

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-1999

Legislative Document

No. 2306

H.P. 1646

House of Representatives, December 21, 1999

An Act to Amend the Animal Welfare Laws.

Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 204.

Received by the Clerk of the House on December 17, 1999. Referred to the Committee on Agriculture, Conservation and Forestry pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

JOSEPH W. MAYO, Clerk

Presented by Representative COWGER of Hallowell.

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

2
3 **Sec. 1. 7 MRSA §3913, sub-§§6 and 7,** as amended by PL 1997, c.
4 690, §11, are further amended to read:

6 **6. Euthanasia for severely sick, severely injured or**
7 **extremely vicious dog.** A humane agent, an animal control
8 officer, a municipal agent authorized by municipal officers or an
9 animal shelter within the State may authorize in writing
10 immediate euthanasia of a severely sick, severely injured or
11 extremely vicious dog upon determining that the following
12 ~~conditions are~~ condition is met:

14 A. The clerk or animal control officer of the municipality
15 where the dog was found has been notified of the dog's
16 presence and the owner of the dog, if known, has been
17 notified, ~~and.~~

18 ~~C. A veterinarian states in writing that the dog's recovery~~
19 ~~from its injury or illness, given reasonable time and~~
20 ~~reasonable care, is doubtful or that the dog presents a~~
21 ~~danger to the public.~~

22
23 Notwithstanding paragraphs paragraph A to C, a veterinarian may
24 authorize immediate euthanasia ~~if, in the veterinarian's~~
25 ~~judgment, there is no possibility of recovery for a severely~~
26 ~~injured or sick animal.~~

27
28 **7. Immunity from civil liability.** A veterinarian, a humane
29 agent, an animal control officer, a municipal agent authorized by
30 municipal officers or an animal shelter is not civilly liable to
31 any party for authorization made in accordance with subsection 6
32 nor is any person performing euthanasia under that authorization.

33
34 **Sec. 2. 7 MRSA §3923-A, sub-§4,** as amended by PL 1997, c. 690,
35 §15, is further amended to read:

36
37 **4. Late fees.** An owner or keeper required to license a dog
38 under section 3922, subsection 1 or section 3923-C, subsection 1
39 and applying for a license for that dog after January 31st shall
40 pay to the municipal clerk or dog recorder a late fee of \$3 ~~\$10~~
41 in addition to the annual license fee paid in accordance with
42 subsection 1 or 2 and section 3923-C, subsection 1. The clerk or
43 dog recorder shall deposit all late fees collected under this
44 subsection into the municipality's animal welfare account
45 established in accordance with section 3945.

46
47 An owner or keeper whose name appears on a municipal warrant
48 issued in accordance with section 3943 must pay the late fee
49 required by that section and is not subject to this subsection.
50

2 **Sec. 3. 7 MRSA §4016, last ¶**, as enacted by PL 1999, c. 254,
§14, is amended to read:

4
6 The court, as part of the penalty, may prohibit a person
adjudicated as having violated the laws against cruelty to
8 animals from owning, possessing or having on the defendant's
premises an animal for a period of time, up to and including
10 permanent relinquishment. The court as part of the sentence may
order that the defendant be evaluated to determine the need for
12 psychiatric or psychological counseling ~~and, if it is determined~~
~~appropriate, the court may order that the defendant receive~~
~~psychiatric or psychological counseling at the defendant's~~
14 expense.

16
SUMMARY

18
20 This bill amends the late fee for licensing a dog from \$3 to
\$10 so that it is consistent with the late fee provided by the
Maine Revised Statutes, Title 7, section 3943, subsection 1. It
22 also amends the procedures for euthanizing stray dogs by allowing
an authorized municipal agent to authorize in writing the
24 euthanasia of severely sick, severely injured or extremely
vicious dogs.

26
28 This bill also removes the discretion of the court to order
psychiatric or psychological counseling at the defendant's
expense in matters involving cruelty to animals.