



# 116th MAINE LEGISLATURE

# FIRST REGULAR SESSION-1993

Legislative Document

No. 574

H.P. 448

House of Representatives, February 22, 1993

An Act Allowing Animal Welfare Personnel of the Department of Agriculture, Food and Rural Resources to Enforce Laws Prohibiting the Sale of Certain Fish and Wildlife.

Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24.

Reference to the Committee on Agriculture suggested and ordered printed.

JOSEPH W. MAYO, Clerk

Presented by Representative MARSH of West Gardiner. Cosponsored by Representative: TARDY of Palmyra, Senators: PEARSON of Penobscot, WEBSTER of Franklin.

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

Sec. 1. 7 MRSA §3936, as amended by PL 1991, c. 779, §33, is further amended to read:

§3936. Inspection and quarantine

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8 Inspection and quarantine. The commissioner, a state 1. humane agent, a veterinarian employed by the State or a licensed 10 veterinarian at the direction of the commissioner may, at any reasonable time, enter any kennel, boarding kennel, breeding kennel or pet shop, except any building used for human habitation 12 recognized as not subject to search warrant, andmake 14 examinations and conduct any recognized tests for the existence of any contagious or infectious diseases or conditions. The 16 commissioner may inspect kennels, boarding kennels, breeding kennels and pet shops in accordance with the sanitation and health rules established by the department and for compliance 18 with laws and rules, including licensing and permitting 20 requirements, of the Department of Inland Fisheries and Wildlife pertaining to wildlife importation and possession. Α veterinarian employed by the State or any licensed veterinarian 22 may quarantine the kennel, boarding kennel, breeding kennel or 24 pet shop, in person or by registered mail, and the quarantine must be maintained as long as the department determines 26 necessary. The decision and order for this guarantine is not considered licensing or an adjudicatory proceeding as defined by the Maine Administrative Procedure Act. The commissioner shall 28 promptly notify the Department of Inland Fisheries and Wildlife 30 of any violations.

32 2. Suspension of license. The Administrative Court, upon complaint of the commissioner er, the Attorney General or the 34 Commissioner of Inland Fisheries and Wildlife, may revoke or suspend a kennel, boarding kennel, breeding kennel or pet shop license if a person maintaining the kennel, boarding kennel, 36 breeding kennel or pet shop violates any quarantine or maintains animals contrary to the rules adopted by the department  $\Theta_{\pm}$ , fails 38 to keep records required by the department or violates any provision of the laws or rules of the Department of Inland 40 Fisheries and Wildlife pertaining to wildlife importation and possession. 42

#### STATEMENT OF FACT

The laws and rules enforced by the Department of Inland Fisheries and Wildlife restrict the sale of certain fish and wild animals as pets. Personnel of the Department of Agriculture, Food and Rural Resources routinely inspect pet stores under the

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animal welfare laws and are in a unique position to enforce fish and wild animal laws, contributing to the overall efficiency of the enforcement of the State's laws regulating pet stores.

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