare Board in the amount of \$296,282 for fiscal year 1990-91 and an offsetting deallocation to the Department of Agriculture, Food and Rural Resources in the same amount; and

It should be understood that since this legislation would result in the removal of the Animal Welfare Board from the Department of Agriculture, Food and Rural Resources, some additional costs could be incurred by the board for rent and administrative support services currently provided by the department. Also, this legislation proposes to change the salary procedure of the executive director of the board and the exact financial impact of this proposal cannot be determined.'

**STATEMENT OF FACT**

This amendment retains the intent of the bill to remove the Animal Welfare Board from the Department of Agriculture, Food and Rural Resources and adds a provision allowing the board to name its executive director subject to confirmation by the Legislature. The current executive director would continue in that role under the transition provisions of the amendment. In

R. of S.

COMMITTEE AMENDMENT "A" to S.P. 691, L.D. 1830

2 addition, the Commissioner of Agriculture, Food and Rural  
Resources is given the option to investigate, prior to action by  
4 the board, any complaints involving commercial farms, harness  
racing horses or animals used in pulling events with respect to  
6 acceptable animal husbandry practices. An investigation by the  
commissioner does not preclude the board from conducting its own  
8 investigation.

Reported by the Majority for the Committee on Agriculture.  
Reproduced and Distributed Pursuant to Senate Rule 12.  
(2/23/90) (Filing No. S-523)