

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 2006

H.P. 1401

House of Representatives, March 23, 1999

An Act to Eliminate the Dog Licensing Requirement.

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

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative BUMPS of China.

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

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Sec. 1. 7 MRSA §3906-B, sub-§1, as amended by PL 1997, c. 690, §1, is repealed.

Sec. 2. 7 MRSA §3906-B, sub-§2, as amended by PL 1997, c. 690, §1, is further amended to read:

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

Sec. 3. 7 MRSA §3906-B, sub-§3, as enacted by PL 1991, c. 779, §9, is repealed.

Sec. 4. 7 MRSA §3913, sub-§3, ¶C, as amended by PL 1991, c. 779, §22, is further amended to read:

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

Sec. 5. 7 MRSA §3913, sub-§4, ¶A, as amended by PL 1993, c. 657, §17, is further amended to read:

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

Sec. 6. 7 MRSA §3916, as amended by PL 1997, c. 704, §§3 to 5, is further amended to read:

§3916. Rabies vaccinations

1. **Required for cats and dogs.** Except as provided in subsection 4, an owner or keeper of a cat over 3 months of age or a dog over 6 months of age must have that cat or dog vaccinated against rabies. Rabies vaccine must be administered by a licensed veterinarian or under the supervision of a licensed

2 veterinarian. Upon receiving an initial vaccination, a cat or
3 dog is considered protected for one year and an owner or keeper
4 of that cat or dog must get a booster vaccination for that cat or
5 dog one year after the initial vaccination and subsequent booster
6 vaccinations at intervals that do not exceed the intervals
7 recommended by a national association of state public health
8 veterinarians for the type of vaccine administered.

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

16 **3. Enforcement.** A humane agent, an animal control officer
17 or a law enforcement officer may ask an owner or keeper of a cat
18 or dog to present proof of a certificate of rabies vaccination
19 from the State.

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

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

32 **Sec. 7. 7 MRSA c. 721, as amended, is repealed.**

34 **Sec. 8. 7 MRSA §3939, as enacted by PL 1993, c. 657, §37, is**
35 **repealed.**

38 **Sec. 9. 7 MRSA §3941, as amended by PL 1997, c. 690, §25, is**
39 **further amended to read:**

40 **§3941. Posting of law**

42 Municipal clerks, annually, at least 20 days before January
43 1st, shall post copies of ~~chapter-721~~ and this chapter in the
44 usual places for posting notices of the annual municipal
45 elections.

48 **Sec. 10. 7 MRSA §3942, as amended by PL 1991, c. 779, §34 and**
49 **affected by §52, is repealed.**

2 **Sec. 11. 7 MRSA §3943**, as amended by PL 1997, c. 690, §26, is
repealed.

4 **Sec. 12. 7 MRSA §3944**, as amended by PL 1997, c. 690, §27, is
repealed.

6 **Sec. 13. 7 MRSA §3946**, as amended by PL 1995, c. 490, §15, is
8 repealed.

10 **Sec. 14. 7 MRSA §3947, first ¶**, as amended by PL 1997, c. 690,
§28, is further amended to read:
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Each municipality shall appoint one or more animal control
14 officers whose duties are enforcement of sections 3911, 3912,
3916, ~~3921,--3924,--3943,~~ 3948, 3950, 3950-A, 3952 and 4041 and
16 Title 17, section 1023 responding to reports of animals suspected
of having rabies in accordance with Title 22, sections 1313 and
18 1313-A and such other duties to control animals as the
municipality may require.

20 **Sec. 15. 7 MRSA §3950-A, first ¶**, as amended by PL 1997, c.
22 690, §33, is further amended to read:

Any mayor, municipal officer, clerk, town or city manager,
24 administrative assistant to the mayor, town or city councilor,
26 dog recorder of unorganized territories, constable, police
officer, sheriff or animal control officer who refuses or
28 intentionally fails to perform the duties imposed by chapters
719, 720, ~~721,~~ 725 and 727 and by this chapter commits a civil
30 violation for which a forfeiture of not less than \$50 nor more
than \$250 and costs may be adjudged.
32

34 SUMMARY

36 This bill repeals licensing requirements for dogs.