

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

No. 2069

S.P. 768

In Senate, January 20, 1998

An Act to Improve Public Health Protection Against Rabies Infection.

Submitted by the Department of Human Services pursuant to Joint Rule 204.
Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator PARADIS of Aroostook.
Cosponsored by Representatives: AHEARNE of Madawaska, BRENNAN of Portland,
BUMPS of China, BUNKER of Kossuth Township, STANLEY of Medway.

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

2
3 **Sec. 1. 7 MRSA §3907, sub-§30**, as enacted by PL 1995, c. 409,
4 §2, is amended to read:

6 **30. Wolf hybrid.** "Wolf hybrid" means ~~any--canine,~~
7 ~~regardless---of---generation,---that---has---resulted---from---the~~
8 ~~interbreeding-of-a-dog-and-a-wolf~~ a mammal that is the offspring
9 of the reproduction between a species of wild canid or hybrid
10 wild canid and a domestic dog or hybrid wild canid, or is
11 represented by its owner to be a wolf hybrid, coyote hybrid, coy
12 dog or any other kind of wild canid hybrid.

14 **Sec. 2. 7 MRSA §3922, sub-§6** is enacted to read:

16 **6. Change of registration.** An owner of an animal declared
17 as a wolf hybrid may not change the registration category to
18 "dog" at any future license renewal or in the case of any
19 incident in which the animal bites a person or a domestic animal.

20 **Sec. 3. 22 MRSA §1313-A, first ¶**, as enacted by PL 1993, c. 468,
21 §23, is amended to read:

24 If an undomesticated animal or a ~~domesticated--ferret,~~
25 ~~domesticated-wolf-or-domesticated~~ wolf hybrid suspected of having
26 rabies bites a person or a domestic animal, an animal control
27 officer, a local health officer or a game warden may must
28 immediately kill or order killed that animal without destroying
29 the head. The Department of Inland Fisheries and Wildlife shall
30 arrange for the transportation of the head to the State Health
31 and Environmental Testing Laboratory; except that the animal
32 control officer shall make the arrangements if the animal is a
33 ~~domesticated--ferret,--domesticated--wolf--or--domesticated~~ wolf
34 hybrid.

36 **Sec. 4. 22 MRSA §1313-B** is enacted to read:

38 **§1313-B. Civil violation, quarantines and liens**

40 **1. Violation.** A person who violates a rule established
41 under section 1313 commits a civil violation for which a
42 forfeiture of not less than \$100 nor more than \$500 may be
43 adjudged for each offense. In addition, the court may include an
44 order of restitution as part of the sentencing for costs
45 including removing, controlling and confining the animal.

46 **2. Quarantines.** Whenever home quarantine procedures, as
47 described on the official notice of quarantine, have been
48 violated, an animal control officer, person acting in that
49 capacity or law enforcement officer may apply to the District
50

2 Court or Superior Court for authorization to take possession of
3 the animal for placement, at the owner's expense, in a veterinary
4 hospital, boarding kennel or other suitable location for the
5 remainder of the quarantine period. At the end of the quarantine
6 period, or if the animal shows signs of rabies, the person in
7 possession of the animal must report to the court and the court
8 shall either dissolve the possession order or order the animal
9 ethanized and tested for rabies.

10 3. Liens. In addition to filing a civil action to enforce
11 this section, the municipality may record a lien against the
12 property of the owner or keeper of an animal if the person fails
13 or refuses to comply with an order to confine or quarantine the
14 animal.

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

20 B. If the owner or keeper of the animal fails to comply
21 within the time stated, the animal control officer may seize
22 the animal and make arrangements for quarantine or
23 confinement, at the owner's or keeper's expense.

24 C. If the owner or keeper of the animal fails to pay the
25 costs of confinement or quarantine within 30 days after
26 written demand from the municipal officers, the municipal
27 assessors may file a record of lien against the property of
28 the owner or keeper of the animal.

34 SUMMARY

35 This bill provides specific enforcement procedures and
36 clarifies the definition of wolf hybrid and the declaration of
37 species at the time of licensure of that animal by clarifying
38 that wolf hybrids suspected of having rabies that bite other
39 domestic animals must be subject to euthanasia and testing. It
40 also establishes authority for animal control officers to enforce
41 rabies protection measures and establishes a penalty for
42 noncomplaint owners.