

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1435

H.P. 1072

House of Representatives, March 5, 2001

An Act to Require Licensing of Domestic Cats.

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative LAVERRIERE-BOUCHER of Biddeford.
Cosponsored by Representatives: BROOKS of Winterport, DUDLEY of Portland, LOVETT of Scarborough, Senator: TURNER of Cumberland.

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

2

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

6

8. Boarding kennel. "Boarding kennel" means any place,
building, tract of land or abode in or on which 3 or more
8 privately owned dogs, cats or other pets, ~~or both,~~ are kept at
any one time for their owners in return for a fee.

10

Sec. 2. 7 MRSA §3907, sub-§16, as amended by PL 1995, c. 490,
12 §4, is further amended to read:

14

16. Keeper. "Keeper" means a person in possession or
control of a dog, cat or other animal. A person becomes the
16 keeper of a stray domesticated animal, other than a dog or
livestock, if the person feeds that animal for at least 10
18 consecutive days.

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Sec. 3. 7 MRSA §3907, sub-§17, as amended by PL 1995, c. 409,
22 §1, is further amended to read:

24

17. Kennel. "Kennel" means one pack or collection of dogs,
cats or wolf hybrids kept in a single location under one
ownership for breeding, hunting, show, training, field trials and
26 exhibition purposes.

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Sec. 4. 7 MRSA §3907, sub-§21, as amended by PL 1993, c. 657,
30 §6, is further amended to read:

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21. Owner. "Owner" means a person owning, keeping or
32 harboring a dog, cat or other animal.

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Sec. 5. 7 MRSA §3907, sub-§28, as enacted by PL 1987, c. 383,
36 §3, is amended to read:

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28. Warrant. "Warrant" means an order of municipal officers
directing a police officer, constable, sheriff or animal control
officer to enter a complaint and summons against the owners or
40 keepers of unlicensed dogs or cats following notice of a
noncompliance with a violation of law.

42

Sec. 6. 7 MRSA c. 720, first 2 lines are repealed and
44 following enacted in their place:

46

CHAPTER 720
LICENSING AND RABIES PREVENTION FOR CATS

48

2 **Sec. 7. 7 MRSA §3918**, as enacted by PL 1997, c. 704, §6, is
repealed and the following enacted in its place:

4 **§3918. Violation**

6 **1. Civil violation.** Any person who violates any section of
this chapter except section 3916 commits a civil violation for
8 which a forfeiture not to exceed \$100 may be adjudged.

10 **2. Unlawful use of collar or tag.** Any person who removes a
cat tag or who places a collar on any cat not described on the
12 collar or for which the license is not issued commits a civil
violation for which a forfeiture of not more than \$100 may be
14 adjudged.

16 **Sec. 8. 7 MRSA §§3919 and 3920** are enacted to read:

18 **§3919. License required; issuance**

20 A cat may not be kept within the limits of the State unless
the cat has been licensed by its owner or keeper in accordance
22 with the laws of the State.

24 **1. License; on or before January 1st.** Except for cats kept
under a kennel license, each owner or keeper of a cat that is 6
26 months of age or older shall license the cat on or before January
1st of each year:

28 A. In the clerk's office of the municipality where the cat
30 is kept; or

32 B. With the dog and cat recorder in the unorganized
territory where the cat is kept or, in the absence of a duly
34 authorized recorder, in the nearest municipality or
unorganized territory with a recorder.

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

40 A. A cat reaches 6 months of age; or

42 B. A person becomes the owner or keeper of a cat that is 6
44 months of age or older.

46 **3. Proof of immunization.** A municipal clerk may not issue
a license for any cat until the applicant has filed with the
48 clerk proof that the cat has been immunized against rabies in
accordance with section 3916.

50

2 The commissioner shall adopt rules that allow the clerk and the
3 board to accept valid proof of immunization against rabies
4 provided by another state.

5 4. Form of license. The license must state the breed, sex,
6 color and markings of the cat and the name and address of the
7 owner or keeper. The license must be issued in triplicate, and
8 the original must be mailed to the board, a copy given to the
9 owner or keeper and the remaining copy retained by the municipal
10 clerk.

11 **§3920. License and recording fees**

12 1. License and recording fees. A fee of \$2.50 must be paid
13 to the municipal clerk for a license on a cat 6 months of age or
14 older that is capable of producing young. The municipal clerk
15 shall pay all fees received for cats capable of producing young
16 to the department for deposit in the Animal Welfare Fund. A cat
17 is considered capable of producing young unless:

18 A. A veterinarian issues a written certificate stating that
19 the veterinarian made the cat incapable of producing young
20 by spaying if female or by sterilization if male;

21 B. A veterinarian, upon examination, issues a written
22 certificate that the cat is incapable of producing young; or

23 C. By previous licensure, the owner has declared that the
24 cat is incapable of producing young.

25 When that certificate or previous license accompanies the
26 application, a fee of \$1 must be paid for each license, of which
27 50¢ is retained by the municipality in accordance with section
28 3945 and 50¢ is paid to the department for deposit in the Animal
29 Welfare Fund.

30 2. Cat tags. A suitable tag showing the year the license
31 is issued and bearing other data the board prescribes must be
32 given by the municipal clerk with each license and must be
33 securely attached to a collar of leather, metal or material of
34 comparable strength that must be worn at all times by the cat for
35 which the license was issued, except when used in exhibitions.
36 When the cat is in an exhibition, its owner or keeper shall
37 produce proof of licensure within 24 hours upon request by a
38 humane agent, animal control officer or law enforcement officer.

39 Sec. 9. 7 MRSA §3942, as amended by PL 1999, c. 254, §7, is
40 further amended to read:

41 **§3942. Issuance of dog and cat licenses**

2 Municipal clerks shall issue dog and cat licenses in
accordance with chapter 721, receive the license fees and pay to
4 the department \$6.50 for dogs capable of producing young and, \$1
from each license fee received for dogs incapable of producing
6 young, \$2.50 from each license fee for cats capable of producing
young and 50¢ from each license fee for cats incapable of
8 producing young. The clerks shall keep a record of all licenses
issued by them, with the names of the owners or keepers of dogs
10 and cats licensed and the sex, registered numbers and description
of all dogs and cats except those covered by a kennel license.
12 The clerks shall make a monthly report to the department on a
department-approved form of all dog and cat licenses issued and
14 fees received.

16 The clerks shall retain \$1 from each license fee received
for dogs and 50¢ from each license fee received for cats
18 incapable of producing young and use these fees in accordance
with section 3945.

20 **Sec. 10. 7 MRSA §3943, sub-§1,** as amended by PL 1999, c. 136,
22 §1, is further amended to read:

24 1. **Procedure.** Between February 1st and April 1st annually,
the municipal officers of each municipality shall issue a warrant
26 with the names and addresses of all owners or keepers of
unlicensed dogs and cats to one or more police officers,
28 constables, sheriffs or animal control officers, directing them
to send a notice of violation to the last known address of the
owners or keepers or call on the owners or keepers. The warrant
30 must further direct that demand be made on the owners or keepers
to obtain a license from the municipal clerk within 7 days from
32 the date of demand and remit to the clerk the license and
recording fees plus a late fee of \$10 for each dog and cat that
34 is licensed. Finally, the warrant must direct the police
officer, constable, sheriff or animal control officer to enter
36 summons and complaint as soon as possible for all owners or
keepers so notified who fail to comply with the order.
38

40 **Sec. 11. 7 MRSA §3943, sub-§3, ¶A,** as amended by PL 1995, c.
42 490, §13, is further amended to read:

44 A. The municipal clerk shall deposit the late fees
collected from all dog and cat owners and keepers in a
46 separate account pursuant to section 3945.

48 **Sec. 12. 7 MRSA §3946,** as amended by PL 1995, c. 490, §15, is
further amended to read:

50 **§3946. Dog and cat recorders in unorganized territories**

2 Dog and cat recorders appointed by the commissioner in
unorganized territories shall issue dog and cat licenses, receive
4 the license fees and pay them to the department. The recorders
shall keep the clerk's copy of all licenses issued by them and
6 make reports to the department on a form approved by the
department of all licenses issued and fees received. The
8 recorders shall report following each month in which licenses are
actually issued and fees are actually collected.

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SUMMARY

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This bill establishes a system to license cats that is modeled after the State's dog licensing laws. Cats capable of producing young are licensed for a \$2.50 annual fee and cats incapable of producing young are licensed for a \$1 annual fee. Municipalities are allowed to keep half of the licensing fee for cats incapable of producing young. Kennel owners are able to license cats in their care under a general kennel license.