

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 935

H.P. 684

House of Representatives, March 21, 1995

**An Act to Amend the Sheltering Requirements for Dogs and to Provide
Funding for the Spaying and Neutering of Cats and Dogs.**

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative LOOK of Jonesboro.

Cosponsored by Representatives: BIGL of Bucksport, CAMERON of Rumford, JOY of Crystal, LABRECQUE of Gorham, MURPHY of Berwick, PENDLETON of Scarborough, PINKHAM of Lamoine, RICE of South Bristol, Senators: BEGLEY of Lincoln, LORD of York.

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

Sec. 1. 7 MRSA §3910-A is enacted to read:

§3910-A. Spaying and Neutering Program

There is established the Spaying and Neutering Program referred to in this section as the "program."

1. Spaying and Neutering Fund. The Treasurer of State shall deposit \$10,000 annually from license fees received pursuant to chapter 721 in a separate account established by the Treasurer of State and known as the Spaying and Neutering Fund. The account does not lapse but continues from year to year. The commissioner may not provide reimbursement beyond the limits of the amount contained in the Spaying and Neutering Fund.

2. Administration. The commissioner shall determine the procedures for administering the program, including the number of vouchers to be given and redemption procedures. The commissioner shall establish qualification levels for low-income participants.

3. Participation. A nonprofit humane society incorporated with the Department of the Secretary of State, Bureau of Corporations, Elections and Commissions may participate in the program.

4. Vouchers; process. Humane societies that qualify for the program may request vouchers from the commissioner. The vouchers may be given to low-income customers of a humane society who bring their dogs or cats in to be spayed or neutered. The society may then request reimbursement from the Spaying and Neutering Fund, as limited by subsection 5, for the sterilization procedure performed.

5. Reimbursement limits. The maximum amount of any disbursement under the program for each procedure performed is as follows:

A. Female dog spay, \$40;

B. Male dog castration, \$30;

C. Female cat spay, \$30; and

D. Male cat castration, \$25.

6. Report. Each participating society shall file a report every 6 months with the commissioner and the board detailing the

number of vouchers received and disbursed and the amount of any reimbursement received under the program.

Sec. 2. 7 MRSA §4015, sub-§2, ¶B, as enacted by PL 1987, c. 383, §3, is amended to read:

B. Shelter from inclement weather shall must be as follows.

(1) An artificial shelter with a minimum of 3 sides and a waterproof roof appropriate to the local climatic conditions for the species concerned shall must be provided as necessary for the health of the animal.

~~(2) If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size with a floor above ground and waterproof roof shall be provided to accommodate the dog and protect it from the weather and, in particular, from severe cold. Inadequate shelter may be indicated by the shivering of the dog due to cold weather for a continuous period of 30 minutes. Notwithstanding any provision of the law to the contrary, if a dog is at any time kept outdoors, a shelter consisting of a 4-sided structure and a roof made of waterproof or windproof material of ample thickness to retain the dog's body heat in cold weather must be provided. The shelter must have a solid floor at least 3 inches above ground level. A sufficient amount of clean bedding must be provided to retain the dog's normal body heat.~~

The shelter must have an opening, including a baffled or other sheltered entrance, of sufficient size to allow the dog unimpeded passage. The opening must face south or away from the direction from which most wind-driven precipitation comes.

Sec. 3. 7 MRSA §4015, sub-5 is enacted to read:

5. Tethering of animals. If an animal is restricted by means of a tether, the tether must be attached to both the animal and the anchor by a swivel or similar device so that the tether does not become entangled or twisted. The gauge of the tether must be appropriate for the size of the animal confined. The length of the tether must be at least 5 times the length of the animal. If a dog is tethered to a pivot, permitting a 360° area of movement, the length of the tether must be 3 1/2 times the length of the dog.

2 The tether must be attached to a well-fitting collar or harness
4 that does not cut into the animal's flesh or interfere with the
animal's circulation or ability to ingest food or water or to
vocalize.

6 For dogs that are bred and trained as sled dogs, the length of
8 the tether may not be more than 1 1/2 times the length of the dog
if tied on a pivot or 3 times the length of the dog if tied to a
stationary point.

10 If more than one animal is tethered, the animals must be far
12 enough apart to prevent the restraining devices from becoming
entangled.

14 For purposes of this subsection, the following terms have the
16 following meanings.

18 A. "Length of the animal" or "length of the dog" is the
20 measurement from the tip of the nose to the base of the tail
of the animal being tethered.

22 B. "Tether" means a chain, rope or other similar device.

24 **Sec. 5. 17 MRSA §1037, sub-2, ¶B,** as enacted by PL 1987, c.
383, §4, is amended to read:

26 **B.** Shelter from inclement weather ~~shall~~ must be as follows.

28 (1) An artificial shelter with a minimum of 3 sides
30 and a waterproof roof appropriate to the local climatic
32 conditions for the species concerned ~~shall~~ must be
provided as necessary for the health of the animal.

34 ~~(2) If a dog is tied or confined unattended outdoors~~
~~under weather conditions which adversely affect the~~
36 ~~health of the dog, a shelter of suitable size with a~~
~~floor above ground and waterproof roof shall be~~
38 ~~provided to accommodate the dog and protect it from the~~
~~weather and, in particular, from severe cold.~~
40 ~~Inadequate shelter may be indicated by the shivering of~~
~~the dog due to cold weather for a continuous period of~~
42 ~~30 minutes. Notwithstanding any provision of the law~~
~~to the contrary, if a dog is at any time kept outdoors,~~
44 a shelter consisting of a 4-sided structure and a roof
made of waterproof or windproof material of ample
46 thickness to retain the dog's body heat in cold weather
must be provided. The shelter must have a solid floor
48 at least 3 inches above ground level. A sufficient
amount of clean bedding must be provided to retain the
50 dog's normal body heat.

2 The shelter must have an opening, including a baffled
3 or other sheltered entrance, of sufficient size to
4 allow the dog unimpeded passage. The opening must face
5 south or away from the direction from which most
6 wind-driven precipitation comes.

8 **Sec. 6. 17 MRSA §1037, sub-§5** is enacted to read:

10 **5. Tethering of animals.** If an animal is restricted by
11 means of a tether, the tether must be attached to both the animal
12 and the anchor by a swivel or similar device so that the tether
13 does not become entangled or twisted. The gauge of the tether
14 must be appropriate for the size of the animal confined. The
15 length of the tether must be at least 5 times the length of the
16 animal. If a dog is tethered to a pivot, permitting a 360° area
17 of movement, the length of the tether must be 3 1/2 times the
18 length of the dog.

19 The tether must be attached to a well-fitting collar or harness
20 that does not cut into the animal's flesh or interfere with the
21 animal's circulation or ability to ingest food or water or to
22 vocalize.

23 For dogs that are bred and trained as sled dogs, the length of
24 the tether may not be more than 1 1/2 times the length of the dog
25 if tied on a pivot or 3 times the length of the dog if tied to a
26 stationary point.

27 If more than one animal is tethered, the animals must be far
28 enough apart to prevent the restraining devices from becoming
29 entangled.

30 For purposes of this subsection, the following terms have the
31 following meanings.

32 A. "Length of the animal" or "length of the dog" is the
33 measurement from the tip of the nose to the base of the tail
34 of the animal being tethered.

35 B. "Tether" means a chain, rope, or other similar device.

43 **STATEMENT OF FACT**

44 This bill establishes the Spaying and Neutering Program to
45 provide a discount to low-income owners of dogs and cats who wish
46 to have their pets sterilized. The program is funded by a
47 portion of the revenue raised by licensing dogs.
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2 The bill also amends current animal welfare laws to specify
sheltering and tethering requirements for dogs. The new
4 requirements are identical to the rules issued by the Department
of Agriculture, Food and Rural Resources.

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