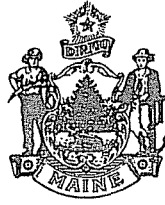


MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

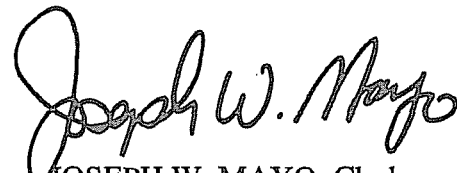
No. 420

H.P. 332

House of Representatives, February 9, 1993

An Act to Require Licensing of Cats.

Reference to the Committee on Agriculture suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative HALE of Sanford.

Cosponsored by Representatives: DAGGETT of Augusta, MURPHY of Berwick.

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

2
4 **Sec. 1.** 7 MRSA §3907, sub-§8, as enacted by PL 1987, c. 383,
§3, is amended to read:

6 **8. Boarding kennel.** "Boarding kennel" means any place,
building, tract of land, abode or vehicle in or on which
8 privately owned dogs, cats or other pets, or both, are kept for
their owners in return for a fee.

10 **Sec. 2.** 7 MRSA §3907, sub-§8-A, as enacted by PL 1991, c. 779,
12 §13, is amended to read:

14 **8-A. Breeding kennel.** "Breeding kennel" means a kennel
operated for the purpose of breeding or buying, selling or in any
16 way exchanging dogs or cats that exchanges more than 12 dogs or
cats in a 12-month period.

18 **Sec. 3.** 7 MRSA §3907, sub-§§16, 17 and 21, as enacted by PL
20 1987, c. 383, §3, are amended to read:

22 **16. Keeper.** "Keeper" means a person in possession or
control of a dog, cat or other animal.

24 **17. Kennel.** "Kennel" means one pack or collection of dogs
26 or cats kept in a single location under one ownership for
breeding, hunting, show, training, field trials and exhibition
28 purposes.

30 **21. Owner.** "Owner" means any person, firm, partnership,
association or corporation owning, keeping or harboring a dog,
32 cat or other animal.

34 **Sec. 4.** 7 MRSA §3907, sub-§22-A, as enacted by PL 1991, c.
36 779, §15, is amended to read:

38 **22-A. Pet animal.** "Pet animal" means an animal kept by a
private individual and not excluded by this subsection. "Pet
animal" includes dogs or cats kept in a kennel as defined in
40 subsection 17. "Pet animal" does not include an animal kept and
used by a commercial farmer, a harness racing horse or animal
42 used in a pulling event. "Pet animal" does not include an animal
kept in a boarding kennel, breeding kennel, animal control
44 shelter, equine facility or pet shop.

46 **Sec. 5.** 7 MRSA §3907, sub-§28, as enacted by PL 1987, c. 383,
48 §3, is amended to read:

50 **28. Warrant.** "Warrant" means an order of municipal officers
directing a police officer, constable, sheriff or animal control

2 officer to enter a complaint and summons against the owners or
3 keepers of unlicensed dogs or cats following notice of and
4 noncompliance with a violation of law.

5 Sec. 6. 7 MRSA c. 720, first 2 lines are repealed and the
6 following enacted in their place:

7
8 **CHAPTER 720**
9 **LICENSING AND RABIES PREVENTION FOR CATS**

10 Sec. 7. 7 MRSA §3916, sub-§3, as enacted by PL 1991, c. 779,
11 §26, is amended to read:

12
13 3. **Enforcement.** A humane agent, an animal control officer
14 or a law enforcement officer may ask an owner or keeper of a cat
15 to present proof of vaccination. A certificate of vaccination
16 issued in accordance with subsection 2 is proof of vaccination.
17 Notwithstanding ~~section~~ sections 16 and 3920, there is no penalty
18 for a violation of this section.

19
20 Sec. 8. 7 MRSA §§3918 to 3920 are enacted to read:

21
22 **§3918. License required; issuance**

23
24 A cat may not be kept within the limits of the State, unless
25 the cat has been licensed by its owner or keeper in accordance
26 with the laws of this State.

27
28 1. License; on or before January 1st. Except for cats kept
29 under a kennel license as provided in section 3931, each owner or
30 keeper of a cat that is 6 months of age or older shall license
31 the cat on or before January 1st of each year:

32
33 A. In the clerk's office of the municipality where the cat
34 is kept; or

35
36 B. With the dog recorder in the unorganized territory where
37 the cat is kept or, in the absence of a duly authorized
38 recorder, in the nearest municipality or unorganized
39 territory with a recorder.

40
41 2. License; after January 1st. The owner or keeper shall
42 obtain a license, within 10 days of the conditions of paragraph A
43 or B, if between January 1st and October 15th of any year:

44
45 A. A cat reaches 6 months of age or older; or

46
47 B. A person becomes the owner or keeper of a cat that is 6
48 months of age or older.

2 3. Proof of immunization. A municipal clerk may not issue
4 a license for any cat until the applicant has filed with the
6 clerk proof that the cat has been immunized against rabies in
8 accordance with section 3916.

6 The commissioner shall adopt rules that allow the clerk and the
8 board to accept valid proof of immunization against rabies
10 provided by another state.

10 4. Form of license. The license must state the breed, sex,
12 color and markings of the cat and the name and address of the
14 owner or keeper. The license must be issued in triplicate, the
16 original copy of which must be mailed to the board, a duplicate
18 copy given to the applicant and the remaining copy retained by
20 the municipal clerk.

18 §3919. License and recording fees

20 1. License and recording fees. A fee of \$2.50 must be paid
22 to the municipal clerk for a license on a cat 6 months of age or
24 older capable of producing young. The municipal clerk shall pay
26 all fees received for cats capable of producing young to the
28 department for deposit in the Animal Welfare Fund. A cat is
30 considered capable of producing young, unless:

26 A. A veterinarian issues a written certificate stating that
28 the veterinarian made the cat incapable of producing young
30 by spaying, if female, or by sterilization, if male;

30 B. A veterinarian issues a written certificate that, upon
32 examination, the cat is incapable of producing young; or

32 C. By previous registration, the owner has declared that
34 the cat is incapable of producing young.

36 When that certificate or registration accompanies the
38 application, a fee of \$1 must be paid for each license, of which
40 50¢ is retained by the municipality in accordance with section
42 3945 and 50¢ is paid to the department for deposit in the Animal
44 Welfare Fund.

42 2. Cat tags. A suitable tag showing the year the license
44 is issued and bearing such other data as the board prescribes
46 must be given by the municipal clerk with each license and must
48 be securely attached to a collar of leather, metal or material of
50 comparable strength that must be worn at all times by the cat for
which the license was issued, except when used in exhibitions.
When the cat is in an exhibition, its owner or keeper shall
produce proof of licensure within 24 hours upon request by a
humane agent, animal control officer or law enforcement officer.

2 3. Kennel licenses. The licensing of cats kept in a kennel
3 is governed by chapter 723.

4 **§3920. Violation**

6
7 1. Civil violation. Any person who violates any section of
8 this chapter, except section 3916, commits a civil violation for
9 which a forfeiture not to exceed \$100 may be adjudged.

10
11 2. Unlawful use of collar or tag. Any person who removes a
12 cat tag or who places a collar on any cat not described on the
13 collar or for which the license is not issued commits a civil
14 violation for which a forfeiture of not more than \$100 may be
15 adjudged.

16
17 Sec. 9. 7 MRSA §3931, as amended by PL 1991, c. 779, §28, is
18 further amended to read:

19 **§3931. Kennels**

20
21 1. License necessary. Any person having a pack or
22 collection of dogs or cats for the purposes set forth in section
23 3907, subsection 17, shall obtain a kennel license from the clerk
24 of the municipality where the dogs or cats are kept. The sex,
25 registered number and description shall may not be required of
26 for dogs or cats covered by a kennel license. The license shall
27 expire expires December 31st annually or in a manner consistent
28 with the license provisions of the Maine Administrative Procedure
29 Act, Title 5, chapter 375, whichever is later. The kennel
30 license shall-permit permits the licensee or authorized agent to
31 transport under control and supervision the kennel dogs or cats
32 within or without outside the State.

33
34 2. Determination of fees. License and recording fees are
35 determined according to the number of dogs or cats kept.

36
37 A. When the number of dogs or cats kept over 6 months of
38 age does not exceed 10, the fee for the license is \$20 and,
39 in addition, \$1 for each license as a fee for recording and
40 making the monthly report required by the department.

41
42 B. When the number of dogs or cats kept over 6 months of
43 age exceeds 10, the fee for the license is \$40 and, in
44 addition, \$1 for each license as a fee for recording and
45 making the monthly report required by the department.

46
47 3. Kennel tags. Dogs or cats covered by a kennel license
48 must be furnished suitable kennel tags as prescribed by the
49 department and are not required to be individually licensed.
50

2 Sec. 10. 7 MRSA §3931-A, sub-§3, as enacted by PL 1991, c.
4 779, §29, is amended to read:

6 3. **Licenses.** Nothing in this section may be construed to
8 exempt breeding kennel operators from the license requirements of
10 chapter 720 or 721.

12 Sec. 11. 7 MRSA §3932, sub-§3, as enacted by PL 1987, c. 383,
14 §3, is amended to read:

16 3. **Licenses.** Nothing in this section may be construed to
18 exempt dogs or cats owned by boarding kennel operators from the
20 license requirements of chapter 720 or 721.

22 Sec. 12. 7 MRSA §3942, as amended by PL 1991, c. 779, §34 and
24 affected by §52, is further amended to read:

26 **§3942. Issuance of dog and cat licenses**

28 Municipal clerks shall issue dog and cat licenses in
30 accordance with chapter 721, receive the license fees and pay to
32 the department all fees received for dogs and cats capable of
34 producing young and, \$2 from each license fee received for dogs
36 incapable of producing young, \$2.50 from each license fee for
38 cats capable of producing young and 50¢ from each license fee for
40 cats incapable of producing young. The clerks shall keep a
42 record of all licenses issued by them, with the names of the
44 owners or keepers of dogs and cats licensed and the sex,
46 registered numbers and description of all dogs and cats except
48 those covered by a kennel license. The clerks shall make a
50 monthly report to the department on a department-approved form of
all dog and cat licenses issued and fees received.

 The clerks shall retain \$1 from each license fee received
for dogs and 50¢ from each license fee received for cats
incapable of producing young and use these fees in accordance
with section 3945.

 Sec. 13. 7 MRSA §3943, sub-§1, as amended by PL 1991, c. 779,
§35 and affected by §60, is further amended to read:

1. **Procedure.** Between January 1st and April 30th annually,
the municipal officers of each municipality shall issue a warrant
with the names and addresses of all owners or keepers of
unlicensed dogs and cats to one or more police officers,
constables, sheriffs or animal control officers, directing them
to send a notice of violation by certified mail, return receipt
requested, to the last-known address of the owners or keepers or
call on the owners or keepers. The warrant must further direct

that demand be made on the owners or keepers to obtain a license from the municipal clerk within 7 days from the date of demand and remit to the clerk the license and recording fees plus a late fee of \$10. Finally, the warrant must direct the police officer, constable, sheriff or animal control officer to enter summons and complaint as soon as possible for all owners or keepers so notified who fail to comply with the order.

Sec. 14. 7 MRSA §3943, sub-§3, ¶A, as amended by PL 1991, c. 779, §36 and affected by §60, is further amended to read:

A. The municipal clerk shall deposit the \$10 late fee collected from all dog and cat owners and keepers in a separate account pursuant to section 3945.

Sec. 15. 7 MRSA §3944, as amended by PL 1991, c. 779, §37, is further amended to read:

§3944. Issuance of kennel licenses

Municipal clerks shall issue kennel licenses to kennel owners or operators in accordance with section 3931, provided that the dogs or cats are kept within a proper enclosure as defined by the department. The clerks shall receive the license fees, pay them to the department and make a monthly report to the department on a department-approved form of all kennel licenses issued and fees received.

Sec. 16. 7 MRSA §3946, first ¶, as amended by PL 1991, c. 779, §38, is further amended to read:

Dog recorders appointed by the commissioner in unorganized territories shall issue dog and cat licenses, receive the license fees and pay them to the department. The recorders shall keep a list of all licenses issued by them as of January 1st of each year, with the names of the owners or keepers of dogs and cats licensed and setting forth the sex, registered numbers and description of all dogs and cats, except those covered by a kennel license, opposite the names of their respective owners or keepers.

STATEMENT OF FACT

This bill establishes a system to license cats that is modeled after the State's dog licensing laws. Cats capable of producing young are licensed for a \$2.50 annual fee and cats incapable of producing young are licensed for a \$1 annual fee. Municipalities are allowed to keep half of the licensing fee for

2 cats incapable of producing young. Kennel owners are able to
license cats in their care under a general kennel license.