

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1996

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Legislative Document

No. 1712

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H.P. 1250

House of Representatives, January 16, 1996

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### **An Act to Increase the Municipal Share of Dog Licensing Fees.**

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Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24.

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 STROUT of Corinth.

Cosponsored by Representatives: AHEARNE of Madawaska, BAILEY of Township 27, CHICK of Lebanon, CROSS of Dover-Foxcroft, FARNUM of South Berwick, HEESCHEN of Wilton, JONES of Bar Harbor, KNEELAND of Easton, LUMBRA of Bangor, PENDLETON of Scarborough, PLOWMAN of Hampden, POVICH of Ellsworth, ROBICHAUD of Caribou, SPEAR of Nobleboro, STONE of Bangor, TYLER of Windham, Senators: CASSIDY of Washington, GOLDTHWAIT of Hancock, O'DEA of Penobscot.

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

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**Sec. 1. 7 MRSA §3913, sub-§2-A**, as amended by PL 1995, c. 268, §1, is further amended to read:

**2-A. Animal shelter.** An animal shelter, as defined in section 3907, to which a stray 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. ~~The acceptance entitles the animal shelter to receive from the department the sum of \$4 a day for the period for which food and shelter are furnished to the dog. An animal shelter may refuse to accept dogs from municipalities not contracting with that shelter.~~

**Sec. 2. 7 MRSA §3913, sub-§3**, as amended by PL 1993, c. 657, §16, is repealed.

**Sec. 3. 7 MRSA §3913, sub-§4**, as amended by PL 1993, c. 657, §17, is further amended to read:

**4. Ownership of dog.** ~~Upon expiration of the 6 day period~~ Six days after a dog is accepted by the animal shelter, ownership of the dog is vested in the animal shelter. The animal shelter may then:

A. Sell or give away the dog, but not to a research facility, if a license is first obtained in accordance with chapter 721; or

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

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

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

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

~~Notwithstanding subsection 3, paragraph C, the~~ 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

2 fees incurred for food, shelter, and veterinary care ~~and--any~~  
3 ~~other-fees-required-by-this-chapter~~ for each day that the dog has  
4 been sheltered. ~~In--this--case,--no--fee--may--be--allowed--by--the~~  
5 ~~department.~~

6 **Sec. 4. 7 MRSA §3913, sub-§5, ¶B**, as enacted by PL 1987, c.  
7 383, §3, is amended to read:

8  
9 B. The ~~clerk--of--the--respective--municipality--has--been~~  
10 ~~notified--of--the--dog's--presence--in--accordance--with--subsection~~  
11 ~~3,--paragraph--A,--and--the~~ owner of the dog, if known, has been  
12 notified;

13 **Sec. 5. 7 MRSA §3923-A, sub-§1**, as amended by PL 1995, c. 409,  
14 §5, is further amended to read:

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

22  
23 The clerk shall retain \$1 as a recording fee, deposit \$3 in the  
24 municipality's animal welfare account established in accordance  
25 with section 3945 and pay the remaining ~~\$6.50~~ \$3.50 to the  
26 department for deposit in the Animal Welfare Fund.

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28 **Sec. 6. 7 MRSA §3923-C, sub-§2-A**, as enacted by PL 1995, c.  
29 490, §9, is amended to read:

30  
31 **2-A. License fees.** A kennel owner shall pay a fee of \$21  
32 to the municipal clerk for each license to keep dogs or wolf  
33 hybrids. A license is needed only for dogs or wolf hybrids 6  
34 months of age or older. A kennel owner may not keep more than 10  
35 dogs or wolf hybrids per license. The clerk shall retain \$1 as a  
36 recording fee and forward \$5 ~~\$10~~ to the municipality's animal  
37 welfare account established pursuant to section 3945 and ~~\$15~~ \$10  
38 to the Animal Welfare Fund.

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40 **Sec. 7. 7 MRSA §3950-A, first ¶**, as amended by PL 1995, c. 490,  
41 §18, is further amended to read:

42  
43 Any mayor, municipal officer, clerk, town or city manager,  
44 administrative assistant to the mayor, town or city councilor,  
45 dog recorder of unorganized territories, constable, police  
46 officer, sheriff or animal control officer who refuses or  
47 intentionally fails to perform the duties imposed by chapters  
48 719, 720, 721, 723 725, 727, 729, 730, 739 and ~~729~~ 741 and by

2 this chapter commits a civil violation for which a forfeiture of  
not less than \$10 nor more than \$50 and costs may be adjudged.

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### STATEMENT OF FACT

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8 This bill changes the allocation of dog license fees between  
municipalities and the State. Currently, municipalities retain  
\$1 of the \$4 fee, for a dog not capable of producing young. This  
10 bill increases the money that may be retained by municipality by  
allowing municipalities to retain \$3 from each license for a dog  
12 capable of producing young and \$5 from each kennel license. This  
additional revenue to municipalities may be used to meet legal  
14 obligations with respect to animal control, care of injured and  
abandoned animals and support of animal shelters. The provisions  
16 allowing animal shelters to recover \$4 per day for a period of 6  
days for housing strays on behalf of municipalities and requiring  
18 notice to municipalities of a dog's being found are repealed.  
This bill also corrects references to chapters pertaining to  
20 duties and responsibilities of the municipalities.