

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1170

S.P. 356

In Senate, February 28, 2001

An Act to Amend the Animal Welfare Laws.

Submitted by the Department of Agriculture, Food and Rural Resources 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 NUTTING of Androscoggin.
Cosponsored by Representative GOOLEY of Farmington and
Senator KNEELAND of Aroostook, Representatives: CARR of Lincoln, PINEAU of Jay.

2
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 7 MRSA §3907, sub-§8,** as amended by PL 1997, c. 33,
5 §1, is further amended to read:

6 **8. Boarding kennel.** "Boarding kennel" means any place,
7 building, tract of land or abode in or on which ~~3--or--more~~
8 privately owned dogs or other pets, or both, are kept at any one
9 time for their owners in return for a fee as a commercial
10 business.

11 **Sec. 2. 7 MRSA §3907, sub-§15,** as repealed and replaced by PL
12 1991, c. 779, §14, is amended to read:

13 **15. Humane agent.** "Humane agent" means an employee or
14 intermittent employee of the department ~~or--an--intermittent~~
15 ~~employee-of-the-board~~ who assists in enforcing this Part.

16 **Sec. 3. 7 MRSA §3907, sub-§17,** as amended by PL 1995, c. 409,
17 §1, is further amended to read:

18 **17. Kennel.** "Kennel" means one pack or collection of dogs
19 or wolf hybrids kept in a single location under one ownership for
20 breeding, hunting, show, ~~training,~~ field trials and or exhibition
21 purposes.

22 **Sec. 4. 7 MRSA §3909, sub-§4** is enacted to read:

23 **4. Subpoenas.** The commissioner, the commissioner's
24 designee or the legal counsel for the department may:

25 A. Issue subpoenas requiring persons to disclose or provide
26 to the department information or records in their possession
27 that are necessary and relevant to an investigation under
28 the animal welfare laws.

29 (1) The department may apply to the District Court to
30 enforce a subpoena.

31 (2) A person who complies with a subpoena is immune
32 from civil or criminal liability that might otherwise
33 result from the act of turning over or providing
34 information or records to the department.

35 **Sec. 5. 7 MRSA §3922, sub-§2,** as amended by PL 1997, c. 690,
36 §14, is further amended to read:

37 **2. License; after January 1st.** The owner or keeper, within
38 10 days of the conditions of paragraph A or B being met, shall

2 obtain a license, if between January 1st and ~~October--15th~~
3 November 1st of any year:

4 A. A dog reaches the age of 6 months or more; or

6 B. A person becomes the owner or keeper of a dog aged 6
7 months or more.

8 **Sec. 6. 7 MRSA §3923-C, sub-§1**, as amended by PL 1997, c. 690,
10 §17, is further amended to read:

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

22 **Sec. 7. 7 MRSA §3923-C, sub-§2-A**, as amended by PL 1997, c.
24 690, §18, is further amended to read:

26 **2-A. License fees.** A kennel owner shall pay a fee of \$21
27 to the municipal clerk for each kennel license ~~to-keep-dogs~~. A
28 license is needed only for dogs 6 months of age or older. A
29 kennel owner may not keep more than 10 dogs per license. The
30 clerk shall retain \$1 as a recording fee and forward \$5 to the
31 municipality's animal welfare account established pursuant to
32 section 3945 and \$15 to the Animal Welfare Fund.

34 **Sec. 8. 7 MRSA §3931-A, sub-§1**, as amended by PL 1995, c. 490,
35 §10, is further amended to read:

36 **1. License necessary.** A person maintaining a breeding
37 kennel, as defined in section 3907, must obtain a license from
38 the department and is subject to rules adopted by the
39 department. The license expires 12 months after the date of
40 issuance. The commissioner must inspect a breeding kennel prior
41 to the issuance of an initial license and, thereafter, a minimum
42 of once annually prior to the renewal of a license.

44 **Sec. 9. 7 MRSA §3932, sub-§1**, as amended by PL 1993, c. 657,
46 §31, is further amended to read:

48 **1. License necessary.** A person maintaining a boarding
49 kennel, as defined in section 3907, shall obtain a license from
50 the department and is subject to rules adopted by the

2 department. The license expires December 31st annually or in a
3 manner consistent with the license provisions of the Maine
4 Administrative Procedure Act, whichever is later. The
5 commissioner must inspect a boarding kennel prior to the issuance
6 of an initial license and, thereafter, a minimum of once annually
7 prior to the renewal of a license.

8 **Sec. 10. 7 MRSA §3932-A, sub-§1**, as enacted by PL 1993, c.
9 657, §33, is amended to read:

10 **1. License necessary.** A person operating an animal shelter
11 as defined in section 3907 shall obtain a license from the
12 department and is subject to rules adopted by the department.
13 The license expires December 31st annually or in a manner
14 consistent with the license provisions of the Maine
15 Administrative Procedure Act, whichever is later. The
16 commissioner must inspect an animal shelter prior to the issuance
17 of an initial license and, thereafter, a minimum of once annually
18 prior to the renewal of a license.

19 **Sec. 11. 7 MRSA §3933, sub-§1**, as amended by PL 1993, c. 657,
20 §34, is further amended to read:

21 **1. License necessary.** A person maintaining a pet shop, as
22 defined in section 3907, shall obtain a license from the
23 department and is subject to rules adopted by the department.
24 The license expires December 31st annually or in a manner
25 consistent with the license provisions of the Maine
26 Administrative Procedure Act, whichever is later. The
27 commissioner must inspect a pet shop prior to the issuance of an
28 initial license and, thereafter, a minimum of once annually prior
29 to the renewal of a license.

30 **Sec. 12. 7 MRSA §3935**, as amended by PL 1993, c. 657, §35, is
31 further amended to read:

32 **§3935. License prohibited**

33 The department may not issue a license to maintain a
34 boarding kennel, breeding kennel, animal shelter or pet shop to a
35 person who, within the 5 years previous to the application for
36 the license, has been convicted of a criminal violation under
37 Title 17, chapter 42, or under a criminal law involving cruelty
38 to animals that is no longer in effect, or within 2 years
39 previous to the application for the license, has been adjudicated
40 of a civil violation for cruelty to animals under chapter 739.

41 **Sec. 13. 17 MRSA §1011, sub-§22-B** is enacted to read:

2 22-B. Pet. "Pet" means a dog, cat or other domesticated
3 animal commonly kept as a companion, but does not include tamed
4 animals that are ordinarily considered wild animals or livestock.

6 **Sec. 14. 17 MRSA §1023, sub-§1**, as amended by PL 1997, c. 690,
§66, is further amended to read:

8 **1. Investigation.** Sheriffs, deputy sheriffs, police law
9 enforcement officers, constables, animal control officers,
10 district attorneys and humane agents shall investigate cases of
11 cruelty to animals coming to their attention and report them the
12 outcome of investigations to the Department of Agriculture, Food
13 and Rural Resources on-department-approved-forms annually. The
14 report must contain the disposition of the animals and resulting
15 penalties. Upon completion of an investigation, the
16 investigating department shall, ~~if requested,~~ may report the
17 result of the investigation to the person complaining of alleged
18 cruelty.

20 SUMMARY

22 This bill proposes technical changes to enhance the ability
23 of the Department of Agriculture, Food and Rural Resources to
24 enforce the animal welfare laws. The definition of a boarding
25 kennel is revised to enhance enforcement by removing the numeric
26 requirement for animals. An obsolete reference to the "board" is
27 removed from the definition of humane agent. The definition of
28 kennel is amended by removing the training component. Subpoena
29 authority is granted to the department to strengthen the
30 enforcement capabilities of the department. The bill changes the
31 date requiring mandatory licensing of dogs that reach 6 months of
32 age to allow a municipality to include all licensing activity on
33 its October monthly report. The bill removes language that
34 exempted certain vital information about individual dogs for a
35 kennel license. The bill clarifies that all licensed facilities
36 must be inspected prior to issuance of their initial license and
37 thereafter a minimum of once annually prior to license renewal.
38 The bill provides that a facility license may not be issued to an
39 individual convicted of a criminal violation. The many different
40 enforcement agencies carrying out investigations are required
41 under this bill to report to the department the outcome of the
42 investigations, the disposition of the animals and resulting
43 penalties. The bill also clarifies that law enforcement officers
44 and district attorneys are required to investigate and report on
45 cruelty cases. The bill also adds a definition of pet to the
46 animal welfare laws under the Maine Revised Statutes, Title 17,
47 chapter 42.