

MAINE STATE LEGISLATURE

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R. of S.

L.D. 1040

(Filing No. S-309)

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STATE OF MAINE
SENATE
116TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 345, L.D. 1040, Bill, "An Act to Provide Consistency in the Animal Welfare Laws"

Amend the amendment by striking out everything after the title and before the statement of fact and inserting in its place the following:

'Amend the bill by striking out all of section 2 and inserting in its place the following:

'Sec. 2. 7 MRSA §3906-B, sub-§4, as enacted by PL 1991, c. 779, §9, is amended to read:

4. Training and certification of animal control officers. The commissioner shall develop a program to train animal control officers. This program must include training in investigation of complaints of cruelty to pet animals, training in response to calls concerning animals suspected of having rabies and training in enforcement of dog licensing laws and rabies immunization laws. The commissioner shall certify all animal control officers who complete the training program and all persons who have been employed full time in the capacity of animal control officer for a period of one year or longer prior to the effective date of this subsection.

Sec. 3. 7 MRSA §3906-B, sub-§9, as enacted by PL 1991, c. 779, §9, is amended to read:

9. Employees. The commissioner shall employ personnel, subject to the Civil Service Law, as necessary to assist in enforcing this Part and in carrying out the duties and responsibilities of the department. The commissioner, in consultation with the board, shall employ, subject to the Civil Service Law, one full-time humane agent to assist the board in

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carrying out its duties and responsibilities. The commissioner may not hire as a state humane agent a person who has been convicted of a criminal violation under Title 17, chapter 42 or has been adjudicated of a civil violation for cruelty to animals under chapter 739.

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

3. **Animal control.** "Animal control" means control of dogs, cats, and domesticated or undomesticated animals which may be a problem in the community and which are not controlled by any other law in accordance with section 3948.

Further amend the bill in section 3 in subsection 18-A in the last line (page 1, line 38 in L.D.) by striking out the following: "or swine." and inserting in its place the following: ', swine or other animals if the animals are kept and used by a commercial farmer.'

Further amend the bill in section 6 in that part designated "§3913-A." in the first paragraph in the first line (page 2, line 10 in L.D.) by striking out the following: "may" and inserting in its place the following: 'shall'

Further amend the bill by inserting after section 7 the following:

'Sec. 8. 7 MRSA §3917, sub-§1, as enacted by PL 1991, c. 779, §26, is amended to read:

1. **Clinic establishment.** The department shall ~~assist in~~ facilitate the establishment of low-cost antirabies clinics, ~~to be offered~~ at locations and on dates as appropriate. At least one low-cost antirabies clinic must be conducted annually in each county. In ~~assisting in~~ facilitating the establishment of antirabies clinics, the department shall cooperate with local veterinarians and local organizations. When other arrangements can not be made for a licensed veterinarian to vaccinate or to supervise vaccinations by an animal technician at a low-cost clinic, a veterinarian employed by the department shall administer the vaccinations.

Further amend the bill in section 9 in that part designated "§3923-A." by striking out all of subsection 3 (page 3, lines 29 to 38 in L.D.) and inserting in its place the following:

'3. **Exemption from fees.** A municipal clerk shall issue a license upon application and without payment of a license fee required under this section for:

- 2 A. A trained guide dog owned or kept by a visually impaired
- 3 person or such a dog awaiting training;
- 4
- 5 B. A trained hearing dog owned or kept by a
- 6 hearing-impaired person or such a dog awaiting training;
- 7
- 8 C. A trained service dog owned or kept by a physically
- 9 impaired person or such a dog awaiting training; and
- 10
- 11 D. A trained search and rescue dog recognized by the
- 12 Department of Inland Fisheries and Wildlife or by the
- 13 statewide association of search and rescue that cooperates
- 14 with the Department of Inland Fisheries and Wildlife in
- 15 developing standards for search and rescue or such a dog
- 16 awaiting training.

18 Further amend the bill by striking out all of sections 12 and 13 and inserting in their place the following:

20 'Sec. 12. 7 MRSA §3947, as amended by PL 1991, c. 779, §39, is further amended to read:

24 Each municipality shall appoint one or more animal control officers whose duties are enforcement of sections 3911, 3912, 3921, 3924, 3943, 3948, 3950, 3950-A and 3966 to 3970 responding to reports of animals suspected of having rabies in accordance with Title 22, sections 1313 and 1313-A and such other duties to control animals as the municipality may require.

30 A municipality may not appoint a person who has been convicted of a criminal violation under Title 17, chapter 42 or has been adjudicated of a civil violation for cruelty to animals under chapter 739 to the position of animal control officer.

36 Animal control officers must be certified in accordance with section 3906-B, subsection 4. Upon initial appointment, an animal control officer must complete training and be certified by the commissioner within 6 months of appointment.

40 Sec. 13. 7 MRSA §3948, sub-§3 is enacted to read:

42 3. Domesticated and undomesticated animals. A municipality shall control domesticated animals that are a problem in the community. A municipality shall control undomesticated animals that pose a threat to public health or safety. A municipality may control undomesticated animals in matters on which no other department is charged by law to regulate.

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Further amend the bill by striking out all of section 18 and inserting in its place the following:

Sec. 18. 22 MRSA §§1313 and 1313-A are enacted to read:

§1313. Procedures for the transportation, quarantine, euthanasia and testing of animals suspected of having rabies

1. Establishment of procedures. The commissioner, in consultation with the Commissioner of Agriculture, Food and Rural Resources and the Commissioner of Inland Fisheries and Wildlife shall adopt rules, in accordance with the Maine Administrative Procedure Act, establishing procedures for responding to a report of an animal suspected of having rabies. The procedures must include provisions for the transportation, quarantine, euthanasia and testing of an animal suspected of having rabies. The procedures may differ based on the perceived public health threat determined in part by consideration of the following factors:

A. Whether the animal is a domesticated animal for which a known effective vaccine exists and, if so, can the animal's vaccination status be verified; and

B. Whether the animal has bitten a person or exhibited other aggressive behavior.

2. Role of animal control officer; game warden. An animal control officer appointed in accordance with Title 7, section 3947, receiving a report of an animal suspected of having rabies shall ensure that the procedures established pursuant to this section and section 1313-A are carried out. If the animal is an undomesticated animal, a game warden shall assist the animal control officer.

3. Costs associated with transportation, quarantine, testing and euthanasia. The Department of Inland Fisheries and Wildlife shall pay all costs for transportation, quarantine, euthanasia and testing of an undomesticated animal suspected of having rabies. The owner of a domesticated animal suspected of having rabies shall pay all costs for transportation, quarantine, euthanasia and testing of the animal. If a domesticated animal is a stray or the owner is unknown, the municipality in which the animal was apprehended is responsible for transportation, quarantine, euthanasia and testing costs.

§1313-A. Provisions for immediate destruction of certain animals

If an undomesticated animal or a domesticated ferret, domesticated wolf or domesticated wolf hybrid suspected of having rabies bites a person, an animal control officer, a local health

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officer or a game warden may immediately kill or order killed
that animal without destroying the head. The Department of
Inland Fisheries and Wildlife shall arrange for the
transportation of the head to the State Health and Environmental
Testing Laboratory; except that the animal control officer shall
make the arrangements if the animal is a domesticated ferret,
domesticated wolf or domesticated wolf hybrid.

The Department of Inland Fisheries and Wildlife shall pay
transportation and testing costs for undomesticated animals. The
owner of a domesticated ferret, domesticated wolf or domesticated
wolf hybrid shall pay transportation and testing costs for that
animal.

Sec. 19. Report. The Commissioner of Human Services shall
submit a report on rabies prevention and protection efforts in
the State to the Joint Standing Committee on Agriculture by
January 15, 1994. The report must include a copy of the rules
adopted to establish rabies response procedures. If statutory
changes or enactment of new provisions relating to rabies
prevention and protection are recommended in the report, the
commissioner must submit implementing legislation with the
report.

Further amend the bill by renumbering the sections to read
consecutively.

Further amend the bill by inserting at the end before the
statement of fact the following:

FISCAL NOTE

The additional local costs of controlling certain animals
and administering various responsibilities for certain animals
suspected of having rabies will require 90% funding by the State
as a state mandate pursuant to the Constitution of Maine. The
General Fund appropriations required to fund these costs can not
be estimated at this time.

The replacement of lost dog tags will result in
insignificant increases of dedicated revenue to the Department of
Agriculture, Food and Rural Resources from replacement fees for
lost dog tags.

The Department of Agriculture, Food and Rural Resources will
incur some minor additional costs to provide animal control
shelters with temporary license forms, to assist the Department
of Human Services in establishing certain procedures and to

2 conduct certain training programs pertaining to rabies. These
costs can be absorbed within the department's existing budgeted
resources.

4
6 The Department of Agriculture, Food and Rural Resources will
be able to recover a portion of the costs incurred to offer
low-cost antirabic clinics on an annual basis across the State.
8 The department will be able to absorb the remaining costs within
existing budgeted resources.

10
12 The Department of Inland Fisheries and Wildlife will incur
some minor additional costs to administer certain
responsibilities relating to undomesticated animals suspected of
14 having rabies and to assist the Department of Human Services in
establishing certain procedures. These costs can be absorbed
16 within the department's existing budgeted resources.

18 The Department of Human Services will incur some minor
additional costs to establish certain procedures and to submit a
20 report to the Legislature pertaining to rabies prevention and
protection efforts in the State. These costs can be absorbed
22 within the department's existing budgeted resources.

24 The additional workload and administrative costs associated
with the minimal number of new cases filed in the court system
26 can be absorbed within the budgeted resources of the Judicial
Department. The collection of additional fines may increase
28 General Fund revenues by a minor amount.'

30 **STATEMENT OF FACT**

32 This amendment is being offered on behalf of the Committee
on Engrossed Bills to replace 2 amendments that are in technical
34 conflict in order to effectuate the intent of both of them. This
amendment replaces House Amendment "A" to Committee Amendment "A"
36 (H-577) and House Amendment "B" to Committee Amendment "A"
(H-608).

40
42 (Senator VOSE)
SPONSORED BY: Henry S. Vose

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46 COUNTY: Washington

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