

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1547

S.P. 483

In Senate, March 8, 2001

An Act to Amend the Animal Welfare Laws.

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 LaFOUNTAIN of York.
Cosponsored by Representative SULLIVAN of Biddeford and
Senators: ABROMSON of Cumberland, CATHCART of Penobscot, DOUGLASS of
Androscoggin, KILKELLY of Lincoln, McALEVEY of York, SMALL of Sagadahoc,
Representatives: O'NEIL of Saco, RICHARDSON of Brunswick.

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

2
4 **Sec. 1. 7 MRSA §3906-B, sub-§4.** as amended by PL 1997, c. 690,
§2, is further amended to read:

6 **4. Training and certification of animal control officers.**
8 The commissioner shall develop a program to train animal control
10 officers. This program must include training in investigation of
12 complaints of cruelty to animals, training in response to calls
14 concerning animals suspected of having rabies and training in
enforcement of dog licensing laws and rabies immunization laws.
The commissioner shall certify all animal control officers who
complete the training program.

16 Certification of eligibility may be renewed annually as long as
18 the animal control officer completes at least 4 hours of
20 classroom training approved by the commissioner each year.

22 **Sec. 2. 7 MRSA §3906-B, sub-§4.** as amended by PL 1997, c. 690,
24 §2, is further amended to read:

26 **4. Training and certification of animal control officers.**
28 The commissioner shall develop a program to train animal control
30 officers. This program must include training in investigation of
32 complaints of cruelty to animals, training in response to calls
34 concerning animals suspected of having rabies and training in
36 enforcement of dog licensing laws and rabies immunization laws.
38 The commissioner shall certify all animal control officers who
complete the training program.

40 In addition to the training and certification requirements of
42 this subsection, an animal law enforcement officer must also
44 successfully complete the preservice law enforcement training
46 requirements in Title 25, section 2804-B and the in-service law
48 enforcement training requirements in Title 25, section 2804-E in
50 order to have the power to make arrests or to carry a firearm.
An animal law enforcement officer is exempt from Title 25,
section 2804-C.

52 **Sec. 3. 7 MRSA §3907, sub-§1-A.** as amended by PL 1993, c. 657,
54 §1, is further amended to read:

56 **1-A. Abandoned animal.** "Abandoned dog animal" means a dog
58 an animal that has been deserted by its owner or keeper.

60 **Sec. 4. 7 MRSA §3907, sub-§4-A** is enacted to read:

62 **4-A. Animal law enforcement officer.** "Animal law
64 enforcement officer" means a person meeting the training
66 requirements of section 3906-B, subsection 4 appointed
68 periodically by a municipality pursuant to chapter 725.

2 **Sec. 5. 7 MRSA §3907, sub-§12-E** is enacted to read:

4 12-E. Exotic animal. "Exotic animal" means an animal of
5 foreign nature or character, not native, introduced from abroad,
6 but not fully naturalized or acclimatized.

8 **Sec. 6. 7 MRSA §3907, sub-§15**, as repealed and replaced by PL
10 1991, c. 779, §14, is amended to read:

12 15. Humane agent. "Humane agent" means an employee or an
13 intermittent employee of the department or--an--intermittent
14 employee-of-the-board who assists-in-enforcing-this-Part enforces
15 or assists in enforcement of animal welfare laws. A humane agent
16 has the authority to enforce animal welfare laws statewide.

18 **Sec. 7. 7 MRSA §3909, sub-§3**, as enacted by PL 1999, c. 254,
19 §2, is repealed and the following enacted in its place:

20 3. Education requirement; management. All humane agents
21 shall attend and successfully complete the preservice law
22 enforcement training requirements in Title 25, section 2804-B.
23 Humane agents are exempt from section Title 25, 2804-C.

24 Certification of eligibility may be renewed annually as long as
25 the humane agent completes at least 8 hours of classroom training
26 approved by the commissioner each year.

28 **Sec. 8. 7 MRSA §3913, sub-§4**, as amended by PL 1997, c. 690,
30 §11, is further amended to read:

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

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

40 B. Otherwise dispose of the dog humanely in accordance with
41 Title 17, chapter 42, subchapter IV. Except as provided in
42 this section, an animal shelter must hold a dog at least 8
43 days before euthanasia.

44 ~~Notwithstanding--this--subsection,--ownership--of--a--dog--for--the~~
45 ~~purposes--of--adoption--is--immediately--vested--in--an--animal--shelter~~
46 ~~if--the--animal--shelter--makes--a--determination--that--the--dog--is~~
47 ~~obviously--abandoned.--An--obviously--abandoned--dog--does--not--include~~
48 ~~a--dog--roaming--at--large.~~

50

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

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

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

16 **Sec. 9. 7 MRSA §3913, sub-§§6 and 7,** as amended by PL 1997, c.
690, §11, are repealed.

18 **Sec. 10. 7 MRSA §3923-A, sub-§§1 and 2,** as amended by PL 1997,
20 c. 690, §15, are further amended to read:

22 **1. Dogs or wolf hybrids capable of producing young.** A dog
or wolf hybrid owner or keeper shall pay a fee of ~~\$7.50~~ \$20.00 to
24 the municipal clerk for each dog or wolf hybrid 6 months of age
or older and capable of producing young. A dog or wolf hybrid is
26 considered capable of producing young unless certification under
subsection 2 is provided.

28 The clerk shall retain \$1 as a recording fee, designate \$12.50 to
contribute to the municipality's animal control account
30 established in accordance with section 3945 and pay the remaining
\$6.50 to the department for deposit in the Animal Welfare Fund.

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

40 A. A written certificate issued by a veterinarian stating
that the veterinarian has neutered the dog or wolf hybrid;

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

48 C. A previous license stating that the dog or wolf hybrid
is incapable of producing young.

50

2 The clerk shall retain \$1 as a recording fee, deposit \$2 ~~\$4~~ in
the municipality's animal welfare account established in
4 accordance with section 3945 and pay the remaining \$1 to the
department for deposit in the Animal Welfare Fund.

6 **Sec. 11. 7 MRSA §3923-C, sub-§2-A,** as amended by PL 1997, c.
690, §18, is further amended to read:

8
10 **2-A. License fees.** A kennel owner shall pay a fee of ~~\$21~~
~~\$51~~ to the municipal clerk for each license to keep dogs. A
12 license is needed only for dogs 6 months of age or older. A
kennel owner may not keep more than 10 dogs per license. The
14 clerk shall retain \$1 as a recording fee and forward ~~\$5~~ ~~\$35~~
to the municipality's animal welfare account established pursuant to
section 3945 and \$15 to the Animal Welfare Fund.

16
18 **Sec. 12. 7 MRSA §3924,** as amended by PL 1997, c. 690, §23, is
further amended to read:

20 **§3924. Violation**

22 **1. Civil violation.** Any person who violates any section of
this chapter commits a civil violation for which a forfeiture of
24 not ~~to exceed~~ less than \$100 nor more than \$250 may be adjudged.

26 **2. Unlawful use of collar or tag.** A person who removes a
tag or who places a tag on a dog for which the license was not
28 issued commits a civil violation for which a forfeiture of not
~~more~~ less than \$100 nor more than \$250 may be adjudged.

30
32 **Sec. 13. 7 MRSA §3947,** as amended by PL 1997, c. 690, §28, is
further amended to read:

34 **§3947. Animal control officers; animal law enforcement officers**

36 Each municipality shall appoint one or more animal control
officers or animal law enforcement officers whose duties are
38 enforcement of ~~sections 3911, 3912, 3916, 3921, 3924, 3943, 3948,~~
~~3950, 3950-A, 3952 and 4041 and Title 17, section 1023 responding~~
40 ~~to reports of animals suspected of having rabies in accordance~~
~~with Title 22, sections 1313 and 1313-A~~ all applicable animal
42 welfare laws and such other duties to control animals as the
municipality may require.

44
46 A municipality may not appoint a person who has been
convicted of a felony or of a criminal violation under Title 17,
chapter 42 or has been adjudicated of a civil violation for
48 cruelty to animals under chapter 739 to the position of animal
control officer or animal law enforcement officer.

50

2 Animal control officers must be certified in accordance with
3 section 3906-B, subsection 4, or in the case of an animal law
4 enforcement officer in accordance with section 3906-B, subsection
5 4-A. The municipal officers may prohibit an animal law
6 enforcement officer from making arrests or carrying a firearm.
7 An animal law enforcement officer may not make arrests or carry a
8 firearm unless the animal law enforcement officer has
9 successfully completed the training requirements prescribed in
10 Title 25, sections 2804-B and 2804-E. Upon initial appointment,
11 an animal control officer must complete training and be certified
12 by the commissioner within 6 months of appointment.

13
14 Upon appointment of an animal control officer or animal law
15 enforcement officer, municipal clerks shall notify the
16 commissioner of the name, address and telephone number of the
17 animal control officer or animal law enforcement officer.

18 **Sec. 14. 7 MRSA §3948,** as amended by PL 1997, c. 690, §§29 to
19 31, is repealed and the following enacted in its place:

20 **§3948. Animal control**

21
22 A municipality shall control animals that are a cause of
23 complaint in the community. A municipality shall control animals
24 that pose a threat to public health or safety. A municipality
25 may control undomesticated animals or exotic animals in matters
26 on which no other department is charged by law to regulate.

27
28
29 **Sec. 15. 7 MRSA §3950-A, first ¶,** as amended by PL 1997, c.
30 690, §33, is further amended to read:

31
32 Any mayor, municipal officer, clerk, town or city manager,
33 administrative assistant to the mayor, town or city councilor,
34 dog recorder of unorganized territories, constable, police
35 officer, sheriff ~~or,~~ animal control officer, animal law
36 enforcement officer or humane agent who refuses or intentionally
37 fails to perform the duties imposed by ~~chapters 719, 720, 721,~~
38 ~~725 and 727 and by this chapter~~ applicable animal welfare laws
39 commits a civil violation for which a forfeiture of not less than
40 \$50 \$250 nor more than ~~\$250~~ \$500 and costs may be adjudged.

41
42 **Sec. 16. 7 MRSA §3952, first ¶,** as enacted by PL 1999, c. 350,
43 §2, is amended to read:

44
45 A person who owns or keeps a dangerous dog commits a civil
46 violation for which a forfeiture of not less than \$250 nor
47 more than \$1,000, plus costs, may be adjudged.

2 **Sec. 17. 7 MRSA §3952, sub-§§1 and 3**, as amended by PL 1999, c.
350, §2, are further amended to read:

4 **1. Procedure.** Any person who is assaulted by a dog or any
5 person witnessing an assault against a person or domesticated
6 animal or a person with knowledge of an assault against a minor,
7 within 30 days of the assault, may make written complaint to the
8 sheriff, local law enforcement officer or animal control officer
that the dog is a dangerous dog.

10 Upon investigation of the complaint, the sheriff, local law
11 enforcement officer or animal control officer may issue a civil
12 violation summons for keeping a dangerous dog.

14 If, ~~upon hearing,~~ the court finds that the dog is a dangerous
15 dog, the court may impose a civil forfeiture and shall:

18 A. Order the dog muzzled, restrained, confined to the
19 premises of its owner or keeper or confined in a secure
20 enclosure. The court may set standards for that enclosure;
21 or

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

26 The court shall order restitution for any damages inflicted upon
27 people or their property.

30 **3. Dogs presenting immediate threat to public; temporary**
31 **custody.** After issuing a summons ~~and before hearing,~~ if the dog
32 poses an immediate or continuing threat to the public, a sheriff,
33 local law enforcement officer ~~or~~ animal control officer or
34 animal law enforcement officer shall order the owner or keeper of
35 the dog to muzzle, restrain or confine the dog to the owner's
36 premises or to have the dog confined at the owner's expense at a
37 place determined by the sheriff, local law enforcement officer
38 ~~or~~ animal control officer or animal law enforcement officer. If
39 the owner or keeper fails to comply, the sheriff, local law
40 enforcement officer ~~or~~ animal control officer or animal law
41 enforcement officer may apply to District Court, Superior Court
42 or a justice of the peace for an ex parte order for authorization
43 to take possession of the dog that poses an immediate or
44 continuing threat to the public and turn the dog over to the
45 applicant or other suitable person.

46 If the owner or keeper of the dog violates the written order,
47 issued by the sheriff, law enforcement officer, animal control
48 officer or animal law enforcement officer, to either muzzle,
49 restrain or confine the dog to the owner's or keeper's premises,
50

2 then the sheriff, law enforcement officer, animal control officer
3 or animal law enforcement officer may take temporary custody of
4 the dog without a court order and place the dog in a licensed
5 animal shelter for a period of 48 hours. If after 72 hours the
6 owner does not claim the dog from temporary custody, the shelter
7 is authorized to dispose of the dog by the means provided in
8 section 3913, subsection 4, paragraphs A and B.

9
10 A person found guilty of violating this subsection commits a
11 civil violation for which a forfeiture of not less than \$250 nor
12 more than \$1,000 may be adjudged.

13
14 **Sec. 18. 7 MRSA §4011, sub-§1-A,** as enacted by PL 1995, c.
15 490, §21, is amended to read:

16 **1-A. Animal cruelty.** Except as provided in paragraphs A
17 and B, a person is guilty of cruelty to animals if that person,
18 without legal right or privilege, kills or attempts to kill a ~~eat~~
19 ~~or~~ dog an animal.

20
21 A. A licensed veterinarian or a person certified under
22 Title 17, section 1042 may kill a ~~eat~~ ~~or~~ ~~dog~~ an animal
23 according to the methods of euthanasia under Title 17,
24 chapter 42, subchapter IV.

25
26 B. A person who owns a ~~eat~~ ~~or~~ ~~dog~~ an animal, or the owner's
27 agent, may kill that owner's ~~eat~~ ~~or~~ ~~dog~~ animal by shooting
28 with a firearm provided the following conditions are met.

29
30 (1) The shooting is performed by a person 18 years of
31 age or older using a weapon and ammunition of suitable
32 caliber and other characteristics to produce
33 instantaneous--death-by--a--single--shot death without
34 causing undue suffering to the animal. As used in this
35 subparagraph, "undue suffering" means pain, distress or
36 injury.

37 ~~(2)--Death-is-instantaneous.~~

38
39 (3) Maximum precaution is taken to protect the general
40 public, employees and other animals.

41
42 (4) Any restraint of the ~~eat~~ ~~or~~ ~~dog~~ animal during the
43 shooting does not cause undue suffering to the ~~eat~~ ~~or~~
44 ~~dog~~ animal.

45
46 (5) The killing of livestock by means of normal and
47 accepted practices for the purpose of food consumption
48 does not constitute a violation of this section.

49
50

2 **Sec. 19. 7 MRSA §4013, sub-§2**, as enacted by PL 1987, c. 383,
§3, is amended to read:

4 **2. Water.** If potable water is not accessible to the animal
at all times, it ~~shall~~ must be provided daily and in sufficient
6 quantity for the health of the animal. Snow or ice is not an
adequate water source.

8 **Sec. 20. 7 MRSA §4014**, as enacted by PL 1987, c. 383, §3, is
10 amended to read:

12 **§4014. Reasonably necessary medical attention**

14 No A person owning or responsible for confining or
impounding any animal may not fail to supply the animal with
16 reasonably necessary medical attention when the animal is or has
been suffering from illness, injury, disease, excessive
18 parasitism or malformed or overgrown hoof. As used in this
section, "reasonably necessary medical attention" means medical
20 attention necessary to keep the animal stabilized and comfortable.

22 **1. Owner known.** If the animal is wearing identification
and the owner or keeper is known, the owner or keeper must be
24 immediately notified and is responsible for making further
medical decisions. If within 24 hours the owner or keeper fails
26 to claim the animal, the humane agent, animal control officer,
animal law enforcement officer or animal shelter, in consultation
28 with a veterinarian, shall determine the appropriate medical
services to provide to the animal.

30 **2. Owner unknown.** If the animal is not wearing
identification and the owner or keeper is not known, the humane
32 agent, animal control officer, animal law enforcement officer or
animal shelter, in consultation with a veterinarian, shall
34 determine the appropriate medical services to provide to the
36 animal.

38 **3. Disposition of unclaimed animals.** If after 72 hours the
owner or keeper fails to claim an animal after having been
40 notified, the animal is designated as abandoned by its owner or
keeper. The veterinarian or shelter may:

42 A. Sell or give the animal away but not to a research
44 facility; or

46 B. Otherwise dispose of the animal humanely in accordance
48 with Title 17, chapter 42, subchapter IV.

50 **4. Immunity from civil liability.** A humane agent, animal
control officer, animal law enforcement officer, veterinarian or

2 animal shelter is not civilly liable to any party for action
3 taken in accordance with this section.

4 **Sec. 21. 7 MRSA §4018** is enacted to read:

6 **§4018. Investigation and enforcement of cases**

8 **1. Investigation and enforcement.** Sheriffs, deputy
9 sheriffs, police officers, constables, animal control officers,
10 animal law enforcement officers and humane agents shall
11 investigate and enforce cases of cruelty to animals.

12 **Sec. 22. 17 MRSA §1011, sub-§4-A** is enacted to read:

14 **4-A. Animal law enforcement officer.** "Animal law
15 enforcement officer" means the person meeting the training
16 requirements of Title 7, section 3906-B, subsection 4 appointed
17 periodically by a municipality pursuant to Title 7, chapter 725.

18 **Sec. 23. 17 MRSA §1011, sub-§15,** as repealed and replaced by
19 PL 1991, c. 779, §44, is amended to read:

20 **15. Humane agent.** "Humane agent" means an employee of the
21 Department of Agriculture, Food and Rural Resources or an
22 intermittent employee of the board who assists in enforcing this
23 chapter enforces or assists in enforcement of animal welfare
24 laws. A humane agent has the authority to enforce animal welfare
25 laws statewide.

26 **Sec. 24. 17 MRSA §1021, sub-§5-A,** as amended by PL 1995, c.
27 490, §24, is further amended to read:

28 **5-A. Seizure by state humane agent, veterinarian or animal**
29 **law enforcement officer without court order.** A state humane
30 agent of a state, veterinarian or animal law enforcement officer
31 who has reasonable cause to believe that a violation of section
32 1031 or 1032 has taken place or is taking place may take
33 possession of the cruelly treated animal. Upon taking possession
34 of an animal under this section, the humane agent of the state,
35 veterinarian or animal law enforcement officer shall present the
36 owner with a notice that:

37 A. States the reason for seizure;

38 B. Gives the name, address and phone number of the humane
39 agent of the state, veterinarian or animal law enforcement
40 officer to contact for information regarding the animal; and

41 C. Advises the owner of the ensuing court procedure.

2 If the owner can not be found, the humane agent ~~of the state,~~
3 veterinarian or animal law enforcement officer shall send a copy
4 of the notice to the owner at the owner's last known address by
5 certified mail, return receipt requested. If the owner is not
6 known or can not be located, the humane agent ~~of the state,~~
7 veterinarian or animal law enforcement officer shall contact the
8 animal shelter or shelters used by the municipality in which the
9 animal was found. The humane agent ~~of the state,~~ veterinarian or
10 animal law enforcement officer shall provide the shelter with a
11 description of the animal, the date of seizure and the name of a
12 person to contact for more information.

13 Within 3 working days of possession of the animal, the humane
14 agent ~~of the state,~~ veterinarian or animal law enforcement
15 officer shall apply to the court for a possession order. The
16 court shall set a hearing date and that hearing date must be
17 within 10 days of the date the animal was seized. The humane
18 agent ~~of the state,~~ veterinarian or animal law enforcement
19 officer shall arrange care for the animal, including medical
20 treatment, if necessary, pending the hearing.

21 The humane agent ~~of the state,~~ veterinarian or animal law
22 enforcement officer shall notify the owner, if located, of the
23 time and place of the hearing. If the owner has not been
24 located, the court shall order a notice to be published at least
25 once in a newspaper of general circulation in the county where
26 the animal was found stating the case and circumstances and
27 giving 48 hours notice of the hearing.

28 It is the owner's responsibility at the hearing to show cause why
29 the animal should not be seized permanently or disposed of
30 humanely. If it appears at the hearing that the animal has been
31 cruelly abandoned or cruelly treated by its owner, the court
32 shall declare the animal forfeited and order its sale, adoption
33 or donation or order the animal to be disposed of humanely if a
34 veterinarian determines that the animal is diseased or disabled
35 beyond recovery.

36
37
38 **Sec. 25. 17 MRSA §1023**, as amended by PL 1997, c. 690, §§66
39 and 67, is further amended to read:

40
41 **§1023. Investigation and enforcement of cases**

42
43 **1. Investigation and enforcement.** Sheriffs, deputy
44 sheriffs, police officers, constables, animal control officers,
45 animal law enforcement officers and humane agents shall
46 investigate and enforce cases of cruelty to animals ~~coming to~~
47 ~~their attention and report them to the Department of Agriculture,~~
48 ~~Feed and Rural Resources on department approved forms.~~ Upon
49 completion ~~of an investigation, the department shall, if~~

requested, ~~report the result of the investigation to the person~~
complain~~ing of alleged cruelty.~~

4 **Sec. 26. 17 MRSA §1031, sub-§1-A**, as amended by PL 1999, c.
481, §1, is further amended to read:

6 **1-A. Animal cruelty.** Except as provided in paragraphs A
8 and B, a person is guilty of cruelty to animals if that person,
10 without legal right or privilege, intentionally, knowingly or
recklessly kills or attempts to kill a ~~cat or dog~~ an animal.

12 A. A licensed veterinarian or a person certified under
14 section 1042 may kill a ~~cat or dog~~ an animal according to
the methods of euthanasia under chapter 42, subchapter IV.

16 B. A person who owns a ~~cat or dog~~ an animal, or the owner's
18 agent, may kill that owner's ~~cat or dog~~ animal by shooting
with a firearm provided the following conditions are met.

20 (1) The shooting is performed by a person 18 years of
22 age or older using a ~~weapon~~ firearm and ammunition of
suitable caliber and other characteristics to produce
24 ~~instantaneous death by a single shot~~ death without
causing undue suffering to the animal. As used in this
26 subparagraph, "undue suffering" means pain, distress or
injury.

28 ~~(2) Death is instantaneous.~~

30 (3) Maximum precaution is taken to protect the general
32 public, employees and other animals.

34 (4) Any restraint of the ~~cat or dog~~ animal during the
shooting does not cause undue suffering to the animal.

36 (5) The killing of livestock by means of normal and
38 accepted practices for the purpose of food consumption
does not constitute a violation of this section.

40 **Sec. 27. 17 MRSA §1032**, as amended by PL 1999, c. 481, §2, is
42 further amended by adding at the end a new paragraph to read:

44 The killing of birds by means of normal and accepted
practices for the purpose of food consumption or hunting does not
46 constitute a violation of this section.

48 **Sec. 28. 17 MRSA §1036**, as amended by PL 1999, c. 254, §24,
is further amended to read:

50 **§1036. Reasonably necessary medical attention**

2 A person owning or responsible for confining or impounding
4 any animal may not fail to supply the animal with reasonably
6 necessary medical attention when the animal is or has been
8 suffering from illness, injury, disease, excessive parasitism or
10 malformed or overgrown hoof. As used in this section,
"reasonably necessary medical attention" means medical attention
necessary to keep the animal stabilized and comfortable. Failure
to provide reasonably necessary medical attention is a Class D
crime.

12 1. Owner known. If the animal is wearing identification
14 and the owner or keeper is known, the owner or keeper must be
16 immediately notified and is responsible for making further
18 medical decisions. If within 24 hours the owner or keeper fails
20 to claim the animal, the humane agent, animal control officer,
animal law enforcement officer or animal shelter, in consultation
with a veterinarian, shall determine the appropriate medical
services to provide to the animal.

22 2. Owner unknown. If the animal is not wearing
24 identification and the owner or keeper is not known, the humane
26 agent, animal control officer, animal law enforcement officer or
animal shelter, in consultation with a veterinarian, shall
determine the appropriate medical services to provide to the
animal.

28 3. Disposition of unclaimed animals. If after 72 hours the
30 owner or keeper fails to claim an animal after having been
32 notified, the animal is designated as abandoned by its owner or
keeper. The veterinarian or shelter may:

34 A. Sell or give the animal away but not to a research
facility; or

36 B. Otherwise dispose of the animal humanely in accordance
38 with chapter 42, subchapter IV.

40 4. Immunity from civil liability. A humane agent, animal
42 control officer, animal law enforcement officer, veterinarian or
animal shelter is not civilly liable to any party for
authorization made in accordance with this section.

44 **Sec. 29. 17 MRSA §1043**, as enacted by PL 1987, c. 383, §4, is
46 amended to read:

48 **§1043. Emergency euthanasia of animals**

50 The following methods shall may be used only in an emergency
situation in which the safety of people or other animal life is

2 threatened or in a situation in which the mandatory method of
euthanasia of ~~eats--and--degs~~ the animal cannot be implemented
4 expeditiously and will cause the animal undue suffering. The
following methods shall may not be used as a substitute for the
6 mandatory method.

8 **1. Shooting.** The animal may be destroyed by shooting,
~~provided-that~~ as long as:

10 A. The animal is restrained in a humane manner;

12 B. Shooting is performed by ~~highly--skilled--and--trained~~
~~personnel--utilizing--a--weapon--and--ammunition--of--suitable~~
14 ~~ealiber--and--ether--characteristics--to--produce--instantaneous~~
~~death--by--a--single--shot~~ an animal law enforcement officer or
16 animal control officer who has received firearms instruction
18 on the proper use and discharge of the firearm assigned from
a certified Maine Criminal Justice Academy firearms
instructor; and

20 C. Maximum precaution is taken to protect the general
22 public, employees and other animals.

24 **2. Immunity from civil liability.** An animal control
officer, humane agent, veterinarian, animal law enforcement
26 officer or law enforcement officer is not civilly liable to any
party for action taken in accordance with this section.

28 **Sec. 30. Training requirements.** Pursuant to the Maine Revised
30 Statutes, Title 7, section 3909, subsection 3, a humane agent
32 hired prior to the effective date of this Act shall attend and
successfully complete the preservice law enforcement training
34 requirements in Title 25, section 2804-B by January 1, 2002.

36 SUMMARY

38 1. This bill makes the following changes to the Maine
Revised Statutes, Title 7.

40 A. It requires animal control officers to receive 4 hours
42 of training each year.

44 B. It creates the position of animal law enforcement
officer.

46 C. It amends the definition of an "abandoned dog" to an
48 "abandoned animal."

50 D. It defines the training requirements of an animal law
enforcement officer and defines the duties of humane agents.

- 2 E. It requires all humane agents to receive 100 hours of
initial training in a recognized enforcement program and 8
4 hours of training, annually, in subsequent years.
- 6 F. It repeals section 3913, subsection 6 language
pertaining to euthanasia for severely sick, injured or
8 extremely vicious dogs and replaces section 3948.
- 10 G. It increases the amount and distribution of fees for
dogs capable and incapable of producing young.
12
- 14 H. It increases the fees for kennel licenses.
- 16 I. It authorizes municipalities to appoint animal law
enforcement officers; replaces reference to several animal
welfare chapters with the term "all applicable animal
18 welfare laws"; prohibits the appointment of an animal
control officer or animal law enforcement officer who
20 commits a felony or criminal violation; and authorizes a
municipal official to prohibit an animal law enforcement
22 officer from carrying a firearm or utilizing arrest powers.
- 24 J. It clarifies municipalities' duties in regards to the
control of animals.
26
- 28 K. It makes humane agents and animal law enforcement
officers responsible for enforcing animal welfare laws.
- 30 L. It amends the dangerous dog statute and enables the
animal control officer, animal law enforcement officer or
32 law enforcement officer to take temporary custody of a
dangerous animal.
34
- 36 M. It clarifies who is responsible for investigating and
reporting cases of cruelty.
- 38 N. It replaces reference to "cat or dog" in the animal
cruelty statutes with "animal."
40
- 42 O. It clarifies that snow and ice are not adequate sources
of water.
- 44 P. It defines and creates a process for making decisions
regarding "reasonably necessary" medical attention and
46 euthanasia of animals.
- 48 2. This bill also makes the following changes to the Maine
Revised Statutes, Title 17.
50

- 2 A. It adds the definition of "animal law enforcement
officer" and redefines "humane agent."
- 4 B. It amends the possession of animal statutes to include
6 animal law enforcement officers.
- 8 C. It repeals the reporting requirement to the Department
10 of Agriculture, Food and Rural Resources regarding cases of
cruelty to animals and clarifies who will investigate and
enforce cruelty cases.
- 12 D. It clarifies the process for killing of an animal.
- 14 E. It clarifies that the killing of birds for accepted
16 practices, such as food consumption or hunting, is not a
violation of the cruelty to birds statutes.
- 18 F. It defines "reasonably necessary medical attention."
- 20 G. It states when emergency euthanasia may be used.