

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1163

H.P. 832

House of Representatives, April 4, 1995

An Act Allowing Veterinarians to License Dogs.

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative OTT of York.

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

2
4 **Sec. 1. 7 MRSA §3922, sub-§1**, as amended PL 1993, c. 657, §20,
is further amended to read:

6 **1. License; January 1st biennially.** Each owner or keeper
of a dog at the age of 6 months or more, on or before January 1st
8 of each every other year, shall obtain a license:

10 A. From the clerk of the municipality where the dog is
kept; ~~or~~

12 B. From the dog recorder in the unorganized territory where
14 the dog is kept or, in the absence of a duly authorized dog
recorder, from a dog recorder in the nearest municipality or
16 unorganized territory in the same county where the dog is
kept; or

18 C. From a veterinarian licensed to practice veterinary
20 medicine in this State.

22 **Sec. 2. 7 MRSA §3922, sub-§3**, as amended by PL 1993, c. 468,
§25, is further amended to read:

24 **3. Proof of immunization.** No municipal clerk, dog recorder
26 or licensed veterinarian may issue a license for any dog until
the applicant has filed with the clerk, dog recorder or licensed
28 veterinarian proof that the dog has been immunized against rabies
in accordance with rules promulgated by the Commissioner of Human
30 Services, provided that the requirement of immunization may be
waived by the clerk, dog recorder or licensed veterinarian under
32 conditions set forth by the Commissioner of Human Services.

34 The commissioner shall promulgate rules which allow the clerk,
dog recorder or licensed veterinarian and the commissioner to
36 accept valid proof of immunization against rabies provided by
another state.

38 **Sec. 3. 7 MRSA §3922, sub-§4**, as enacted by PL 1987, c. 383,
40 §3, is amended to read:

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

50

2 **Sec. 4. 7 MRSA §3922, sub-§5**, as amended by PL 1993, c. 657,
§21, is further amended to read:

4 **5. Form of license.** The license must state the breed, sex,
6 color and markings of the dog and the name and address of the
owner or keeper. The license must be issued in triplicate and
8 the original must be given to the applicant and the remaining 2
copies must be retained by the municipal clerk or dog recorder.
10 A licensed veterinarian must retain one copy of the license and
submit one copy of the license to the municipality where the
12 owner or keeper of the dog resides for use in compiling warrants
under section 3943.

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

16 **§3923-A. License and recording fees**

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

22 **1. Dogs capable of producing young.** A dog owner or keeper
24 shall pay a biennial fee of ~~\$7.50~~ \$15 to the municipal clerk, dog
recorder or licensed veterinarian for each dog 6 months of age or
26 older and capable of producing young. A dog is considered
capable of producing young unless certification under subsection
28 2 is provided.

30 The clerk, dog recorder or licensed veterinarian shall retain ~~\$1~~
\$2 as a recording fee and pay the remaining ~~\$6.50~~ \$13 to the
32 department for deposit in the Animal Welfare Fund.

34 **2. Dogs incapable of producing young.** A dog owner shall
pay a biennial fee of ~~\$4~~ \$8 to the municipal clerk, dog recorder
36 or licensed veterinarian for each dog 6 months of age or older
and incapable of producing young. A dog is considered incapable
38 of producing young when the owner provides the following:

40 A. A written certificate issued by a veterinarian stating
that the veterinarian has neutered the dog;

42 B. A written certificate issued by a veterinarian stating
44 that the veterinarian has examined the dog and determined
that the dog is incapable of producing young; or

46 C. A previous license stating that the dog is incapable of
48 producing young.

2 The clerk and dog recorder shall retain ~~\$1~~ \$2 as a recording fee,
3 deposit ~~\$1~~ \$2 in the municipality's animal welfare account
4 established in accordance with section 3945 and pay the remaining
5 ~~\$2~~ \$4 to the department for deposit in the Animal Welfare Fund.
6 The collection of fees by a licensed veterinarian is subject to
the provisions of subsection 5.

8 **3. Exemption from fees.** A municipal clerk, dog recorder or
9 licensed veterinarian shall issue a license upon application and
10 without payment of a license fee required under this section for:

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

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

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

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

24 **4. Late fees.** An owner or keeper required to license a dog
25 under section 3922, subsection 1 and section 3923-C, subsection 1
26 and applying for a license for that dog after January 31st shall
27 pay to the municipal clerk ~~or~~ dog recorder or licensed
28 veterinarian a late fee of \$3 in addition to the ~~annual~~ license
29 fee paid in accordance with subsection 1 or 2 and section 3923-C,
30 subsection 1. The clerk or dog recorder shall deposit all late
31 fees collected under this subsection into the municipality's
32 animal welfare account established in accordance with section
33 3945.

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

37 **5. Fees collected by veterinarians.** Any license or late
38 fee required by this chapter that is collected by a licensed
39 veterinarian must be submitted to the municipality where the
40 owner or keeper of the dog resides for deposit into the Animal
41 Welfare Fund and the municipality's animal welfare account. A
42 veterinarian may retain recording fees.

43 **Sec. 6. 7 MRSA §3923-B, sub-§1,** as amended by PL 1993, c. 657,
44 §25, is further amended to read:

1. **Dog tags.** The municipal clerk, dog recorder or licensed veterinarian shall provide with each new license issued under section 3923-A a dog tag, indicating the year the license is issued and bearing other information prescribed by the department, and a sticker, indicating the year the license is issued, which must be attached to the back of the 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 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 shall obtain a new license, tag and sticker. The municipal clerk, dog recorder or licensed veterinarian shall issue another license, tag and sticker upon presentation of the original license and payment of \$1. The clerk, dog recorder or licensed veterinarian shall retain the \$1 for a recording fee.

Sec. 7. 7 MRSA §3923-E, as enacted by PL 1993, c. 657, §27, is amended to read:

§3923-E. Monthly report

Municipal clerks or dog recorders shall receive the license fees in accordance with sections 3923-A and 3923-C, pay them to the department and make a monthly report to the department on a department-approved form of all licenses issued and fees received. Licensed veterinarians shall submit, as provided under section 3923-A, subsection 5, any license and late fees to the appropriate municipality for inclusion in the municipality's monthly report required by this section.

STATEMENT OF FACT

This bill authorizes licensed veterinarians to license dogs and charge appropriate licensing and late fees. Any fees collected by a veterinarian must be submitted to the municipality where the owner or keeper of the dog resides. The bill also makes the license valid for 2 years and adjusts the current one-year licensing fees to reflect that change.