

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

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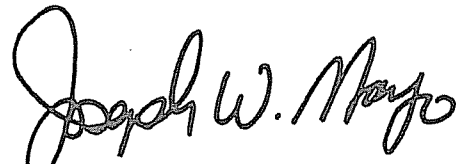
No. 419

H.P. 331

House of Representatives, February 9, 1993

An Act to More Fully Regulate the Sale of Pets.

Reference to the Committee on Agriculture suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative TARDY of Palmyra.

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

4 Sec. 1. 7 MRSA §3933-A is enacted to read:

6 §3933-A. Pet shops selling reptiles or amphibians

8 A pet shop may sell a species of reptile or amphibian only
10 if licensed to sell that species. The department shall designate
12 on the license which species the pet shop is authorized to sell.
14 The department may authorize a pet shop to sell a species of
reptile or amphibian only if the applicant possesses the proper
knowledge and facilities to adequately care for the species and
the applicant demonstrates a willingness and ability to educate
purchasers of the reptile or amphibian on the care of the species.

16 Sec. 2. 7 MRSA c. 745 is enacted to read:

18 CHAPTER 745

20 REPTILES AND AMPHIBIANS

22 §4201. Definitions

24 As used in this chapter, unless the context otherwise
26 indicates, the following terms have the following meanings.

28 1. House pet. "House pet" means an animal kept for
personal use and enjoyment on residential property.

30 2. Restricted species. "Restricted species" means:

32 A. The following snakes: Burmese Pythons, African Rock
34 Pythons, Reticulated Pythons, Indian Pythons, Sri Lankan
36 Pythons, Green Anacondas, Amethystine Pythons and any other
large constrictor that commonly attains a length of more
than 12 feet;

38 B. The following lizards: Speckled Caimens, Water
40 Monitors, Papuan Monitors, Salvator Monitors, Rough Neck
42 Monitors, Variegated Monitors, Bengal Monitors, Nile
Monitors and any other monitor that has attained a snout to
vent length of 2 feet or more, measured from the tip of the
snout to the cloaca; and

44 C. Any reptile or amphibian the possession of which is
46 prohibited or restricted by federal or state law or rule, or
48 which is classified as protected, endangered, threatened or
otherwise listed for preservation by any organization
pursuant to state or federal law.

50

2 **§4202. Venomous reptiles prohibited**

4 A person may not offer for sale or purchase or import into the State or maintain in the State a venomous reptile.

6 **§4203. Restricted species**

8 1. Registration requirement. A person may not purchase in the State or import into the State any restricted species unless registered pursuant to this chapter.

12 2. Process for registration. At the time a restricted species is purchased or imported into the State, the purchaser or importer shall complete and sign a registration form obtained from the department. The purchaser or importer shall retain one copy of the completed form and shall submit a copy to the department. The form must include information indicating that the purchaser or importer will comply with the animal care standards established in this chapter and in any rules established by the department to implement this chapter.

22 3. Ownership by minors. A minor may not own a restricted species without written parental consent and parental acceptance of liability for injury or property damage caused by the animal. In order for any minor to purchase a restricted species, the parent must indicate consent on a registration form.

28 4. Registration for breeding. A person who breeds a restricted species must register with the department if that person intends to sell those species to retail pet stores or to the public.

32 **§4204. Reptiles and amphibians as house pets**

34 A person owning a reptile or amphibian of any type must comply with the standards set forth in this Part.

38 Animals must be kept in a cage or enclosure or otherwise confined in a manner that will preclude escape and that will not threaten or annoy persons of normal sensitivity to reptiles or amphibians. Owners of reptiles and amphibians shall make adequate safeguards to prevent unauthorized access to the animals and take reasonable steps to capture an escaped animal.

44 Upon proper and reasonable request, the owner of a reptile or amphibian shall permit any person authorized to enforce this Part to inspect the animal, the equipment used with respect to the animal and the premises on which the animal is located to ensure compliance with this Part. The owner shall also make available to the inspecting authority any license, certificate or permit required as a condition of ownership of the animal.

2 **§4205. Public display of reptiles and amphibians**

4 A person may not display a reptile or amphibian to the
6 general public for educational or other purposes without a
8 license to do so from the department. To obtain a license, the
10 person must demonstrate that proper precautions will be taken
12 during the display to protect the animal and the public from
14 injury. The department may not issue a license unless the person
16 signs a statement accepting liability for any injury incurred as
18 a result of the display.

20 **§4206. Liability**

22 The owner of a reptile or amphibian is liable for any
24 personal injury or property damage caused by the animal that
26 results from a violation of this Part.

28 **§4207. Enforcement; training**

30 1. Rules for handling reptiles and amphibians. The
32 department may adopt rules requiring authorities who handle
34 reptiles and amphibians in enforcing this Title to be trained or
36 certified specifically to handle these animals.

38 2. Enforcement expenses. In addition to any other penalty
40 imposed for violation of this Part, the owner of a reptile or
42 amphibian shall pay the enforcing authority for costs incurred by
44 that authority in enforcing this Part.

46 **Sec. 3. 12 MRSA §7243 is enacted to read:**

48 **§7243. Exemption for reptiles and amphibians**

Reptiles and amphibians regulated by the Department of
 Agriculture, Food and Rural Resources pursuant to Title 7,
 chapter 745 are not subject to this subchapter.

Sec. 4. 12 MRSA §7736, sub-§1, ¶A, as amended by PL 1983, c.
 440, §14, is further amended to read:

 A. A person may keep a wild animal in captivity in
 accordance with sections 7231, 7235, 7241, and 7242; section
 7035, subsection 3; section 7771, subsection 2; or Title 7,
 section 1809; and

Sec. 5. 12 MRSA §7736, sub-§1, ¶B, as amended by PL 1981, c.
 644, §32, is further amended to read:

2 B. A person may keep a wild animal in captivity if the
animal was purchased or obtained originally from a dealer,
pet shop or licensed wildlife exhibit.; and

4
6 **Sec. 6. 12 MRSA §7736, sub-§1, ¶C** is enacted to read:

8 C. A person may keep a reptile or amphibian in captivity in
accordance with Title 7, chapter 745.

10
12 **STATEMENT OF FACT**

14 This bill establishes regulation by the Department of
Agriculture, Food and Rural Resources of the ownership, sale and
16 maintenance of reptiles and amphibians. The bill also removes
these animals from the requirements for a permit for importation,
18 breeding or display by the Department of Inland Fisheries and
Wildlife.

20