

# MAINE STATE LEGISLATURE

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L.D. 1695

DATE: 5-25-01

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AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1260, L.D. 1695, Bill, "An Act to Clarify, Enhance and Strengthen the Animal Welfare Laws of Maine"

Amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, an active Animal Welfare Advisory Council is vital to the functioning of the animal welfare laws and rules; and

Whereas, the Commissioner of Agriculture, Food and Rural Resources is seeking the assistance of the council in making revisions to the animal welfare laws and rules; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 5 MRSA §12004-I, sub-§2-C, as enacted by PL 1991, c. 779, §2, is amended to read:

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2-C. Animal Wel- Expenses 7 MRSA  
Agriculture fare Advisory Only §3906-C  
Committee  
Council

Sec. 2. 7 MRSA §3906-B, sub-§15, as enacted by PL 1995, c. 502, Pt. C, §12, is amended to read:

15. Annual report. The commissioner shall report the activities of the commissioner annually by March 1st to the joint standing committee of the Legislature having jurisdiction over agricultural matters. This report must include a summary of cases of cruelty to animals investigated by the commissioner, a summary of final dispositions of those cases and an account of deposits into and payments from the spaying and neutering fund.

Sec. 3. 7 MRSA §3906-C, as amended by PL 1995, c. 502, Pt. C, §13, is repealed and the following enacted in its place:

§3906-C. Animal Welfare Advisory Council

The Animal Welfare Advisory Council, as established by Title 5, section 12004-I, subsection 2-C and referred to in this section as the "council," shall advise the commissioner on matters pertaining to animal welfare.

1. Membership. The council consists of 11 members appointed by the Governor as follows:

A. One member representing municipal interests;

B. One animal control officer;

C. One member representing licensed animal shelters;

D. One member representing licensed boarding or breeding kennels;

E. One member representing licensed pet shops;

G. One member who is or has been a veterinarian licensed to practice in the State;

H. One member who represents the interests of the public in animal welfare, generally;

I. One attorney with experience in animal welfare law;

J. One cooperative extension agent or specialist;

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- 2           K. One member with expertise in equine care; and
- 4           L. One member with expertise in livestock representing a  
statewide farming organization.

6           In making the appointment of the veterinarian member, the  
8           Governor shall consider nominations made by the Maine Veterinary  
          Medical Association.

10           2. State member; staff. The commissioner or the  
12           commissioner's designee serves as an ex officio nonvoting member.  
14           The department shall provide necessary staffing services to the  
          council.

16           3. Compensation. Members of the council are entitled to  
          travel and meal expenses only.

18           4. Terms of office. Except for initial appointees and the  
20           commissioner or the commissioner's designee, each member serves  
22           for a term of 3 years or until the member's successor has  
24           qualified. Except for the commissioner or the commissioner's  
          designee, a member may not serve more than 2 consecutive terms.  
26           In the case of a vacancy for any reason, the Governor shall  
          appoint a member representing the same interest to fill the  
          unexpired term.

28           5. Initial terms of office. Initially, 4 appointed members  
30           serve for one year, 4 members serve for 2 years and 3 members  
          serve for 3 years.

32           6. Administration; meetings. The council shall elect one  
34           of its members as chair. The chair serves for a 2-year period  
          and may not serve as chair for consecutive 2-year periods.

36           The council shall hold regular public meetings every other month  
38           but may waive by majority vote a succeeding meeting. The chair  
40           shall call special meetings of the council whenever requested in  
          writing by 2 or more members. The council shall send notice and  
          minutes of the meetings to the joint standing committee of the  
          Legislature having jurisdiction over animal welfare matters.

42           7. Duties. The council shall perform the following duties:

44           A. Review and advise the commissioner on proposed revisions  
46           to the animal welfare laws and rules;

48           B. Assist the commissioner in the continuing implementation  
          and evaluation of the animal welfare laws and rules;

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2 C. Review training programs for humane agents and animal  
4 control officers and make recommendations for training  
appropriate to the duties of the humane agents and animal  
control officers;

6 D. Research options for increasing revenue to the Animal  
8 Welfare Fund to ensure funding for the implementation and  
10 enforcement of the animal welfare laws and rules,  
periodically evaluate the adequacy of funding for those laws  
and rules and make recommendations to the commissioner; and

12 E. Advise the commissioner on other matters related to the  
14 animal welfare laws and rules.

16 **Sec. 4. 7 MRSA §3907, sub-§12-D,** as enacted by PL 1999, c.  
350, §1, is amended to read:

18 **12-D. Dangerous dog.** "Dangerous dog" means a dog that  
20 bites an individual who is not trespassing on the dog owner's or  
keeper's premises at the time of the bite or a dog that causes a  
22 reasonable and prudent person who is not on the dog owner's or  
keeper's premises and is acting in a reasonable and nonaggressive  
24 manner to fear imminent bodily harm injury by attaeking  
assaulting or threatening to attaek assault that individual or  
26 individual's domestic animal. "Dangerous dog" does not include a  
dog certified by the State and used for law enforcement use.

28 For the purposes of this definition, "dog owner's or keeper's  
30 premises" means the residence or residences, including buildings  
and land and motor vehicles, belonging to the owner or keeper of  
the dog.

32 **Sec. 5. 7 MRSA §3952, sub-§1,** as amended by PL 1999, c. 350,  
34 §2, is further amended to read:

36 **1. Procedure.** Any person who is assaulted or threatened  
38 with imminent bodily injury by a dog or any person witnessing an  
assault or threatened assault against a person or domesticated  
40 animal or a person with knowledge of an assault or threatened  
assault against a minor, within 30 days of the assault or  
42 threatened assault, may make written complaint to the sheriff,  
local law enforcement officer or animal control officer that the  
44 dog is a dangerous dog.

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

48 If, upon hearing, the court finds that the dog is a dangerous dog  
50 as defined in section 3907, subsection 12-D, the court may impose  
a civil forfeiture and shall:

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

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

10 The court may order restitution in accordance with Title 17-A,  
12 chapter 54 for any damages inflicted upon a person or a person's  
14 property.

16 **Sec. 6. 25 MRSA §1544, 2nd ¶**, as amended by PL 1997, c. 47,  
§1, is further amended to read:

18 The bureau shall establish a category for abuse by adults of  
family or household members, a category for cruelty to animals  
20 and a category for crimes that manifest evidence of prejudice  
based on race, religion, disability, sexual orientation or  
22 ethnicity that are supplementary to its other reported  
information. The bureau shall prescribe the information to be  
24 submitted in the same manner as for all other categories of the  
uniform crime reports.

26 **Sec. 7. Application.** That section of this Act that repeals  
28 and replaces the Maine Revised Statutes, Title 7, section 3906-C,  
subsection 1, changing the composition of the Animal Welfare  
30 Advisory Committee, must be fully implemented no later than  
September 1, 2001.

32 **Sec. 8. Report by Commissioner of Agriculture, Food and Rural**  
34 **Resources to Joint Standing Committee on Agriculture, Conservation and**  
**Forestry.** Before January 1, 2002, the Commissioner of  
36 Agriculture, Food and Rural Resources, in consultation with the  
Animal Welfare Advisory Council, shall submit recommendations  
38 regarding funding and implementation of the Department of  
Agriculture, Food and Rural Resources's responsibilities  
40 regarding animal welfare laws and rules and legislation necessary  
to implement the recommendations to the Joint Standing Committee  
42 on Agriculture, Conservation and Forestry. The Joint Standing  
Committee on Agriculture, Conservation and Forestry may report  
44 out legislation during the Second Regular Session of the 120th  
Legislature to make revisions to the animal welfare laws.

46 **Emergency clause.** In view of the emergency cited in the  
48 preamble, this Act takes effect when approved.'

Further amend the bill by inserting at the end before the summary the following:

**FISCAL NOTE**

The Department of Agriculture, Food and Rural Resources will incur some minor additional costs to provide staffing for the Animal Welfare Advisory Committee, to reimburse committee members for expenses and to submit a required report to the Legislature. These costs can be absorbed within the department's existing budgeted resources.

The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may increase municipal revenue by minor amounts.'

**SUMMARY**

This amendment replaces the original bill. It establishes a new Animal Welfare Advisory Council to replace the current Animal Welfare Advisory Committee. It requires the annual report of the Commissioner of Agriculture, Food and Rural Resources to include a summary of the final disposition of cases of animal cruelty investigated by the Department of Agriculture, Food and Rural Resources. It clarifies that the procedure for enforcing the dangerous dog statute applies to a dog that threatens assault. It requires the Bureau of Identification within the Department of Public Safety to establish a category for the reporting of cruelty to animals. It requires the commissioner and the Animal Welfare Advisory Council to report to the Joint Standing Committee on Agriculture, Conservation and Forestry before January 1, 2002 with recommendations for funding and revisions to the animal welfare laws and the legislation necessary to implement those recommendations. It authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to report out legislation. It also adds a fiscal note to the bill.