

MAINE STATE LEGISLATURE

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802
R. of S.

L.D. 1040

(Filing No. S-256)

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STATE OF MAINE
SENATE
116TH LEGISLATURE
FIRST REGULAR SESSION

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

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

'Sec. 2. 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 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.'

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'

COMMITTEE AMENDMENT

R. of S.

COMMITTEE AMENDMENT "A" to S.P. 345, L.D. 1040

2 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:

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6 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:

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10 A. A trained guide dog owned or kept by a visually impaired
person or such a dog awaiting training;

12 B. A trained hearing dog owned or kept by a
hearing-impaired person or such a dog awaiting training;

14
16 C. A trained service dog owned or kept by a physically
impaired person or such a dog awaiting training; and

18 D. A trained search and rescue dog recognized by the
Department of Inland Fisheries and Wildlife or by the
statewide association of search and rescue that cooperates
with the Department of Inland Fisheries and Wildlife in
developing standards for search and rescue or such a dog
awaiting training.'

24
26 Further amend the bill by striking out all of section 13 and
inserting in its place the following:

28 'Sec. 13. 7 MRSA c. 729, first 2 lines are repealed and the
following enacted in their place:

30 CHAPTER 729

32 DAMAGE BY ANIMALS

34
36 Sec. 14. 7 MRSA §3962, as enacted by PL 1987, c. 383, §3, is
repealed.

38 Sec. 15. 7 MRSA §3962-A is enacted to read:

40 §3962-A. Penalty for damage to livestock by dogs

42 The owner or keeper of a dog that kills or injures
44 livestock, poultry or domestic rabbits commits a civil violation
46 for which a forfeiture not to exceed \$100 may be adjudged in
48 addition to costs. The person who suffers damage may also pursue
a civil action against the owner or keeper pursuant to section
3961.'

50 Further amend the bill by striking out all of section 15.

R. of S.

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Further amend the bill in section 16 by striking out all of paragraph A (page 8, lines 37 to 52 in L.D.) and inserting in its place the following:

'A. A state humane agent, sheriff, deputy sheriff, constable, police officer, animal control officer, person authorized to make arrests or, in a case involving a pet animal, the board may apply to the District Court, Superior Court or a justice of the peace for an ex parte order for authorization to take possession of any maimed, disabled, diseased, dehydrated, malnourished or injured animal or any animal whose owner has cruelly abandoned or cruelly treated it and turn it over to the applicant or any other suitable person. In actions initiated prior to November 1, 1995, an applicant must submit an affidavit of a veterinarian in support of the ex parte order. The department shall pay the fee charged by the veterinarian to obtain the affidavit.

An order may be entered ex parte upon findings by the court or justice of the peace that there is a reasonable likelihood that:'

Further amend the bill in section 17 in subsection 5-A by striking out all of the first line (page 9, line 5 in L.D.) and inserting in its place the following: '5-A. Seizure by state humane agent without court order. A state humane'

Further amend the bill by striking out all of section 18.

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 replacement of lost dog tags will result in insignificant increases of dedicated revenues 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 and to pay certain veterinarian fees. These costs can be absorbed within the department's existing budgeted resources.

R. of S.

COMMITTEE AMENDMENT "A" to S.P. 345, L.D. 1040

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

8
10 STATEMENT OF FACT

12 The amendment makes the following changes to the bill.

14 1. It adds a section prohibiting the Department of
Agriculture, Food and Rural Resources from hiring a person
16 as state humane agent if the person has violated civil or
criminal cruelty to animal laws.

18 2. It amends the section defining livestock to include only
animals that are kept and used by commercial farmers.

20 3. It amends the section relating to issuance of temporary
22 dog licenses by animal control shelters to require the
shelters to issue temporary licenses and to require
24 municipal clerks to notify their animal control officers if
a person who was issued a temporary license fails to obtain
26 a municipal license within 10 days after the temporary
license is issued.

28 4. It amends the section relating to exemptions from dog
30 license requirements to reword the existing exemptions and
to add an exemption for search and rescue dogs.

32 5. It adds a section repealing the law requiring the State
34 to pay for damage to livestock by dogs and retains the
provision making an owner or keeper of a dog civilly liable
36 for such damage.

38 6. It deletes from the bill the provisions requiring
persons who carry animals in the back of trucks to protect
40 the animals from the weather and to keep the animals
restrained or confined in the trucks.

42 7. It amends the section requiring that a request for an ex
44 parte order be supported by the affidavit of a state
veterinarian to require that the request be supported by the
46 affidavit of any veterinarian and that the State pay the

R. of S.

COMMITTEE AMENDMENT "A" to S.P. 345, L.D. 1040

2 expense of the veterinarian and to repeal the requirement
after 2 years.

4 8. It provides that only a full-time state humane agent may
seize an animal without a court order.

Reported by Senator Paradis for the Committee on Agriculture.
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COMMITTEE AMENDMENT