

MAINE STATE LEGISLATURE

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AGRICULTURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1191, L.D. 1588, Bill, "An Act to Provide for Greater Efficiency within the Department of Agriculture, Food and Rural Resources"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 7 MRSA §3907, sub-§1-A, as enacted by PL 1991, c. 779, §11, is amended to read:

1-A. Abandoned dog. "Abandoned dog" means a dog that has been deserted or given up by its owner or keeper. "Abandoned dog" includes litters left in a public place and dogs left with a note indicating abandonment. "Abandoned dog" does not include a dog wearing a collar and tags or a dog at large, as defined in subsection 6.

Sec. 2. 7 MRSA §3907, sub-§5, as amended by PL 1991, c. 779, §12, is repealed.

Sec. 3. 7 MRSA §3907, sub-§5-A, as enacted by PL 1991, c. 779, §13, is amended to read:

5-A. Animal shelter. "Animal shelter" means a facility that includes a physical structure or part of a physical structure that provides temporary or permanent shelter to stray, abandoned, abused or owner-surrendered animals. "Animal shelter" includes animal control shelters as defined in subsection 5.

Sec. 4. 7 MRSA §3907, sub-§8-A, as enacted by PL 1991, c. 779, §13, is amended to read:

2 8-A. **Breeding kennel.** "Breeding kennel" means a kennel
operated for the purpose of breeding or buying, selling or in any
4 way exchanging dogs that exchanges more than ~~12~~ 30 dogs in a
12-month period.

6 **Sec. 5. 7 MRSA §3907, sub-§15-A,** as enacted by PL 1991, c.
779, §15, is repealed.

8 **Sec. 6. 7 MRSA §3907, sub-§19,** as enacted by PL 1987, c. 383,
10 §3, is amended to read:

12 **19. Municipality.** "Municipality" means ~~--a--~~ an organized
city, town or plantation.

14 **Sec. 7. 7 MRSA §3907, sub-§21,** as enacted by PL 1987, c. 383,
16 §3, is amended to read:

18 **21. Owner.** "Owner" means any a person, ~~firm, partnership,~~
20 ~~association or corporation~~ owning, keeping or harboring a dog or
other animal.

22 **Sec. 8. 7 MRSA §3907, sub-§22-A,** as enacted by PL 1991, c.
779, §15, is amended to read:

24 **22-A. Pet animal.** "Pet animal" means an animal kept by a
26 private individual and not excluded by this subsection. "Pet
animal" includes dogs kept in a kennel as defined in subsection
28 17. "Pet animal" does not include an animal kept and used by a
commercial farmer, a harness racing horse or animal used in a
30 pulling event. "Pet animal" does not include an animal kept in a
boarding kennel, breeding kennel, animal ~~control~~ shelter, equine
32 facility or pet shop.

34 **Sec. 9. 7 MRSA §3907, sub-§23,** as enacted by PL 1987, c. 383,
§3, is amended to read:

36 **23. Pet shop.** "Pet shop" means any a place, ~~building,~~
38 ~~tract of land, abode~~ or vehicle in or on which any dogs, cats,
rodents, reptiles, fish, pet birds, ~~pet animals,~~ exotic birds or
40 exotic animals ~~are offered for sale which are not bred by the~~
vender not born and raised on those premises are kept for the
42 purpose of sale to the public.

44 **Sec. 10. 7 MRSA §3907, sub-§24,** as enacted by PL 1987, c. 383,
§3, is amended to read:

46 **24. Respective municipality.** "Respective municipality"
48 means, in the case of towns, plantations and cities, the
municipality where the dog or ferret is found; in the case of
50 unorganized ~~townships~~ territories, the municipality near or

adjacent to the unorganized township territory where the dog or ferret is found; or the designee of that municipality.

Sec. 11. 7 MRSA §3907, sub-§25, as enacted by PL 1987, c. 383, §3, is repealed.

Sec. 12. 7 MRSA §3907, sub-§25-A is enacted to read:

25-A. Stray. "Stray" means off the owner's premises and not under the control of a person.

Sec. 13. 7 MRSA §3912, as amended by PL 1991, c. 779, §17, is further amended to read:

§3912. Disposition of dogs at large

Any animal control officer or person acting in that capacity shall seize, impound or restrain any a dog found in violation of section 3911 and deliver it to an animal control shelter as provided for in section 3913, subsection 2-A, or shall take the dog to its owner, if known. If ownership can not be established, such animals may be handled as strays stray animals for the purposes of acceptance by an approved shelter.

Sec. 14. 7 MRSA §3912-A, as enacted by PL 1991, c. 779, §18, is repealed.

Sec. 15. 7 MRSA §3913, sub-§1, as amended by PL 1991, c. 779, §19, is repealed and the following enacted in its place:

1. Persons finding stray dogs. A person finding a stray dog and taking control of that dog shall take that dog to its owner if known or, if the owner is not known, to the animal shelter designated by the municipality in which the dog was found.

Sec. 16. 7 MRSA §3913, sub-§2-A, as enacted by PL 1991, c. 779, §21, is amended to read:

2-A. Animal shelter. An animal control shelter, as defined in section 3907, to which a sick, stray, injured or abandoned dog is taken, shall accept the dog for a period of 6 days, unless the shelter is in quarantine or has a bona fide lack of adequate space or unless the dog has or is suspected of having a contagious disease. The acceptance entitles the animal control shelter to receive from the department the sum of \$2.50 a day for the period for which food and shelter are furnished to the dog. An animal control shelter may refuse to accept dogs from municipalities not contracting with that shelter.

2 Sec. 17. 7 MRSA §3913, sub-§3, ¶¶A and B, as amended by PL
1991, c. 779, §22, are further amended to read:

4 A. On the business day next following the date of
6 acceptance of the dog, the animal ~~control~~ shelter shall
8 notify the clerk of the respective municipality of the
acceptance of the dog, its description and the circumstances
of its finding.

10 B. An animal ~~control~~ shelter that accepts a dog under this
12 section, within 45 days of acceptance of the dog, shall
14 submit a claim on a department-approved form to the clerk of
the respective municipality for fees incurred in providing
16 food and shelter and, upon verification of proper
notification and holding period by the clerk, the animal
~~control~~ shelter shall forward the claim to the department.

18 Sec. 18. 7 MRSA §3913, sub-§4, as amended by PL 1993, c. 468,
20 §§6 and 7, is further amended to read:

22 4. **Ownership of dog.** Upon expiration of the 6-day period,
24 ownership of the dog is vested in the animal ~~control~~ shelter.
The animal ~~control~~ shelter may then:

26 A. Sell or give away the dog, ~~provided that~~ but not to a
research facility, if a license is first obtained in
28 accordance with section 3922 or the animal control shelter
issues a temporary license in accordance with section 3913-A
chapter 721; or

30 B. Otherwise dispose of the dog humanely in accordance with
32 Title 17, chapter 42, subchapter IV, if a veterinarian
34 determines that the dog is not adoptable due to illness.
Except as provided in this section, an animal ~~control~~
36 shelter must hold a dog at least 8 days before euthanasia.

38 Notwithstanding this subsection, ownership of a dog for the
40 purposes of adoption is immediately vested in a shelter if the
shelter makes a determination that the dog is obviously
42 abandoned. An obviously abandoned dog does not include a dog
roaming at large.

44 An animal ~~control~~ shelter shall establish and collect fees for
reclaimed or adopted animals to offset costs of keeping a dog
beyond 6 days.

46 None of the proceeds obtained from the sale, donation, adoption
48 or other disposition of the dog may be deducted from the fee
claimed.

50

Notwithstanding subsection 3, paragraph C, the previous owner may reacquire the dog at any time prior to its sale, donation or disposal upon payment of the municipal impoundment fee and actual fees incurred for food, shelter, veterinary care and any other fees required by this chapter for each day that the dog has been sheltered. In this case, no fee may be allowed by the department.

Sec. 19. 7 MRSA §3913-A, as enacted by PL 1993, c. 468, §8, is repealed.

Sec. 20. 7 MRSA §3914, as amended by PL 1991, c. 779, §24, is further amended to read:

§3914. Purchase and sale of animals

Shelters Animal shelters, kennels, breeding kennels, boarding kennels and pet shops engaged in buying or selling dogs animals shall keep records of the buyer and seller in each transaction for a 2-year period commencing at the time of purchase or sale. The records must be open to inspection by the department or law enforcement officers.

Sec. 21. 7 MRSA §3922, sub-§1, as enacted by PL 1987, c. 383, §3, is amended to read:

1. License; January 1st. ~~Except for dogs kept under a kennel license as provided in section 3931, each~~ Each owner or keeper of a dog at the age of 6 months or more shall, on or before January 1st of each year, ~~cause the dog to be licensed~~ shall obtain a license:

A. ~~In the clerk's office~~ From the clerk of the municipality where the dog is kept; or

B. With From the dog recorder in the unorganized territory where the dog is kept or, in the absence of a duly authorized dog recorder, ~~from a dog recorder~~ in the nearest municipality or unorganized territory ~~with a recorder~~ in the same county where the dog is kept.

Sec. 22. 7 MRSA §3922, sub-§5, as enacted by PL 1987, c. 383, §3, is amended to read:

5. Form of license. The license shall must state the breed, sex, color and markings of the dog and the name and address of the owner or keeper. The license shall must be issued in triplicate, and the original ~~copy of which shall be mailed to the board, a duplicate copy~~ must be given to the applicant and the remaining copy 2 copies must be retained by the municipal clerk or dog recorder.

2 **Sec. 23. 7 MRSA §3923-A, first ¶,** as enacted by PL 1993, c.
468, §12, is amended to read:

4 Except as provided in subsection 3 and section 3921 ~~3923-C,~~
6 a dog owner or keeper shall pay the license and recording fees
established in this section.

8 **Sec. 24. 7 MRSA §3923-A, sub-§1,** as enacted by PL 1993, c.
10 468, §12, is amended to read:

12 **1. Dogs capable of producing young.** A dog owner or keeper
14 shall pay a fee of \$7.50 to the municipal clerk for each dog 6
months of age or older and capable of producing young. A dog is
16 considered capable of producing young unless certification
required under subsection 2 is provided.

18 The clerk shall retain \$1 as a recording fee and pay the
20 remaining \$6.50 to the department for deposit in the Animal
Welfare Fund.

22 **Sec. 25. 7 MRSA §3923-A, sub-§4,** as enacted by PL 1993, c.
468, §12, is amended to read:

24 **4. Late fees.** An owner or keeper required to license a dog
26 under section 3922, subsection 1 and section 3923-C, subsection 1
and applying for a license for that dog after January 31st must
28 shall pay to the municipal clerk or dog recorder a late fee of \$3
in addition to the annual license fee paid in accordance with
30 subsection 1 or 2 and section 3923-C, subsection 1. The clerk or
dog recorder shall deposit all late fees collected under this
32 subsection into the municipality's animal welfare account
established in accordance with section 3945.

34 An owner or keeper whose name appears on a municipal warrant
36 issued in accordance with section 3943 must pay the late fee
required by that section and is not subject to this subsection.

38 **Sec. 26. 7 MRSA §3923-B, sub-§1,** as enacted by PL 1993, c.
40 468, §12, is amended to read:

42 **1. Dog tags.** The municipal clerk shall provide with each
44 new license issued under section 3923-A a dog tag, indicating the
year the license is issued and bearing other information
46 prescribed by the department, and a sticker, indicating the year
the license is issued, which must be attached to the back of the
48 dog tag. The dog tag remains with the dog for as long as the dog
is kept in the licensing municipality. The owner or keeper shall
50 make sure that the tag is securely attached to a collar of
leather, metal or material of comparable strength and that the

collar is worn at all times by the dog for which the license was issued, except as provided in subsection 3.

If a sticker and tag is lost or the owner has moved to a different municipality, the owner or keeper of the dog must shall obtain a new license, tag and sticker. The municipal clerk shall issue another license, tag and sticker upon presentation of the original license and payment of \$1. The clerk shall ~~deposit 50¢ of the replacement fee into the municipality's animal welfare account established in accordance with section 3943 and pay the remaining 50¢ to the department for deposit into the Animal Welfare Fund~~ retain the \$1 for a recording fee.

Sec. 27. 7 MRSA §3923-B, sub-§3, as enacted by PL 1993, c. 468, §12, is amended to read:

3. **Exceptions.** A dog is not required to wear a dog tag or a rabies tag when on the premises of the owner or off the premises of the owner while hunting, in training or in an exhibition. When a dog is hunting, in training or in exhibition, its owner or keeper must shall produce proof of licensure within 24 hours and proof of rabies immunization upon request by a humane agent, animal control officer or law enforcement officer, including a game warden. ~~When a dog is brought to this State from another state for hunting, training or exhibiting, its owner or keeper must produce proof of rabies immunization within 24 hours upon request by a humane agent, animal control officer or law enforcement officer, including a game warden.~~

Sec. 28. 7 MRSA §§3923-C to 3923-E are enacted to read:

§3923-C. Kennel license

1. **License necessary.** A person having a pack or collection of dogs for the purposes set forth in section 3907, subsection 17 shall obtain a kennel license from the clerk of the municipality where the dogs are kept and that person is subject to rules adopted by the department. The sex, registered number and description are not required of dogs covered by a kennel license. The license expires December 31st annually. The kennel license permits the licensee or authorized agent to transport under control and supervision the kennel dogs in or outside the State.

2. **Determination of fees.** License and recording fees are determined according to the number of dogs kept.

A. When the number of dogs kept over 6 months of age does not exceed 10, the fee for licensure of the kennel is \$20 and, in addition, \$1 for each license as a fee for the

2 recording and making the monthly report required by the
department.

4 B. When the number of dogs kept over 6 months of age
6 exceeds 10, the fee for licensure of the kennel is \$40 and,
in addition, \$1 for each license as a fee for the recording
8 and making the monthly report required by the department.

10 3. Form of license. The license must be issued in
triplicate, the original copy of which is given to the applicant
12 and the remaining 2 copies retained by the municipal clerk. A
license covers a maximum of 10 dogs.

14 4. Kennel tags. Dogs covered by a kennel license must be
16 furnished suitable kennel tags and stickers as prescribed by the
department and are not required to be individually licensed.

18 **§3923-D. Temporary licenses**

20 An animal shelter may issue a temporary dog license when
22 transferring ownership vested in the shelter under section 3913,
subsection 4 to a person buying or otherwise accepting
24 ownership. The department shall provide animal shelters with
temporary license forms. The shelter shall complete all
26 information prescribed on the form, provide the owner with the
original temporary license and submit the copy for the municipal
28 clerk and the animal control officer to the appropriate municipal
clerk. The shelter may retain a copy of the temporary license to
30 comply with section 3914. A temporary license is valid for a
period of 10 days beginning on the date of issuance. An animal
32 shelter may not charge a fee for issuing a temporary license.

34 **§3923-E. Monthly report**

36 Municipal clerks or dog recorders shall receive the license
fees in accordance with sections 3923-A and 3923-C, pay them to
38 the department and make a monthly report to the department on a
department-approved form of all licenses issued and fees received.

40 Sec. 29. 7 MRSA c. 723, first 3 lines, are repealed and the
42 following enacted in its place:

44 **CHAPTER 723**

46 **FACILITY LICENSES**

48 Sec. 30. 7 MRSA §3931, as amended by PL 1991, c. 779, §28, is
repealed.

R 48

2 **Sec. 31. 7 MRSA §3931-A, sub-§1**, as enacted by PL 1991, c. 779, §29, is amended to read:

4 **1. License necessary.** A person maintaining a breeding kennel, as defined in section 3907, ~~subsection 8-A~~, shall obtain a license from the department and is subject to rules adopted by the department. The license expires December 31st annually or in a manner consistent with the license provisions of the Maine Administrative Procedure Act, whichever is later.

10 **Sec. 32. 7 MRSA §3932, sub-§1**, as amended by PL 1991, c. 779, §30, is further amended to read:

14 **1. License necessary.** Any ~~A~~ person maintaining a boarding kennel, as defined in section 3907, shall obtain a license from the department and is subject to rules adopted by the department. The license expires December 31st annually or in a manner consistent with the license provisions of the Maine Administrative Procedure Act, whichever is later.

20 **Sec. 33. 7 MRSA §3932, sub-§3**, as enacted by PL 1987, c. 383, §3, is repealed.

24 **Sec. 34. 7 MRSA §3932-A** is enacted to read:

26 **§3932-A. Animal shelters**

28 **1. License necessary.** A person operating an animal shelter as defined in section 3907 shall obtain a license from the department and is subject to rules adopted by the department. The license expires December 31st annually or in a manner consistent with the license provisions of the Maine Administrative Procedure Act, whichever is later.

34 **2. License fee.** The license fee for an animal shelter is \$20.

38 **Sec. 35. 7 MRSA §3933, sub-§1**, as amended by PL 1991, c. 779, §31, is further amended to read:

40 **1. License necessary.** Any ~~A~~ person maintaining a pet shop, as defined in section 3907, shall obtain a license from the department and is subject to rules adopted by the department. The license expires December 31st annually or in a manner consistent with the license provisions of the Maine Administrative Procedure Act, whichever is later.

46 **Sec. 36. 7 MRSA §3935**, as amended by PL 1993, c. 468, §14, is further amended to read:

50

2
3 **§3935. License prohibited**

4 ~~Municipalities may not issue a kennel license and the~~ The
5 department may not issue a license to maintain a boarding kennel,
6 ~~breeding kennel~~ or pet shop to any a person who, within the 5
7 years previous to the application for the license, has been
8 convicted of a criminal violation under Title 17, chapter 42, or
9 under any a criminal law involving cruelty to animals that is no
10 longer in effect, or within 2 years previous to the application
11 for the license, has been adjudicated of a civil violation for
12 cruelty to animals under chapter 739.

13 **Sec. 37. 7 MRSA §3938**, as amended by PL 1993, c. 468, §14, is
14 further amended to read:

15 **§3938. Violation**

16 Any A person maintaining a ~~kennel~~ an animal shelter,
17 boarding kennel, breeding kennel or pet shop without having
18 obtained a license, or after any a license has been revoked or
19 suspended, commits a civil violation for which a forfeiture of
20 not less than \$50 nor more than \$200 a day may be adjudged.
21

22 **Sec. 38. 7 MRSA §3939** is enacted to read:

23 **§3939. Dog licenses**

24 Nothing in this chapter may be construed to exempt licensed
25 facilities from the license requirements of chapter 721.

26 **Sec. 39. 7 MRSA §3944**, as amended by PL 1991, c. 779, §37, is
27 further amended to read:

28 **§3944. Issuance of kennel licenses**

29 Municipal clerks and dog recorders shall issue kennel
30 licenses to kennel owners or operators in accordance with section
31 ~~3931, provided that the dogs are kept within a proper enclosure~~
32 ~~as defined by the department~~ sections 3923-C and 3935. The
33 ~~clerks shall receive the license fees, pay them to the department~~
34 ~~and make a monthly report to the department on a~~
35 ~~department approved form of all kennel licenses issued and fees~~
36 ~~received.~~

37 **Sec. 40. 7 MRSA §3945**, as enacted by PL 1987, c. 383, §3, is
38 amended to read:

39 **§3945. Use of license fees retained by municipalities**

2 All fees retained by municipalities shall ~~must~~ be kept in a
3 separate account and shall ~~must~~ be used for the salaries and
4 costs of animal control, enforcement of licensing laws, care of
5 injured and abandoned animals and the support of one or more
6 approved animal ~~centrel~~ shelters. Any money not expended for
7 these purposes in a municipality's fiscal year shall ~~does~~ not
8 lapse, but shall ~~must~~ be carried over to the next fiscal year.

9
10 Sec. 41. 7 MRSA §3949, as enacted by PL 1987, c. 383, §3, is
11 amended to read:

12 **§3949. Animal shelter designation**

13 Municipal clerks, annually, on or before January 1st, shall
14 certify to the board the name and location of the animal ~~centrel~~
15 shelter with which the municipality has entered into a contract
16 to accept stray animals or have an arrangement for such a shelter
17 that will accept stray animals. Animal ~~centrel~~ shelters shall
18 designated by the municipality under this section must comply
19 with board rules.
20

21 Sec. 42. 7 MRSA §3967, as amended by PL 1993, c. 468, §20, is
22 further amended to read:

23 **§3967. Seizing of ferrets**

24
25 Any An animal control officer or person acting in that
26 capacity shall seize, impound or restrain any a domesticated
27 ferret found in violation of section 3966, subsection 1, and
28 deliver it to an animal ~~centrel~~ shelter, as provided for in
29 section 3968, or shall take it to its owner, if known. If
30 ownership can not be established, such animals may be handled as
31 stray ferrets for the purposes of acceptance by an animal ~~centrel~~
32 shelter as provided in this chapter.
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35 Sec. 43. 7 MRSA §3968, as amended by PL 1993, c. 468, §20, is
36 further amended to read:

37 **§3968. Disposition of ferrets**

38
39 1. **Shelter.** An animal ~~centrel~~ shelter to which a stray
40 ferret is taken shall accept the ferret for a period of 6 days,
41 unless the shelter is in quarantine or has a bona fide lack of
42 adequate space or unless the ferret has or is suspected of having
43 a contagious disease. The acceptance entitles the animal ~~centrel~~
44 shelter to receive from the department the sum of \$2.50 a day for
45 the period for which food and shelter are furnished to the
46 ferret. An animal ~~centrel~~ shelter may refuse to accept ferrets
47 from municipalities not contracting with that shelter.
48
49
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2. **Claims; fees.** The procedure for filing claims and calculating fees is as follows.

A. On the next business day following the date of acceptance of the ferret, the animal ~~center~~ shelter shall must notify the clerk of the respective municipality of the acceptance of the ferret, its description and the circumstances of its finding.

B. An animal ~~center~~ shelter that accepts a ferret under this section, within 45 days of acceptance of the ferret, shall must submit a claim on a department-approved form to the clerk of the respective municipality for fees incurred in providing food and shelter and, upon verification of proper notification and holding period by the clerk, the shelter shall forward the claim to the department.

C. If the owner claims the ferret within the 6-day period, the owner may have and receive the ferret upon payment of all department-approved fees, plus any pickup fees that the municipality may impose.

3. **Ownership of ferret.** Upon expiration of the 6-day period, ownership of the ferret is vested in the animal ~~center~~ shelter. The animal ~~center~~ shelter may then:

A. Sell or give away the ferret with the warning notice required by section 3966, except to a research facility; or

B. Otherwise dispose of the ferret humanely in accordance with Title 17, chapter 42, subchapter IV if a veterinarian determines that the ferret is not adoptable due to illness. Except as provided in this section, an animal ~~center~~ shelter must hold a ferret at least 8 days before euthanasia.

An animal ~~center~~ shelter shall establish and collect fees for reclaimed or adopted ferrets to offset costs of keeping a ferret beyond 6 days.

None of the proceeds obtained from the sale, donation, adoption or other disposition of the ferret may be deducted from the fee claimed.

Notwithstanding subsection 2, paragraph C, the previous owner may reacquire the ferret at any time prior to its sale, donation or disposal upon payment of the municipal impoundment fees and actual fees incurred for food, shelter, veterinary care and any other fees required by this chapter for each day that the ferret has been sheltered. ~~In this case no~~ A fee may not be allowed by the department.

2 **Sec. 44. 17 MRSA §1011, sub-§5**, as amended by PL 1991, c. 779,
3 §42, is repealed.

4 **Sec. 45. 17 MRSA §1011, sub-§5-A**, as enacted by PL 1991, c.
5 779, §43, is amended to read:

6 **5-A. Animal shelter.** "Animal shelter" means a facility
7 that includes a physical structure or part of a physical
8 structure that provides temporary or permanent shelter to stray,
9 abandoned, abused or owner-surrendered animals. "~~Animal-shelter~~"
10 ~~includes-animal-control-shelters-as-defined-in-subsection-5.~~

11 **Sec. 46. 17 MRSA §1021, sub-§2**, as enacted by PL 1987, c. 383,
12 §4, is further amended to read:

13 **2. Notice to owner.** If the owner is known, a copy of the
14 application shall ~~must~~ be served upon him the owner with an order
15 of court to appear at a stated time and place to show cause why
16 the animal should not be taken and turned over to the applicant
17 or other suitable person or disposed of humanely.

18 If the owner ~~cannot~~ can not be found by reasonable diligence, or
19 is ~~out-of-state~~ out of state although a resident of this State, a
20 copy of the application and order of court shall ~~must~~ be left at
21 his the owner's last and usual place of abode.

22 If the owner is not known, then the court shall order a notice to
23 be published at least once in a newspaper of general circulation
24 in the county where the animal was found, stating the case and
25 circumstances and giving 48 hours' notice of the hearing.

26 **Sec. 47. 17 MRSA §1021, sub-§5-A**, as enacted by PL 1993, c.
27 468, §22, is amended to read:

28 **5-A. Seizure by state humane agent without court order.** A
29 state humane agent who has reasonable cause to believe that a
30 violation of section 1031 or 1032 has taken place or is taking
31 place may take possession of the cruelly treated animal. Upon
32 taking possession of an animal under this section, the humane
33 agent shall present the owner with a notice that:

- 34 A. States the reason for seizure;
- 35 B. Gives the name, address and phone number of a humane
36 agent to contact for information regarding the animal; and
- 37 C. Advises the owner of the ensuing court procedure.

R. 018

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2 If the owner can not be found, the humane agent shall send a copy
of the notice to the owner at the owner's last known address by
4 certified mail, return receipt requested. If the owner is not
known or can not be located, the humane agent shall contact the
6 animal ~~center~~ shelter or shelters used by the municipality in
which the animal was found. The humane agent shall provide the
8 shelter with a description of the animal, the date of seizure and
the name of a person to contact for more information.

10 Within 3 working days of possession of the animal, the humane
agent shall apply to the court for a possession order. The court
12 shall set a hearing date and that hearing date must be within 10
days of the date the animal was seized. The humane agent shall
14 arrange care for the animal including medical treatment, if
necessary, pending the hearing.

16 The humane agent shall notify the owner, if located, of the time
and place of the hearing. If the owner has not been located, the
18 court shall order a notice to be published at least once in a
newspaper of general circulation in the county where the animal
20 was found stating the case and circumstances and giving 48 ~~hours~~
22 hours notice of the hearing.

24 It is the owner's responsibility at the hearing to show cause why
the animal should not be seized permanently or disposed of
26 humanely. If it appears at the hearing that the animal has been
cruelly abandoned or cruelly treated by its owner, the court
28 shall declare the animal forfeited and order its sale, adoption
or donation or order the animal to be disposed of humanely if a
30 veterinarian determines that the animal is diseased or disabled
beyond recovery.'

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

36
38 **FISCAL NOTE**

The redistribution of revenues received from replacement dog
40 tags will result in insignificant decreases of dedicated revenue
to the Department of Agriculture, Food and Rural Resources from
42 tag fees.

44 The Department of Agriculture, Food and Rural Resources will
incur some minor additional costs to amend certain rules
46 pertaining to various aspects of animal welfare. These costs can
be absorbed within the department's existing budgeted resources.'

48

STATEMENT OF FACT

2

The amendment makes several changes to the animal welfare laws.

4

6

It amends the dog licensing laws as follows:

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1. Municipalities would not issue new dog tags each year. A dog would get a new tag only if the old tag was lost or the dog was moved to a different municipality. Stickers would be issued each year to indicate that the license fee has been paid;

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2. A dog would not be required to wear a dog tag when on its owner's premises or off the owner's premises while hunting, in training or in exhibition, but the owner must be able to show proof of licensure and rabies vaccination immediately on request; and

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3. Municipal clerks and dog recorders must make a report to the Department of Agriculture, Food and Rural Resources on department-approved forms of all licenses issued and fees received.

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The amendment changes the stray dog procedures as follows:

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1. A person who finds and takes control of a dog must take that dog to the municipally designated shelter in the municipality where the dog is found, or to the dog's owner, if known;

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2. An animal shelter may not give away or sell a dog to a research facility; and

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3. The amendment defines "stray" as meaning "off the owner's premises and not under the control of any person."

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The amendment makes the following changes to animal facility licensing and regulation:

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1. Requires shelters, kennels and pet shops to keep records of the sale of all animals, not just dogs;

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2. Clarifies that breeding kennels, pet shops and boarding kennels are subject to department rules;

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3. Changes the fee for an animal shelter license from \$10 for nonprofit and \$25 for others to \$20 for all shelters and provides a penalty for operating a shelter without a license;

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2 4. All shelters, including animal control shelters and
humane societies, are called "animal shelter" and are subject to
the same laws; and

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6 5. Changes the definition of breeding kennel to include
kennels with 30 dogs, instead of 12 dogs as set out in current
law.

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10 This amendment also conforms existing law to current
drafting standards.