

MAINE STATE LEGISLATURE

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DATE: June 16, 1995

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AGRICULTURE, CONSERVATION AND FORESTRY

Reported by: Senator CASSIDY of Washington for the Committee.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 360, L.D. 986, Bill, "An Act to Regulate Hybrid Wolves"

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

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 7 MRSA §3907, sub-§17, as enacted by PL 1987, c. 383, §3, is amended to read:

17. Kennel. "Kennel" means one pack or collection of dogs or wolf hybrids kept in a single location under one ownership for breeding, hunting, show, training, field trials and exhibition purposes.

Sec. 2. 7 MRSA §3907, sub-§30 is enacted to read:

2 30. Wolf hybrid. "Wolf hybrid" means any canine,
3 regardless of generation, that has resulted from the
4 interbreeding of a dog and a wolf.

6 **Sec. 3. 7 MRSA §3921, first ¶,** as enacted by PL 1987, c. 383,
7 §3, is amended to read:

8 No A dog or wolf hybrid may not be kept within the limits of
9 the State, unless the dog or wolf hybrid has been licensed by its
10 owner or keeper in accordance with the laws of this State.

12 **Sec. 4. 7 MRSA §3922,** as amended by PL 1993, c. 657, §§20 and
13 21, is further amended to read:

14 **§3922. Issuance of license**

16 **1. License; January 1st.** Each owner or keeper of a dog or
17 wolf hybrid at the age of 6 months or more, on or before January
18 1st of each year, shall obtain a license:

20 A. From the clerk of the municipality where the dog or wolf
21 hybrid is kept; or

24 B. From the dog recorder in the unorganized territory where
25 the dog or wolf hybrid is kept or, in the absence of a duly
26 authorized dog recorder, from a dog recorder in the nearest
27 municipality or unorganized territory in the same county
28 where the dog or wolf hybrid is kept.

30 **2. License; after January 1st.** The owner or keeper, within
31 10 days of the conditions of paragraph A or B being met, shall
32 obtain a license, if between January 1st and October 15th of any
33 year:

34 A. A dog or wolf hybrid reaches the age of 6 months or
35 more; or

37 B. A person becomes the owner or keeper of a dog or wolf
38 hybrid aged 6 months or more.

40 **3. Proof of immunization.** No A municipal clerk may not
41 issue a license for any a dog or wolf hybrid until the applicant
42 has filed with the clerk proof that the dog or wolf hybrid has
43 been immunized against rabies in accordance with rules
44 promulgated adopted by the Commissioner of Human Services,
45 provided except that the requirement of immunization may be
46 waived by the clerk under conditions set forth by the
47 Commissioner of Human Services.

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2 The commissioner shall ~~premulgate~~ adopt rules which ~~that~~ allow
the clerk and the commissioner to accept valid proof of
immunization against rabies provided by another state.

4
6 **4. Trained guide dogs.** If any a trained dog has not been
previously registered or licensed by the municipal clerk to whom
the application is being made, the clerk shall not register the
8 dog nor issue to its owner or keeper a license and tag unless
written evidence is provided that the dog is trained and educated
10 and intended to perform guide service for the applicant.

12 **5. Form of license.** The license must state the breed, sex,
color and markings of the dog or wolf hybrid, whether the animal
14 is a dog or wolf hybrid and the name and address of the owner or
keeper. The license must be issued in triplicate and the
16 original must be given to the applicant and the remaining 2
copies must be retained by the municipal clerk or dog recorder.

18 **Sec. 5. 7 MRSA §3923-A**, as amended by PL 1993, c. 657, §§22
20 to 24, is further amended to read:

22 **§3923-A. License and recording fees**

24 Except as provided in subsection 3 and section 3923-C, a dog
or wolf hybrid owner or keeper shall pay the license and
26 recording fees established in this section.

28 **1. Dogs or wolf hybrids capable of producing young.** A dog
or wolf hybrid owner or keeper shall pay a fee of \$7.50 to the
30 municipal clerk for each dog or wolf hybrid 6 months of age or
older and capable of producing young. A dog or wolf hybrid is
32 considered capable of producing young unless certification under
subsection 2 is provided.

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

38 **2. Dogs or wolf hybrids incapable of producing young.** A
40 dog or wolf hybrid owner shall pay a fee of \$4 to the municipal
clerk for each dog or wolf hybrid 6 months of age or older and
42 incapable of producing young. A dog or wolf hybrid is considered
incapable of producing young when the owner provides the
44 following:

46 A. A written certificate issued by a veterinarian stating
that the veterinarian has neutered the dog or wolf hybrid;

48 B. A written certificate issued by a veterinarian stating
50 that the veterinarian has examined the dog or wolf hybrid

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2 and determined that the dog or wolf hybrid is incapable of producing young; or

4 C. A previous license stating that the dog or wolf hybrid is incapable of producing young.

6 The clerk shall retain \$1 as a recording fee, deposit \$1 in the municipality's animal welfare account established in accordance with section 3945 and pay the remaining \$2 to the department for deposit in the Animal Welfare Fund.

12 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:

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

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

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

22 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 4. **Late fees.** An owner or keeper required to license a dog or wolf hybrid under section 3922, subsection 1 and section 3923-C, subsection 1 and applying for a license for that dog or wolf hybrid after January 31st 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 subsection 1 or 2 and section 3923-C, subsection 1. The clerk or dog recorder shall deposit all late fees collected under this subsection into the municipality's animal welfare account established in accordance with section 3945.

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

44 **Sec. 6. 7 MRSA §3923-B**, as amended by PL 1993, c. 657, §§25 and 26, is further amended to read:

46 **§3923-B. Tags**

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2 **1. Tags.** The municipal clerk shall provide with each new
 license issued under section 3923-A a dog tag, indicating the
 4 year the license is issued and bearing other information
 prescribed by the department, and a sticker, indicating the year
 6 the license is issued, which must be attached to the back of the
 dog tag. The dog tag remains with the dog or wolf hybrid for as
 8 long as the dog or wolf hybrid is kept in the licensing
 municipality. The owner or keeper shall make sure that the tag
 10 is securely attached to a collar of leather, metal or material of
 comparable strength and that the collar is worn at all times by
 12 the dog or wolf hybrid for which the license was issued, except
 as provided in subsection 3.

14
 If a sticker and tag is lost or the owner has moved to a
 16 different municipality, the owner or keeper of the dog or wolf
hybrid shall obtain a new license, tag and sticker. The
 18 municipal clerk shall issue another license, tag and sticker upon
 presentation of the original license and payment of \$1. The
 20 clerk shall retain the \$1 for a recording fee.

22 **2. Rabies tags.** An owner shall make sure that a rabies tag
 obtained from a veterinarian for immunization against rabies is
 24 securely attached to a collar of leather, metal or material of
 comparable strength and that the collar is worn at all times by
 26 the dog or wolf hybrid for which the rabies tag was issued,
 except as provided in subsection 3.

28
3. Exceptions. A dog or wolf hybrid is not required to
 30 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
 32 an exhibition. When a dog or wolf hybrid is hunting, in training
 or in exhibition, its owner or keeper shall produce proof of
 34 licensure and proof of rabies immunization upon request by a
 humane agent, animal control officer or law enforcement officer,
 36 including a game warden.

38 **Sec. 7. 7 MRSA §§3923-C and 3923-D,** as enacted by PL 1993, c.
 657, §27, are amended to read:

40 **§3923-C. Kennel license**

42
1. License necessary. A person having a pack or collection
 44 of dogs or wolf hybrids for the purposes set forth in section
 3907, subsection 17 shall obtain a kennel license from the clerk
 46 of the municipality where the dogs or wolf hybrids are kept and
 that person is subject to rules adopted by the department. The
 48 sex, registered number and description are not required of dogs
or wolf hybrids covered by a kennel license. The license expires
 50 December 31st annually. The kennel license permits the licensee

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2 or authorized agent to transport under control and supervision
the kennel dogs or wolf hybrids in or outside the State.

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

6 A. When the number of dogs or wolf hybrids kept over 6
8 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
10 fee for the recording and making the monthly report required
by the department.

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

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

24 **4. Kennel tags.** Dogs or wolf hybrids covered by a kennel
license must be furnished suitable kennel tags and stickers as
26 prescribed by the department and are not required to be
individually licensed.

28 **§3923-D. Temporary licenses**

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

44 **Sec. 8. 7 MRSA §3924, sub-§2,** as enacted by PL 1987, c. 383,
46 §3, is amended to read:

48 **2. Unlawful use of collar or tag.** Any A person who removes
a dog tag or rabies tag or who places either a collar or rabies
50 tag on any a dog or wolf hybrid not described on it or for which

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2 the license was not issued commits a civil violation for which a
forfeiture of not more than \$100 may be adjudged.'

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

6
8 **FISCAL NOTE**

10 The requirement that municipalities administer licensure and
vaccination for wolf hybrids represents a state mandate pursuant
12 to the Constitution of Maine. The additional local costs are
likely to be relatively minor. General Fund appropriations will
14 be required to fund at least 90% of the additional costs unless a
mandate preamble is amended to the bill and 2/3 of the members of
each House vote to exempt this mandate from the funding
16 requirement.

18 The licensure of wolf hybrids will result in insignificant
increases of dedicated revenue to the Department of Agriculture,
20 Food and Rural Resources from license fees. The department will
incur some minor additional costs to oversee the municipal
22 licensure of wolf hybrids. These costs can be absorbed within
the department's existing budgeted resources.

24 This bill may increase prosecutions for civil violations.
26 The additional workload and administrative costs associated with
the minimal number of new cases filed in the court system can be
28 absorbed within the budgeted resources of the Judicial
Department. The collection of additional fines may increase
30 General Fund revenue by minor amounts.'

32
34 **STATEMENT OF FACT**

36 The amendment requires wolf hybrids to be licensed and
vaccinated for rabies. It also adds a municipal mandate preamble
and a fiscal note to the bill.