

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

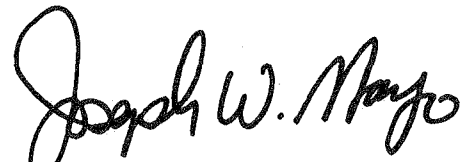
No. 2273

H.P. 1640

House of Representatives, March 11, 1998

An Act to Amend the Animal Welfare Laws.

Reported by Representative BUNKER for the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to Public Law 1997, chapter 456, section 21.


JOSEPH W. MAYO, Clerk

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

2
3 **Sec. 1. 7 MRSA §3906-B, sub-§§1 and 2,** as enacted by PL 1991,
4 c. 779, §9, are amended to read:

6 **1. Dog licensing laws.** The commissioner shall carry out
7 the dog licensing laws and furnish to municipalities all license
8 blanks, stickers and tags.

10 **2. Animal Welfare Fund.** The commissioner shall deposit all
11 license fees received pursuant to chapters 719, 721, 723, 725
12 and 743 735 in a separate account established by the Treasurer of
13 State and known as the Animal Welfare Fund. This account does
14 not lapse, but continues from year to year. The commissioner
15 shall pay from the Animal Welfare Fund the expense of furnishing
16 blanks, stickers and tags, travel expenses and salaries for
17 necessary personnel, payments to animal shelters and expenses
18 incurred in the administration of this Part.

20 **Sec. 2. 7 MRSA §3906-B, sub-§4,** as amended by PL 1993, c. 468,
21 §2, is further amended to read:

22 **4. Training and certification of animal control officers.**
23 The commissioner shall develop a program to train animal control
24 officers. This program must include training in investigation of
25 complaints of cruelty to ~~pet~~ animals, training in response to
26 calls concerning animals suspected of having rabies and training
27 in enforcement of dog licensing laws and rabies immunization
28 laws. The commissioner shall certify all animal control officers
29 who complete the training program ~~and all persons who have been~~
30 ~~employed full-time in the capacity of animal control officer for~~
31 ~~a period of one year or longer prior to the effective date of~~
32 ~~this subsection.~~

34 **Sec. 3. 7 MRSA §3906-B, sub-§6,** as enacted by PL 1991, c. 779,
35 §9, is amended to read:

38 **6. Inspections.** The commissioner shall inspect licensed
39 facilities as provided in chapters 719, 723 and 743 735.

40 **Sec. 4. 7 MRSA §3907, sub-§8-A,** as amended by PL 1995, c. 490,
41 §2, is further amended to read:

44 **8-A. Breeding kennel.** "Breeding kennel" means a kennel
45 facility operated for the purpose of breeding or buying, selling
46 or in any way exchanging dogs or cats for value that exchanges
47 more than 16 dogs or 16 cats in a 12-month period.

48 **Sec. 5. 7 MRSA §3907, sub-§12-C** is enacted to read:
50

2 12-C. Dog. "Dog" means a member of the genus and species
3 known as canis familiaris or any canine, regardless of
4 generation, resulting from the interbreeding of a member of canis
5 familiaris with a wolf hybrid as defined in subsection 30.

6 **Sec. 6. 7 MRSA §3907, sub-§22-A,** as amended by PL 1993, c.
7 657, §7, is repealed.

8 **Sec. 7. 7 MRSA §3907, sub-§22-B,** as enacted by PL 1995, c.
9 351, §1, is amended to read:

10 **22-B. Pet.** "Pet" means a dog, cat or other domesticated
11 animal commonly kept in-a-household as a companion, but does not
12 include tamed animals that are ordinarily considered wild animals
13 or livestock.

14 **Sec. 8. 7 MRSA §3907, sub-§30,** as enacted by PL 1995, c. 409,
15 §2, is repealed and the following enacted in its place:

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

22 **Sec. 9. 7 MRSA §3908,** as enacted by PL 1987, c. 383, §3, is
23 repealed.

24 **Sec. 10. 7 MRSA §3912,** as amended by PL 1993, c. 657, §12, is
25 repealed and the following enacted in its place:

26 **§3912. Disposition of dogs at large**

27 **1. Ownership of dog unknown.** Except as provided in
28 subsection 2, an animal control officer or person acting in that
29 capacity shall seize, impound or restrain a dog found in
30 violation of section 3911 and deliver it to an animal shelter as
31 provided for in section 3913, subsection 2-A. If ownership can
32 not be established, such a dog may be handled as a stray dog for
33 the purpose of acceptance by an animal shelter.

34 **2. Ownership of dog known.** An animal control officer or
35 person acting in that capacity shall seize, impound or restrain a
36 dog found in violation of section 3911 and if the owner is known,
37 except as provided in this subsection, shall deliver the dog to
38 its owner. When a dog of known ownership is found in violation
39 of section 3911 3 or more times in a 6-month period, an animal
40 control officer or person acting in that capacity may take the
41 dog to an animal shelter as provided in section 3913, subsection
42

2-A. An animal control officer or person acting in that capacity who takes a dog to an animal shelter in accordance with this subsection shall provide the owner with written notice within 24 hours of delivering the dog to the animal shelter. The notice must include the name, location and phone number of the animal shelter where the dog is being kept and the procedure for claiming the dog. An animal shelter receiving a dog in accordance with this subsection shall follow the procedure for stray dogs provided in section 3913.

Sec. 11. 7 MRSA §3913, as amended by PL 1995, c. 268, §1, is further amended to read:

§3913. Procedure for stray dogs

1. **Persons finding stray dogs.** A person finding a stray dog and taking control of that dog shall take that dog to its owner if known or, if the owner is not known, to the animal shelter designated by the municipality in which the dog was found.

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 animal shelter.

3. **Claims; fees.** The procedure for filing claims and calculating fees is as follows.

A. On the business day next following the date of acceptance of ~~the a~~ a dog that is not delivered by an animal control officer or person acting in that capacity, the animal shelter shall notify the ~~elerk~~ animal control officer or person acting in that capacity of the respective municipality of the acceptance of the dog, its description and the circumstances of its finding.

B. An animal shelter that accepts a dog under this section, within 45 days of acceptance of the dog, shall submit a claim on a department-approved form to the ~~elerk-of-the~~ respective--municipality department for fees incurred in providing food and shelter and, ~~upon verification of proper~~ netification and holding period by the elerk, the animal shelter shall forward a copy of the claim to the department clerk of the respective municipality.

2 C. If the owner claims the dog within the 6-day period, the
owner may have and receive the dog upon payment of all
4 department-approved fees as provided in subsection 2-A, the
municipal impoundment fee and actual fees incurred for food,
6 shelter, veterinary care and any other fees required by this
chapter for each day that the dog has been sheltered,
8 provided that the dog is licensed in accordance with chapter
721.

10 **4. Ownership of dog.** Upon expiration of the 6-day period,
ownership of the dog is vested in the animal shelter. The animal
12 shelter may then:

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

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

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

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

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

36 Notwithstanding subsection 3, paragraph C, the previous owner may
38 reacquire the dog at any time prior to its sale, donation or
disposal upon payment of the municipal impoundment fee and actual
40 fees incurred for food, shelter, veterinary care and any other
fees required by this chapter for each day that the dog has been
42 sheltered. In this case, no fee may be allowed by the department.

44 ~~5. Euthanasia for sick or injured dogs. A veterinarian may~~
~~authorize in writing euthanasia of a sick or injured dog received~~
46 ~~by the veterinarian, by a humane agent or by an animal shelter~~
~~within the State if:~~

2 A. ~~Forty-eight hours have elapsed since receipt of the sick~~
~~or injured dog by the veterinarian, by the humane agent or~~
4 ~~by an animal shelter;~~

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

10 C. ~~The dog is not rabid or suspected of rabies; and~~

12 D. ~~The dog's recovery from its sickness or injury, given~~
14 ~~reasonable time and reasonable care, is doubtful.~~

16 ~~Notwithstanding paragraphs A to D, a veterinarian may authorize~~
~~immediate euthanasia if, in the veterinarian's judgment, there is~~
18 ~~no possibility of recovery for a sick or injured dog.~~

20 **6. Euthanasia for severely sick, severely injured or**
extremely vicious dog. A veterinarian or a humane agent, an
22 animal control officer or an animal shelter within the State may
authorize in writing immediate euthanasia of a severely sick,
24 severely injured or sick animal if extremely vicious dog upon
determining that the following conditions are met:

26 A. The clerk or animal control officer of the municipality
28 where the dog was found has been notified of the animal's
dog's presence and the owner of the animal dog, if known,
has been notified; and

30 B. ~~The animal is not rabid or suspected of rabies; and~~

32 C. The animal's A veterinarian states in writing that the
34 dog's recovery from its injury or illness, given reasonable
time and reasonable care, is doubtful or that the dog
36 presents a danger to the public.

38 ~~Notwithstanding paragraphs A to C, a veterinarian may authorize~~
40 ~~immediate euthanasia if, in his judgment, there is no possibility~~
~~of recovery for a severely injured or sick animal.~~

42 **7. Immunity from civil liability.** A veterinarian humane
agent, an animal control officer or an animal shelter is not
44 civilly liable to any party for authorization made in accordance
with subsections 5 and subsection 6 nor is any person performing
46 euthanasia under that authorization.

48 **Sec. 12. 7 MRSA §3915,** as enacted by PL 1991, c. 779, §25, is
50 amended to read:

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§3915. Violation

Any person who violates this chapter commits a civil violation for which a forfeiture of not less than \$25 \$50 nor more than \$100 \$250 may be adjudged.

Sec. 13. 7 MRSA §3921, first ¶, as amended by PL 1995, c. 409, §3, is further amended to read:

A dog ~~ex-wolf-hybrid~~ may not be kept within the limits of the State, unless the dog ~~ex-wolf-hybrid~~ has been licensed by its owner or keeper in accordance with the laws of this State.

Sec. 14. 7 MRSA §3922, sub-§§1 and 2, as amended by PL 1995, c. 409, §4, are further amended to read:

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

A. From the clerk of the municipality where the dog ~~ex-wolf-hybrid~~ is kept; or

B. From the dog recorder in the unorganized territory where the dog ~~ex-wolf-hybrid~~ is kept or, in the absence of a duly authorized dog recorder, from a dog recorder in the nearest municipality or unorganized territory in the same county where the dog ~~ex-wolf-hybrid~~ is kept.

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

A. A dog ~~ex-wolf-hybrid~~ reaches the age of 6 months or more; or

B. A person becomes the owner or keeper of a dog ~~ex-wolf-hybrid~~ aged 6 months or more.

Sec. 15. 7 MRSA §3923-A, as amended by PL 1995, c. 557, §1, is further amended to read:

§3923-A. License and recording fees

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

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

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

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

A. A written certificate issued by a veterinarian stating that the veterinarian has neutered the dog ~~ex-wolf-hybrid~~;

B. A written certificate issued by a veterinarian stating that the veterinarian has examined the dog ~~ex-wolf-hybrid~~ and determined that the dog ~~ex-wolf-hybrid~~ is incapable of producing young; or

C. A previous license stating that the dog ~~ex-wolf-hybrid~~ is incapable of producing young.

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

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:

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

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

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

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

2 developing standards for search and rescue or such a dog
awaiting training.

4 **4. Late fees.** An owner or keeper required to license a dog
6 ~~er-wolf-hybrid~~ under section 3922, subsection 1 and ~~or~~ section
3923-C, subsection 1 and applying for a license for that dog ~~er~~
8 ~~wolf-hybrid~~ after January 31st shall pay to the municipal clerk
or dog recorder a late fee of \$3 in addition to the annual
10 license fee paid in accordance with subsection 1 or 2 and section
3923-C, subsection 1. The clerk or dog recorder shall deposit
12 all late fees collected under this subsection into the
municipality's animal welfare account established in accordance
with section 3945.

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

18 **Sec. 16. 7 MRSA §3923-B**, as amended by PL 1995, c. 409, §6,
20 is further amended to read:

22 **§3923-B. Tags and stickers**

24 **1. Tags and stickers.** The municipal clerk shall provide
with each new license issued under section 3923-A a tag,
26 indicating the year the license is issued and bearing other
information prescribed by the department, ~~and a sticker,~~
28 ~~indicating the year the license is issued, which must be attached~~
~~to the back of the tag.~~ The tag remains with the dog ~~er-wolf~~
30 ~~hybrid~~ for as long as the dog ~~er-wolf-hybrid~~ is kept in the
licensing municipality. At each license renewal, the municipal
32 clerk shall provide a sticker indicating the year for which the
license is valid. The sticker must be attached to the back of
34 the tag. The owner or keeper shall make sure that the tag is
securely attached to a collar of leather, metal or material of
36 comparable strength and that the collar is worn at all times by
the dog ~~er-wolf-hybrid~~ for which the license was issued, except
38 as provided in subsection 3.

40 If a sticker and tag ~~is~~ are lost or the owner has moved to a
different municipality, the owner or keeper of the dog ~~er-wolf~~
42 ~~hybrid~~ shall obtain a new license, tag and sticker. The
municipal clerk shall issue another license, tag and sticker upon
44 presentation of the original license and payment of \$1. The
clerk shall retain the \$1 for a recording fee.

46 **2. Rabies tags.** ~~An owner shall make sure that a rabies tag~~
48 ~~obtained from a veterinarian for immunization against rabies is~~
~~securely attached to a collar of leather, metal or material of~~
50 ~~comparable strength and that the collar is worn at all times by~~

2 the dog or wolf hybrid for which the rabies tag was issued,
except as provided in subsection 3.

4 3. **Exceptions.** A dog or wolf hybrid is not required to
6 wear a tag or a rabies tag when on the premises of the owner or
8 off the premises of the owner while hunting, in training or in an
10 exhibition. When a dog or wolf hybrid is hunting, in training or
12 in an exhibition, its owner or keeper shall produce proof of
licensure and proof of rabies immunization upon request by a
humane agent, animal control officer or law enforcement officer,
including a game warden.

14 **Sec. 17. 7 MRSA §3923-C, sub-§1,** as amended by PL 1995, c.
409, §7, is further amended to read:

16 1. **License necessary.** A person having a pack or collection
18 of dogs or wolf hybrids for the purposes set forth in section
3907, subsection 17 shall obtain a kennel license from the clerk
20 of the municipality where the dogs or wolf hybrids are kept and
that person is subject to rules adopted by the department. The
22 sex, registered number and description are not required of dogs
or wolf hybrids covered by a kennel license. The license expires
24 December 31st annually. The kennel license permits the licensee
or authorized agent to transport under control and supervision
the kennel dogs or wolf hybrids in or outside the State.

26 **Sec. 18. 7 MRSA §3923-C, sub-§2-A,** as amended by PL 1995, c.
28 625, Pt. B, §2, is further amended to read:

30 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
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
dogs or wolf hybrids per license. The clerk shall retain \$1 as a
36 recording fee and forward \$5 to the municipality's animal welfare
account established pursuant to section 3945 and \$15 to the
Animal Welfare Fund.

38 **Sec. 19. 7 MRSA §3923-C, sub-§3,** as amended by PL 1995, c.
40 409, §7, is further amended to read:

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

48 **Sec. 20. 7 MRSA §3923-C, sub-§4,** as amended by PL 1995, c.
409, §7, is further amended to read:

2 4. Kennel tags. Dogs ~~or-wolf-hybrids~~ covered by a kennel
4 license must be furnished suitable kennel tags and stickers that
6 must be attached to the back of the tag indicating the year the
8 license is issued and bearing other information as prescribed by
10 the department and are not required to be individually licensed.

8 Sec. 21. 7 MRSA §3923-C, sub-§5, as enacted by PL 1995, c.
490, §9, is repealed and the following enacted in its place:

10 5. Kennel inspection and quarantine. Except for a kennel
12 inspected by the department in accordance with chapter 723, an
14 animal control officer must inspect annually a kennel prior to
16 the municipality issuing a kennel license. In addition to the
18 annual inspection required under this subsection, an animal
20 control officer, at any reasonable time, escorted by the kennel
22 owner or the kennel owner's agent, may inspect the kennel.
24 Inspections must be conducted in accordance with the sanitation
and health rules established by the department for compliance
with laws and rules. In conducting inspections, an animal
control officer must use measures established by the department
through rulemaking to prevent the spread of infectious and
contagious diseases. Rules adopted pursuant to this subsection
are routine technical rules as defined in Title 5, chapter 375,
subchapter II-A.

26 A veterinarian employed by the State or any licensed veterinarian
28 may quarantine the kennel in person or by registered mail and the
30 quarantine must be maintained as long as the veterinarian
32 determines necessary. The decision and order for this quarantine
is not considered a licensing or an adjudicatory proceeding as
defined by the Maine Administrative Procedure Act.

34 Sec. 22. 7 MRSA §3923-D, as amended by PL 1995, c. 409, §7,
is further amended to read:

36 **§3923-D. Temporary licenses**

38 An animal shelter may issue a temporary dog ~~or-wolf-hybrid~~
40 license when transferring ownership vested in the animal shelter
42 under section 3913, subsection 4 to a person buying or otherwise
44 accepting ownership. The department shall provide animal
46 shelters with temporary license forms. The animal shelter shall
48 complete all information prescribed on the form, provide the
owner with the original temporary license and submit the copy for
the municipal clerk and the animal control officer to the
appropriate municipal clerk. The animal shelter may retain a
copy of the temporary license to comply with section 3914. A
temporary license is valid for a period of 10 days beginning on
the date of issuance. An animal shelter may ~~not~~ charge a-fee \$1
50 for issuing a temporary license.

2 **Sec. 23. 7 MRSA §3924, sub-§2**, as amended by PL 1995, c. 409,
§8, is further amended to read:

4
6 **2. Unlawful use of collar or tag.** A person who removes a
tag ~~or rabies tag~~ or who places ~~either a collar or rabies~~ a tag
on a dog ~~or wolf hybrid not described on it~~ or for which the
license was not issued commits a civil violation for which a
forfeiture of not more than \$100 may be adjudged.

10 **Sec. 24. 7 MRSA §3936, sub-§1**, as amended by PL 1995, c. 490,
§11, is further amended to read:

14 **1. Inspection and quarantine.** The commissioner, a state
humane agent, a veterinarian employed by the State or a licensed
16 veterinarian at the direction of the commissioner may, at any
reasonable time, enter an animal shelter, kennel, boarding
18 kennel, breeding kennel or pet shop, ~~but not a building used for~~
~~human habitation recognized as not subject to search warrant,~~ and
20 make examinations and conduct any recognized tests for the
existence of contagious or infectious diseases or conditions. If
22 the animal shelter, kennel, boarding kennel, breeding kennel or
24 pet shop is also used for human habitation, the person authorized
to make examinations and conduct tests must be escorted by the
26 owner, or the owner's agent, of the animal shelter, kennel,
28 boarding kennel, breeding kennel or pet shop and the examinations
and tests may be made only in those portions of the premises used
30 as an animal shelter, kennel, boarding kennel, breeding kennel or
32 pet shop. The commissioner may inspect animal shelters, kennels,
boarding kennels, breeding kennels and pet shops in accordance
with the sanitation and health rules established by the
department and for compliance with laws and rules, including
licensing and permitting requirements, of the Department of
34 Inland Fisheries and Wildlife pertaining to wildlife importation
and possession. In conducting inspections, measures established
36 by the department through rulemaking must be used to prevent the
spread of infectious and contagious diseases. Rules adopted
38 pursuant to this subsection are routine technical rules as
defined in Title 5, chapter 375, subchapter II-A. A veterinarian
employed by the State or any licensed veterinarian may quarantine
the animal shelter, kennel, boarding kennel, breeding kennel or
42 pet shop, in person or by registered mail, and the quarantine
must be maintained as long as the department determines
44 necessary. The decision and order for this quarantine is not
considered a licensing or an adjudicatory proceeding as defined
46 by the Maine Administrative Procedure Act. The commissioner
shall promptly notify the Department of Inland Fisheries and
48 Wildlife of violations.

2 **Sec. 25. 7 MRSA §3941**, as enacted by PL 1987, c. 383, §3, is
amended to read:

4 **§3941. Posting of law**

6 Municipal clerks, annually, at least 20 days before January
1st, shall post copies of ~~chapters~~ chapter 721 ~~and 723~~ and of
8 this chapter in the usual places for posting notices of the
annual municipal elections.

10 **Sec. 26. 7 MRSA §3943, sub-§1**, as amended by PL 1995, c. 490,
12 §12, is further amended to read:

14 **1. Procedure.** Between February 1st and April 1st annually,
the municipal officers of each municipality shall issue a warrant
16 with the names and addresses of all owners or keepers of
unlicensed dogs to one or more police officers, constables,
18 sheriffs or animal control officers, directing them to send a
notice of violation ~~by certified mail, return receipt requested,~~
20 to the last known address of the owners or keepers or call on the
owners or keepers. The warrant must further direct that demand
22 be made on the owners or keepers to obtain a license from the
municipal clerk within 7 days from the date of demand and remit
24 to the clerk the license and recording fees plus a late fee of \$3
for each dog that is licensed. If the license and recording fees
26 are remitted after the 7-day period, the owners or keepers must
remit a late fee of \$10 for each dog that is licensed. Finally,
28 the warrant must direct the police officer, constable, sheriff or
animal control officer to enter summons and complaint as soon as
30 possible for all owners or keepers so notified who fail to comply
with the order.

32 **Sec. 27. 7 MRSA §3944**, as amended by PL 1993, c. 657, §38, is
34 further amended to read:

36 **§3944. Issuance of kennel licenses**

38 Municipal clerks and dog recorders shall issue kennel
licenses to kennel owners or operators in accordance with
40 ~~sections~~ section 3923-C and ~~3935~~.

42 **Sec. 28. 7 MRSA §3947, first ¶**, as amended by PL 1993, c. 468,
44 §15, is further amended to read:

46 Each municipality shall appoint one or more animal control
officers whose duties are enforcement of sections 3911, 3912,
48 ~~3916~~, 3921, 3924, 3943, 3948, 3950, 3950-A, 3952 and ~~3966 to 3970~~
4041 and Title 17, section 1023 responding to reports of animals
suspected of having rabies in accordance with Title 22, sections
50 1313 and 1313-A and such other duties to control animals as the
municipality may require.

2 **Sec. 29. 7 MRSA §3948, sub-§1**, as amended by PL 1987, c. 643,
3 §4, is further amended to read:

4 **1. Control.** Municipalities shall control dogs and ~~ferrets~~
5 running at large.

6 **Sec. 30. 7 MRSA §3948, sub-§2**, as amended by PL 1995, c. 490,
7 §17, is further amended to read:

8 **2. Medical attention.** Law enforcement officers, ~~humane~~
9 agents and animal control officers shall take a stray animal to
10 its owner, if known, or, if the owner is unknown, to a an animal
11 shelter and ensure that any injured animal that is at large or in
12 a public way is given proper medical attention.

13 **Sec. 31. 7 MRSA §3948, sub-§3**, as enacted by PL 1993, c. 468,
14 §16, is amended to read:

15 **3. Domesticated and undomesticated animals.** A municipality
16 shall control domesticated animals that are a ~~problem cause of~~
17 complaint in the community. A municipality shall control
18 ~~undomesticated~~ animals that pose a threat to public health or
19 safety. A municipality may control undomesticated animals in
20 matters on which no other department is charged by law to
21 regulate.

22 **Sec. 32. 7 MRSA §3949**, as amended by PL 1993, c. 468, §25 and
23 c. 657, §40, is further amended to read:

24 **§3949. Animal shelter designation**

25 Municipal clerks, annually, on or before ~~January~~ April 1st,
26 shall certify to the commissioner the name and location of the
27 animal shelter with which the municipality has entered into a
28 contract to accept stray animals or have an arrangement for a an
29 animal shelter that will accept stray animals. Animal shelters
30 designated by the municipality under this section must comply
31 with commissioner rules.

32 **Sec. 33. 7 MRSA §3950-A, first ¶**, as amended by PL 1995, c.
33 557, §2, is further amended to read:

34 Any mayor, municipal officer, clerk, town or city manager,
35 administrative assistant to the mayor, town or city councilor,
36 dog recorder of unorganized territories, constable, police
37 officer, sheriff or animal control officer who refuses or
38 intentionally fails to perform the duties imposed by chapters
39 719, 720, 721, 725 and ~~730~~ 727 and by this chapter commits a

2 civil violation for which a forfeiture of not less than \$10 \$50
nor more than \$50 \$250 and costs may be adjudged.

4 **Sec. 34. 7 MRSA §3951**, as enacted by PL 1987, c. 383, §3, is
amended to read:

6
8 **§3951. Killing for assault permitted**

10 Any person may lawfully kill a dog if necessary for
~~protection during the course of a sudden, unprovoked assault and~~
12 attack upon himself or to protect that person, another person or
a domesticated animal during the course of a sudden, unprovoked
14 assault.

16 **Sec. 35. 7 MRSA §3952, sub-§1**, as amended by PL 1989, c. 212,
is further amended to read:

18 1. **Procedure.** Any person who is assaulted by a dog without
provocation or any person witnessing an unprovoked assault
20 against a person or domesticated animal, within 10 days of the
assault, may make written complaint to the sheriff or local law
22 enforcement officer or animal control officer that the dog is
dangerous or vicious.

24 The sheriff or local law enforcement officer or animal control
26 officer may file the complaint in District Court or Superior
Court.

28 If, upon hearing, the court is satisfied that ~~the complaint is~~
30 true, it an assault on a person or a domesticated animal has
taken place, the court shall:

32 A. Order the dog muzzled, restrained or confined to the
34 premises of its owner or keeper; or

36 B. Order the dog to be euthanatized if it has killed,
maimed or inflicted serious bodily injury upon a person or
38 has a history of a prior assault.

40 The owner or keeper who keeps a dog in violation of this section
commits a civil violation for which a forfeiture not to exceed
42 \$100, plus costs, may be adjudged.

44 **Sec. 36. 7 MRSA §3952, sub-§3**, as amended by PL 1987, c. 736,
§6, is further amended to read:

46
48 **3. Complaint for dogs presenting immediate threat to**
public. After filing of complaint in District Court or Superior
Court and before hearing, if the dog poses an immediate threat to
50 the public, the dog ~~shall be~~ is subject to muzzling, restraint or

2 confinement to its premises upon order of the sheriff or, local
3 law enforcement officer or animal control officer who filed the
4 complaint. Upon failure to comply, the officer to whom complaint
5 was made may apply to District Court, Superior Court or a justice
6 of the peace for an ex parte order for authorization to take
7 possession of the dog which that poses an immediate threat to the
8 public and turn ~~it~~ the dog over to the applicant or other
suitable person.

10 **Sec. 37. 7 MRSA §3953**, as enacted by PL 1987, c. 383, §3, is
11 amended by repealing and replacing the headnote to read:

12 **§3953. Stealing, injuring or killing dogs**

13 **Sec. 38. 7 MRSA c. 730**, as amended, is repealed.

14 **Sec. 39. 7 MRSA §3972, sub-§1, ¶¶A and C**, as enacted by PL
15 1987, c. 383, §3, are amended to read:

16 **A. Sell, display, raffle, give away or offer for sale, give**
17 **away or display within the State any live animals which that**
18 **have been dyed or otherwise artificially colored;**

19 **C. Use any live animal as a premium, fund-raising device,**
20 **prize or award or use any live animal in a raffle, contest,**
21 **game or promotion except as authorized by law or rule;**

22 **Sec. 40. 7 MRSA §3972, sub-§1, ¶F**, as enacted by PL 1995, c.
23 144, §2, is amended to read:

24 **F. Intentionally cause an equine to fall or lose its**
25 **balance by any means whatsoever. For the purposes of this**
26 **paragraph, the term "equine" means, but is not limited to, a**
27 **horse, mare, pony, ass, donkey, burro, mule or hinny. This**
28 **paragraph does not apply to the lawful laying down of an**
29 **equine for medical or identification purposes.**

30 **Sec. 41. 7 MRSA §3972, sub-§4**, as enacted by PL 1989, c. 154,
31 §1, is amended to read:

32 **4. Exception.** Notwithstanding subsection 1, paragraph C,
33 livestock may be raffled by charitable organizations licensed
34 under Title 17, section 332, subsection 6 for fund-raising
35 purposes. For the purposes of this section, "livestock" means
36 farm animals, including, but not limited to, cows, sheep, goats,
37 swine and fowl and "charitable organization" has the same meaning
38 as defined in Title 9, section 5003, subsection 1. Proceeds from
39 a raffle under this subsection must be used for charitable
40 purposes.

2 The animal shall ~~must~~ be awarded in freezer-ready form.

4 **Sec. 42. 7 MRSA §3981, sub-§7**, as enacted by PL 1987, c. 383,
§3, is amended to read:

6
7. **Construction.** Nothing in this chapter may be construed
8 to prohibit the use of strike cages for dogs while in the lawful
sport of hunting or in training or the movement of livestock or
10 poultry when standards of the industry are followed.

12 **Sec. 43. 7 MRSA §4001, sub-§4**, as amended by PL 1993, c. 468,
§25, is further amended to read:

14
4. **Rules.** Each applicant obtaining a permit under this
16 section is subject to the rules ~~promulgated~~ adopted by the
commissioner on the weight and size of animals, age of
18 participants, length of event and such other requirements as ~~it~~
the commissioner considers necessary.

20
Sec. 44. 7 MRSA §4011, sub-§1, ¶C, as repealed and replaced by
22 PL 1995, c. 490, §20, is amended to read:

24 C. If that person is a licensed veterinarian or a person
certified under Title 17, section 1042, kills or attempts to
26 kill an animal by a method that ~~causes undue suffering.~~ ~~The~~
~~commissioner shall adopt rules that define "undue suffering"~~
28 does not conform to standards adopted by a national
association of licensed veterinarians;

30
Sec. 45. 7 MRSA §4012, sub-§1, as enacted by PL 1987, c. 383,
32 §3, is amended to read:

34 1. **Cruelty to birds.** A person is ~~eruel~~ guilty of cruelty to
birds if he that person:

36 A. Keeps or uses any live pigeon, fowl or other bird for a
38 target or to be shot at, either for amusement or as a test
of skill in marksmanship;

40 B. Shoots at any bird or is present as a party, umpire or
42 judge at a shooting; or

44 C. Rents any building, shed, room, yard, field or premises
or knowingly allows the use of the same for ~~these the~~
46 purposes of paragraphs A and B.

48 **Sec. 46. 7 MRSA §4017**, as amended by PL 1993, c. 468, §25, is
further amended to read:

50

2
3 **§4017. Rules**

4 The commissioner may adopt any rules necessary or useful to
5 carry out this section ~~chapter~~ pursuant to the Maine
6 Administrative Procedure Act, Title 5, chapter 375.

7 **Sec. 47. 7 MRSA §4041, sub-§2, ¶A,** as amended by PL 1997, c.
8 104, §1, is further amended to read:

9
10 A. The owner or keeper fails to remove the livestock animal
11 or domestic water fowl within 6 12 hours after having been
12 notified by an animal control officer or law enforcement
13 officer that a livestock animal or domestic water fowl owned
14 or kept by the owner or keeper was trespassing; or

15 **Sec. 48. 7 MRSA §4041, sub-§3, ¶A,** as amended by PL 1997, c.
16 104, §1, is further amended to read:

17
18 A. That person fails to remove the livestock animal or
19 domestic water fowl within 6 12 hours after having been
20 personally notified by an animal control officer or law
21 enforcement officer that a livestock animal or domestic
22 water fowl owned or kept by that person was trespassing; or

23 **Sec. 49. 7 MRSA §4041, sub-§4,** as amended by PL 1997, c. 104,
24 §1, is further amended to read:

25
26 **4. Forfeiture.** A forfeiture of not more than \$500 must be
27 adjudged for a civil violation under subsection 3. In addition,
28 the court may as part of the sentencing include an order of
29 restitution for costs incurred in removing and controlling the
30 livestock animal or domestic water fowl. When appropriate, the
31 court may order restitution to the property owner based on damage
32 done and financial loss. Any restitution ordered and paid must
33 be deducted from the amount of any judgment awarded in a civil
34 action brought by the owner against the offender based on the
35 same facts.

36
37 **Sec. 50. 7 MRSA §4151, sub-§4,** as enacted by PL 1995, c. 589,
38 §1, is amended to read:

39
40 **4. Pet dealer.** "Pet dealer" means a person, firm,
41 partnership, corporation or association, including breeders, that
42 ~~is required to collect sales tax for the sale of~~ sells more than
43 16 animals to the public in a 12-month period. "Pet dealer" does
44 not include humane societies, nonprofit organizations performing
45 the functions of humane societies or animal ~~control--agencies~~
46 shelters licensed in accordance with section 3932-A.

2 **Sec. 51. 7 MRSA §4152, sub-§1, ¶¶A, C and D,** as enacted by PL
1995, c. 589, §1, are amended to read:

4 A. An animal history that includes:

6 (1) ~~The For pet dealers licensed with the United~~
7 ~~States Department of Agriculture, the name, address and~~
8 United States Department of Agriculture license number
9 of the breeder and any broker who has had possession of
10 the animal;

12 (2) The date of the animal's birth;

14 (3) The date the pet dealer received the animal;

16 (4) The breed, sex, color and identifying marks of the
17 animal;

18 (5) The individual identifying tag, tattoo or collar
19 number;

22 (6) For pure bred animals, the name and registration
23 number of the sire and dam and the litter number; and

24 (7) A record of inoculations, worming treatments,
25 medication or any veterinarian treatment received by
26 the animal while in the possession of the breeder or
27 dealer;

30 C. A pet dealer who represents an animal as eligible for
31 registration with an animal pedigree organization shall
32 provide the retail purchaser with a notice stating that
33 pedigree registration does not assure health or quality of
34 an animal. ~~Notwithstanding section 4151, breeders are not~~
35 ~~bound by the provisions of this paragraph;~~ and

36 D. The pet dealer shall indicate whether or not, to the pet
37 dealer's knowledge, the animal or its sire or dam is
38 registered with, and whether the animal is certified by any
39 organization that maintains a registry pertaining to
40 congenital or hereditary problems and explain the meaning of
41 these terms. ~~Notwithstanding section 4151, breeders are not~~
42 ~~bound by the provisions of this paragraph.~~

44 **Sec. 52. 7 MRSA §4154,** as enacted by PL 1995, c. 589, §1, is
45 repealed.

48 **Sec. 53. 7 MRSA §4158, sub-§2,** as enacted by PL 1995, c. 589,
49 §1, is amended to read:

2 **2. Right to court action.** If the pet dealer does not
3 provide the remedy selected by the purchaser set forth in section
4 4155, the purchaser may initiate a court action. ~~Upon request to~~
5 ~~the department, by the purchaser and dealer, the commissioner or~~
6 ~~a veterinarian employed by the State shall arbitrate the~~
7 ~~dispute. This arbitration must be on a nonbinding basis unless~~
8 ~~both purchaser and dealer agree to binding arbitration.~~ The
9 prevailing party in the court action has the right to recover
10 costs and reasonable attorney's fees ~~not to exceed \$500.~~

11 **Sec. 54. 7 MRSA §4161**, as enacted by PL 1995, c. 589, §1, is
12 amended to read:

13 **§4161. Limitation**

14 This chapter does not limit the rights or remedies that are
15 otherwise available to a purchaser under any other law. An
16 ~~agreement or contract by a purchaser to waive rights under this~~
17 ~~chapter is void and unenforceable.~~

18 **Sec. 55. 7 MRSA §4162**, as enacted by PL 1995, c. 589, §1, is
19 repealed and the following enacted in its place:

20 **§4162. Additional penalties**

21 **1. Civil violation.** A person who fails to meet a
22 requirement of this chapter commits a civil violation for which a
23 forfeiture not to exceed \$100 per violation may be adjudged.

24 **2. Action against pet shops and breeding kennels.** The
25 department may file an action in Administrative Court to revoke
26 or suspend the license of a pet shop or breeding kennel that
27 violates any provision of this chapter.

28 **Sec. 56. 17 MRSA §1011, sub-§8-A**, as enacted by PL 1991, c.
29 779, §43, is amended to read:

30 **8-A. Breeding kennel.** "Breeding kennel" means a kennel
31 facility operated for the purpose of breeding or buying, selling
32 or in any way exchanging dogs or cats for value that exchanges
33 more than 12 16 dogs or 16 cats in a 12-month period.

34 **Sec. 57. 17 MRSA §1011, sub-§12-B** is enacted to read:

35 **12-B. Dog.** "Dog" means a member of the genus and species
36 known as canis familiaris or any canine, regardless of
37 generation, resulting from the interbreeding of a member of canis
38 familiaris with a wolf hybrid as defined in subsection 30.

2 **Sec. 58. 17 MRSA §1011, sub-§22-A**, as enacted by PL 1991, c.
779, §45, is repealed.

4 **Sec. 59. 17 MRSA §1011, sub-§23**, as enacted by PL 1987, c.
383, §4, is repealed and the following enacted in its place:

6 **23. Pet shop.** "Pet shop" means a place or vehicle in or on
8 which any dogs, cats, rodents, reptiles, fish, pet birds, exotic
10 birds or exotic animals not born and raised on those premises are
kept for the purpose of sale to the public.

12 **Sec. 60. 17 MRSA §1011, sub-§30** is enacted to read:

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

20 **Sec. 61. 17 MRSA §1013, sub-§1**, as enacted by PL 1987, c. 383,
22 §4, is amended to read:

24 **1. Unlawful production of motion pictures.** A person,
26 including an owner or the owner's agent, is guilty of unlawful
production of motion pictures if he that person knowingly or
28 intentionally prepares, manufactures, makes or participates in
the preparation, manufacture or making of any motion picture film
30 or videotape production involving cruelty to animals during the
course of preparation, manufacture, making or exhibition of the
32 motion picture film or videotape production.

34 **Sec. 62. 17 MRSA §1021, sub-§1**, as amended by PL 1991, c. 779,
§46, is further amended to read:

36 **1. Possession.** A state veterinarian, humane agent,
38 sheriff, deputy sheriff, constable, police officer, animal
control officer, person authorized to make arrests or ~~in-a-case~~
~~involving-a-pet-animal,~~ the board commissioner may apply to the
40 District Court or the Superior Court for authorization:

42 A. To take possession of any maimed, disabled, diseased,
44 dehydrated, malnourished or injured animal or any animal
whose owner has cruelly abandoned or cruelly treated it and
46 turn over the animal to the applicant or other suitable
person; or

48 B. To cause the animal to be disposed of humanely.

2 **Sec. 63. 17 MRSA §1021, sub-§4, ¶A**, as amended by PL 1993, c.
468, §21, is further amended to read:

4 A. A state veterinarian, humane agent, sheriff, deputy
6 sheriff, constable, police officer, animal control officer,
7 person authorized to make arrests or ~~in a case involving a~~
8 ~~pet animal~~, the board commissioner may apply to the District
9 Court, Superior Court or a justice of the peace for an ex
10 parte order for authorization to take possession of any
11 maimed, disabled, diseased, dehydrated, malnourished or
12 injured animal or any animal whose owner has cruelly
13 abandoned or cruelly treated it and turn it over to the
14 applicant or any other suitable person.

15 An order may be entered ex parte upon findings by the court
16 or justice of the peace that there is a reasonable
17 likelihood that:

18 (1) The defendant is not subject to the jurisdiction
19 of the court for the purposes of a hearing or the owner
20 cannot be found by reasonable ~~deligence~~ diligence or is
21 out-of-state although a resident of this State, and
22 there is a danger that unless immediate action is taken:

23 (a) The condition of an injured, overworked,
24 tormented, tortured, abandoned, poisoned or
25 mutilated animal, or animal deprived of necessary
26 sustenance, necessary medical attention, proper
27 shelter or protection from the weather or humanely
28 clean conditions will be substantially impaired or
29 worsened;

30 (b) The animal's life will be jeopardized; or

31 (c) A great degree of medical attention will be
32 necessary to restore the animal to a normal,
33 healthy condition;

34 (2) There is a clear danger that if the owner or his
35 the owner's agent is notified in advance of the
36 issuance of the order of court, as provided in
37 subsection 3, he the owner or the owner's agent may
38 remove the animal from the State, conceal it or
39 otherwise make it unavailable;

40 (3) There is immediate danger that the owner or his
41 the owner's agent will kill or injure the animal; or

42 (4) An animal is being or has been injured,
43 overworked, tormented, tortured, abandoned, poisoned,
44 overworked, tormented, tortured, abandoned, poisoned,

2 mutilated, or deprived of necessary sustenance,
3 necessary medical attention, proper shelter or
4 protection from the weather or humanely clean
5 conditions and, unless an ex parte order issues
6 allowing the applicant to take possession of the
7 animal, the animal will die, its condition will be
8 substantially impaired or worsened or medical attention
9 will be necessary to restore the animal to a normal,
10 healthy condition.

11 ~~Sec. 64. 17 MRSA §1021, sub-§5, ¶A,~~ as amended by PL 1995, c.
12 490, §23, is further amended to read:

13 A. Whenever a humane agent, a state veterinarian or a
14 person authorized to make arrests, ~~or, in a case involving a~~
15 ~~pet animal, the board,~~ has reason to believe that an animal
16 may be disabled, diseased, dehydrated or malnourished, the
17 ~~board,~~ humane agent, state veterinarian or person shall
18 apply to the District Court or Superior Court for
19 authorization to take possession of the animal and turn it
20 over to the applicant or other suitable person for
21 examination and observation for a 30-day period. At the end
22 of 30 days, the court must receive a report from the person
23 in possession of the animal and either dissolve the
24 possession order or set the matter for hearing within 30
25 days.

26 ~~Sec. 65. 17 MRSA §1022,~~ as amended by PL 1991, c. 779, §49,
27 is further amended to read:

28 **§1022. Prevention of cruelty**

29 The commissioner or any person authorized to make arrests
30 may lawfully interfere to prevent the perpetration of any act of
31 cruelty upon an animal in that person's presence. ~~The board may~~
32 ~~lawfully interfere to prevent the perpetration of any act of~~
33 ~~cruelty upon a pet animal.~~

34 ~~Sec. 66. 17 MRSA §1023, sub-§1,~~ as amended by PL 1991, c. 779,
35 §50, is further amended to read:

36 1. **Investigation.** Sheriffs, deputy sheriffs, police
37 officers, constables, animal control officers and humane agents
38 shall investigate cases of cruelty to animals coming to their
39 attention and report them to the Department of Agriculture, Food
40 and Rural Resources on department-approved forms. ~~The department~~
41 ~~shall refer all cases of cruelty to pet animals to the board.~~
42 Upon completion of an investigation, ~~the board for a case~~
43 ~~involving a pet animal and the department for any other case~~

2 shall, if requested, report the result of the investigation to
the person complaining of alleged cruelty.

4 **Sec. 67. 17 MRSA §1023, sub-§2**, as amended by PL 1991, c. 779,
§50, is repealed.

6 **Sec. 68. 17 MRSA §1024**, as enacted by PL 1987, c. 383, §4, is
8 amended to read:

10 **§1024. Impeding the performance of an officer**

12 It is unlawful for any a person to assault, resist, oppose,
impede, intimidate or interfere with any a person while engaged
14 in or on account of the performance of his that person's official
duties under this subchapter.

16 **Sec. 69. 17 MRSA §1031, sub-§1, ¶C**, as repealed and replaced
18 by PL 1995, c. 490, §25, is amended to read:

20 C. If that person is a licensed veterinarian or a person
certified under section 1042, kills or attempts to kill an
22 animal by a method ~~that--causes--undue--suffering,---The~~
~~commissioner--shall--adopt--rules--that--define--"undue--suffering"~~
24 does not conform to standards adopted by a national
association of licensed veterinarians;

26 **Sec. 70. 17 MRSA §1031, sub-§3**, as amended by PL 1997, c. 456,
28 §16, is further amended to read:

30 **3. Penalty.** Cruelty to animals is a Class D crime. In
addition to any other penalty authorized by law, the court shall
32 impose a fine of not less than \$100 \$250 for each violation of
this section. The court may order the defendant to pay the costs
34 of the care, housing and veterinary medical treatment for the
animal.

36 The court, as part of the sentence, may prohibit the defendant
38 from owning, possessing or having on the defendant's premises an
animal or animals as determined by the court for a period of
40 time, up to and including permanent relinquishment, as determined
by the court. A person placed on probation for a violation of
42 this section with a condition that prohibits owning, possessing
or having an animal or animals on the probationer's premises is
44 subject to revocation of probation and removal of the animal or
animals at the probationer's expense if this condition is
46 violated. The court as part of the sentence may order, as a
condition of probation, that the defendant be evaluated to
48 determine the need for psychiatric or psychological counseling,
and, if it is determined appropriate by the court, to receive

2 psychiatric or psychological counseling at the defendant's
expense.

4 **Sec. 71. 17 MRSA §1032, sub-§2**, as enacted by PL 1987, c. 383,
§4, is amended to read:

6
8 **2. Penalty.** Cruelty to birds is a Class E D crime. In
addition to any other penalty authorized by law, the court shall
impose a fine of not less than \$100 for each violation of this
section.

10
12 **Sec. 72. 17 MRSA §1033, sub-§1**, as enacted by PL 1987, c. 383,
§4, is amended to read:

14
16 **1. Violation.** A person is guilty of animal fighting who
knowingly:

18 A. Owns, possesses, keeps or trains any animal with the
intent that the animal engage in an exhibition of fighting
20 with another animal;

22 B. For amusement or gain, causes any animal to fight with
another animal or causes any animals to injure each other; or

24 C. Permits any act in violation of paragraph A or B to be
26 done on any premises under ~~his~~ that person's charge or
control.

28
30 Animal fighting is a Class C crime. In addition to any other
penalty authorized by law, the court shall impose a fine of not
less than \$500 for each violation of this section.

32
34 **FISCAL NOTE**

36 This bill increases the penalty for certain crimes from
Class E to Class D crimes. If the number of jail sentences is
38 increased, the cost to the counties is estimated to be \$86.45 per
day per prisoner with increased jail time. Costs to the counties
40 for both Class D and E crimes are not reimbursed by the State.
The amount of any increase of jail time and the resulting costs
42 to the county jail system are expected to be insignificant.

44 The additional workload, administrative costs and indigent
defense costs related to those cases where the class of crime is
46 increased can be absorbed within the budgeted resources of the
Judicial Department. The collection of additional fines may
48 increase General Fund revenue by minor amounts.

2 The Department of Agriculture, Food and Rural Resources will
incur some minor additional costs to adopt certain new rules.
4 These costs can be absorbed within the department's existing
budgeted resources.

6
8 **SUMMARY**

10 This bill makes clarifications and technical changes and
corrects cross-references in the animal welfare laws. In
12 addition, it does the following.

14 1. It amends the definition of breeding kennel to include
cats.

16 2. It enacts a definition of "dog" to include wolf hybrids.

18 3. It allows an animal control officer to take a dog
running-at-large to an animal shelter when the owner is known if
20 the dog has been found running-at-large 3 or more times in a
6-month period. The animal control officer is required to notify
22 the owner within 24 hours of taking the dog to an animal shelter.

24 4. It amends the provisions pertaining to euthanasia.

26 5. It increases fines for violations pertaining to
controlling dogs.

28 6. It removes the requirement that a dog wear a rabies tag.

30 7. It clarifies the provisions for inspecting facilities.

32 8. It allows an animal shelter to charge a fee of \$1 for
34 issuing a temporary license.

36 9. It removes the requirement that notices of violations of
licensing provisions be sent by certified mail, return receipt
38 requested.

40 10. It includes an assault against a domesticated animal as
well as an assault against a person in the provisions pertaining
42 to dangerous dogs.

44 11. It repeals provisions in the statutes regarding ferrets.

46 12. It increases from 6 hours to 12 hours the time a person
has to remove an animal in violation of the trespass law.

48 13. It allows a court to order restitution to a person
50 whose property is damaged by a trespassing animal.

2 14. It amends the definition of "pet dealer" and certain
provisions relating to the sale of dogs and cats.

4
6 15. It increases the minimum mandatory fine from \$100 to
\$250 for criminal cruelty to animals.

8 16. It makes cruelty to birds a Class D crime with a
minimum mandatory fine of \$100.

10
12 17. It provides for a minimum mandatory fine of \$500 for
animal fighting.