

# MAINE STATE LEGISLATURE

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**AGRICULTURE, CONSERVATION AND FORESTRY**

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**STATE OF MAINE  
SENATE  
118TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 768, L.D. 2069, Bill, "An Act to Improve Public Health Protection Against Rabies Infection"

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

**Sec. 1. 7 MRSA §3907, sub-§30**, as enacted by PL 1995, c. 409, §2, is repealed and the following enacting in its place:

**30. Wolf hybrid.** "Wolf hybrid" means a mammal that is the offspring of the reproduction between a species of wild canid or wild canid hybrid and a domestic dog or wild canid hybrid. "Wolf hybrid" includes a mammal that is represented by its owner to be a wolf hybrid, coyote hybrid, coy dog or any other kind of wild canid hybrid.

**Sec. 2. 7 MRSA c. 720, first 2 lines**, as enacted by PL 1991, c. 779, §26, is amended to read:

**CHAPTER 720  
RABIES PREVENTION FOR CATS**

**Sec. 3. 7 MRSA §3916, sub-§1**, as amended by PL 1993, c. 468, §9, is further amended to read:

**1. Required for cats.** An Except as provided in subsection 4, an owner or keeper of a cat over 3 months of age shall must have that cat vaccinated against rabies. Rabies vaccine must be administered by a licensed veterinarian or under the supervision of a licensed veterinarian. Upon receiving an initial

2 vaccination, a cat is considered protected for one year and an  
owner or keeper of that cat shall must get a booster vaccination  
4 for that cat one year after the initial vaccination and ~~every-2~~  
years--thereafter subsequent booster vaccinations at intervals  
6 that do not exceed the intervals recommended by a national  
association of state public health veterinarians for the type of  
vaccine administered.

8  
10 **Sec. 4. 7 MRSA §3916, sub-§2**, as amended by PL 1995, c. 490,  
§7, is further amended to read:

12 **2. Certificate.** A licensed veterinarian who vaccinates or  
supervises the vaccination of a cat shall issue to the owner or  
14 keeper a certificate of rabies vaccination ~~from~~ approved by the  
State and shall indicate on the certificate the date by which a  
16 booster vaccination is required pursuant to subsection 1.

18 **Sec. 5. 7 MRSA §3916, sub-§4**, as enacted by PL 1991, c. 779,  
§26, is amended to read:

20 **4. Exception.** Notwithstanding any provision of this  
22 chapter, an animal shelter operated by a nonprofit organization  
is not required to vaccinate an abandoned or stray cat received  
24 by the shelter.

26 An owner or keeper of a cat is exempt from the requirements of  
subsection 1 if a medical reason exists that precludes the  
28 vaccination of the cat. To qualify for this exemption, the owner  
or keeper must have a written statement signed by a licensed  
30 veterinarian that includes a description of the cat and the  
medical reason that precludes the vaccination.

32 **Sec. 6. 7 MRSA §3918** is enacted to read:

34 **§3918. Violation**

36 A person who violates this chapter commits a civil violation  
38 for which a forfeiture of not more than \$100 may be adjudged.

40 **Sec. 7. 7 MRSA §3922, sub-§3**, as amended by PL 1995, c. 409,  
§4, is further amended to read:

42 **3. Proof of immunization.** A Except as provided in  
44 subsection 3-A, a municipal clerk may not issue a license for a  
dog until the applicant has filed with the clerk proof that the  
46 dog has been immunized against rabies in accordance with rules  
adopted by the Commissioner of Human Services, except that the  
48 requirement of immunization may be waived by the clerk under  
conditions set forth by the Commissioner of Human Services.

50

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

6 **Sec. 8. 7 MRSA §3922, sub-§3-A** is enacted to read:

8 **3-A. Exception to immunization requirement for wolf**  
9 **hybrids.** If a person applying for a license declares that the  
10 dog is a wolf hybrid, a municipal clerk may issue a license  
11 without proof that the dog has been immunized against rabies. In  
12 accordance with subsection 5, the license issued for the dog must  
13 state that the dog is a wolf hybrid.

14 **Sec. 9. 7 MRSA §3922, sub-§5**, as amended by PL 1995, c. 409,  
15 §4, is further amended to read:

16 **5. Form of license.** The license must state the breed, sex,  
17 color and markings of the dog ~~or wolf hybrid~~, whether the animal  
18 is a dog or wolf hybrid and the name and address of the owner or  
19 keeper. If the person applying for a license declares that the  
20 dog is a wolf hybrid, the license must state that the dog is a  
21 wolf hybrid. The license must be issued in triplicate and the  
22 original must be given to the applicant and the remaining 2  
23 copies must be retained by the municipal clerk or dog recorder.

26 **Sec. 10. 7 MRSA §3922, sub-§6** is enacted to read:

28 **6. Designation of wolf hybrid.** An owner or keeper of a dog  
29 declared as a wolf hybrid may not change the license  
30 designation. A dog that has been declared a wolf hybrid must be  
31 treated as a wolf hybrid in accordance with Title 22, chapter  
32 251, subchapter V.

34 **Sec. 11. 22 MRSA §1313-A, first ¶**, as enacted by PL 1993, c.  
35 468, §23, is amended to read:

36 If an undomesticated animal or a ~~domesticated--ferret,~~  
37 ~~domesticated-wolf-or-domesticated~~ wolf hybrid suspected of having  
38 rabies bites or otherwise exposes to rabies a person or a  
39 domestic animal, an animal control officer, a local health  
40 officer or a game warden may must immediately remove the  
41 undomesticated animal or wolf hybrid or cause the undomesticated  
42 animal or wolf hybrid to be removed and euthanized for testing.  
43 When in the judgment of the animal control officer, local health  
44 officer, game warden or law enforcement officer the animal poses  
45 an immediate threat to a person or domestic animal, the animal  
46 control officer, local health officer, game warden or law  
47 enforcement officer may immediately kill or order killed that  
48 animal without destroying the head. The Department of Inland  
49 Fisheries and Wildlife shall arrange for the transportation of  
50

the head to the State Health and Environmental Testing Laboratory; except that the animal control officer shall make the arrangements if the animal is a ~~domesticated-ferret,--domesticated welf-er-domesticated~~ wolf hybrid.

Sec. 12. 22 MRSA §1313-B is enacted to read:

§1313-B. Civil violation, court authorization for removal and other remedies

1. Violation. A person who violates a rule established under this chapter commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged for each offense. In addition, the court may include an order of restitution as part of the sentencing for costs including removing, controlling and confining the animal.

2. Court authorization for removal. When home quarantine procedures, as described on the official notice of quarantine, have been violated, or in the case of a wolf hybrid, when the owner fails to bring the animal to a veterinarian for euthanasia and testing or to turn the animal over to authorities as required by rules established pursuant to this chapter, an animal control officer, person acting in that capacity or law enforcement officer may apply to the District Court or Superior Court for authorization to take possession of the animal for placement, at the owner's expense, in a veterinary hospital, boarding kennel or other suitable location for the remainder of the quarantine period or, in the case of a wolf hybrid, removal for euthanasia. At the end of the quarantine period for domestic animals, or if the animal shows signs of rabies, the person in possession of the animal must report to the court, and the court shall either dissolve the possession order or order the animal euthanized and tested for rabies.

3. Other remedies. In addition to filing a civil action to enforce this section:

A. The municipality may record a lien against the property of the owner or keeper of an animal if the person fails or refuses to comply with an order to confine or quarantine the animal;

B. The municipal officers or their designated agent, such as the animal control officer, shall serve written notice on the owner or keeper of the animal that specifies the action necessary to comply with the order and the time limit for compliance;

2 C. If the owner or keeper of the animal fails to comply  
3 within the time stated, the animal control officer must  
4 apply to District Court or Superior Court for an order to  
5 seize the animal and make arrangements for quarantine or  
6 euthanasia at the owner's or keeper's expense; and

7 D. If the owner or keeper of the animal fails to pay the  
8 costs of confinement or quarantine within 30 days after  
9 written demand from the municipal officers, the municipal  
10 assessors may file a record of lien against the property of  
11 the owner or keeper of the animal.'

12 Further amend the bill by inserting at the end before the  
13 summary the following:

14  
15  
16  
17 **FISCAL NOTE**

18  
19 The additional workload and administrative costs associated  
20 with the minimal number of new cases filed in the court system  
21 can be absorbed within the budgeted resources of the Judicial  
22 Department. The collection of additional fines may increase  
23 General Fund revenue by minor amounts.'

24  
25  
26 **SUMMARY**

27  
28 This amendment makes technical changes to the definition of  
29 "wolf hybrid". It provides for vaccine boosters for rabies for  
30 cats to be required at intervals specific to the vaccine  
31 administered. It allows a medical exemption from the requirement  
32 that a cat be vaccinated for rabies. It provides for a fine of  
33 not more than \$100 for a violation of the mandatory feline  
34 vaccination. It allows a municipal clerk to issue a dog license  
35 for a wolf hybrid without proof that the wolf hybrid has been  
36 immunized. It requires a license issued for a wolf hybrid or a  
37 dog represented as a wolf hybrid to state that the dog is a wolf  
38 hybrid.

39  
40 The original bill requires the immediate killing of a wolf  
41 hybrid that is suspected of having rabies and has bitten a person  
42 or a domestic animal. The amendment requires the wolf hybrid to  
43 be removed immediately and euthanized for testing. If the animal  
44 control officer, local health officer, game warden or law  
45 enforcement officer believes the animal poses an immediate  
46 threat, the animal control officer, local health officer, game  
47 warden or law enforcement officer may immediately kill the  
48 animal. The amendment clarifies provisions for court orders  
49 referencing quarantine to also include removal for euthanasia in  
50 the case of a wolf hybrid.