

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 2141

H.P. 1638

House of Representatives, February 27, 2002

**An Act to Amend the Animal Welfare Laws and Increase Funding for
Animal Welfare.**

Reported by Representative McKEE for the Joint Standing Committee on Agriculture,
Conservation and Forestry pursuant to Public Law 2001, chapter 399, section 8.

Reference to the Joint Standing Committee on Agriculture, Conservation and Forestry
suggested and printing ordered under Joint Rule 218.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

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

2
4 **Sec. 1. 7 MRSA §3902**, as enacted by PL 1987, c. 383, §3, is amended to read:

6 **§3902. Purposes; comprehensive program**

8 The primary legislative purposes of this Act are to provide for the licensing of dogs and the humane and proper treatment of animals. To ensure the humane and proper treatment of animals, the commissioner shall develop, implement and administer a comprehensive program that upholds the animal welfare laws of the State through communication, education and enforcement.

14 **Sec. 2. 7 MRSA §3910**, as enacted by PL 1987, c. 383, §3, is repealed.

18 **Sec. 3. 7 MRSA §3910-A** is enacted to read:

20 **§3910-A. Forfeitures and surcharge**

22 1. Forfeitures. Unless otherwise provided, any court in this State shall collect fines or forfeitures imposed for violations of this Part and pay the fine or forfeiture into the treasury of the municipality where the offense or violation was committed. The municipal clerk shall deposit and expend fines and forfeitures received in accordance with section 3945.

28 2. Surcharge imposed. A surcharge of 10% or \$10, whichever is greater, must be added to every fine, forfeiture or penalty imposed by any court in this State for a violation of this Part or Title 17, chapter 42. The surcharge, for the purposes of collection and collection procedures, is considered a part of the fine, forfeiture or penalty. All funds collected as a result of this surcharge must be deposited monthly in the Animal Welfare Fund established under section 3906-B, subsection 2.

38 **Sec. 4. 7 MRSA §3942, last ¶**, as amended by PL 1991, c. 779, §34, is further amended to read:

40 The clerks shall retain \$1 from each license fee received ~~for dogs incapable of producing young and use these fees in accordance with section 3945~~ as a recording fee. The clerk shall deposit \$2 from each license for a dog incapable of producing young in the municipality's animal welfare account established in accordance with section 3945.

48 **Sec. 5. 7 MRSA §3945**, as amended by PL 1995, c. 490, §14, is further amended to read:

2 **§3945. Use of license fees and court fines retained by**
3 **municipalities**

4 All Except for the \$1 recording fee pursuant to section 3942
5 retained by the municipal clerk, all fees and court fines
6 retained by municipalities must be kept in a separate account and
7 must be used for the salaries and costs of animal control,
8 enforcement of licensing laws, care of stray animals that are
9 injured or abandoned and the support of one or more approved
10 animal shelters. Any money not expended for these purposes in a
11 municipality's fiscal year does not lapse, but must be carried
12 over to the next fiscal year.

14 **Sec. 6. 17 MRSA §1015** is enacted to read:

16 **§1015. Surcharge imposed**

18 A surcharge of 10% or \$10, whichever is greater, must be
19 added to every fine or penalty imposed by any court in this State
20 for a violation of this chapter. The surcharge, for the purposes
21 of collection and collection procedures, is considered a part of
22 the fine or penalty. All funds collected as a result of this
23 surcharge must be deposited monthly in the Animal Welfare Fund
24 established under Title 7, section 3906-B, subsection 2.

26 **Sec. 7. Appropriations and allocations.** The following
27 appropriations and allocations are made.

28 **AGRICULTURE, FOOD AND RURAL RESOURCES,**
29 **DEPARTMENT OF**

32 **Animal Welfare Fund**

34 Initiative: Provides funds for 2 District Humane Agent
35 positions.

36	Other Special Revenue Funds	2001-02	2002-03
38	Positions - Legislative Count	(0.000)	(2.000)
	Personal Services	\$0	\$107,560
40	All Other	<u>0</u>	<u>3,753</u>
42	Other Special Revenue Funds Total	\$0	\$111,313

44 **Animal Welfare Fund**

46 Initiative: Provides funds for one Veterinarian position.

48	Other Special Revenue Funds	2001-02	2002-03
	Positions - Legislative Count	(0.000)	(1.000)
	Personal Services	\$0	\$74,105
50	All Other	<u>0</u>	<u>5,586</u>

2	Other Special Revenue Funds Total	\$0	\$79,691
4	Animal Welfare Fund		
6	Initiative: Provides for the elimination of 4 of the 7 intermittent State Humane Agent positions, 3 positions of 494 hours each and one position of 456 hours.		
8			
10	Other Special Revenue Funds	2001-02	2002-03
12	Positions - FTE Count	(0.000)	(-0.932)
14	Personal Services	\$0	(\$26,350)
16	All Other	<u>0</u>	<u>(919)</u>
18	Other Special Revenue Funds Total	\$0	(\$27,269)
20	AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF DEPARTMENT TOTALS	2001-02	2002-03
22	OTHER SPECIAL REVENUE FUNDS	\$0	\$163,734
24	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$163,734

SUMMARY

- 24 This bill accomplishes the following.
- 26
- 28 1. It amends the purpose section found at the beginning of
the animal welfare laws.
- 30 2. It clarifies that the courts must pay to the towns fines
and forfeitures imposed for violations of the Maine Revised
32 Statutes, Title 7, Part 9. The municipal clerk must deposit the
money in the town's animal welfare account.
- 34 3. It imposes a surcharge on fines and forfeitures for
36 violations of animal welfare laws. The surcharge must be
deposited in the state Animal Welfare Fund.
- 38 4. It clarifies the disposition of dog license fees.
- 40 5. It imposes a surcharge on fines for criminal violations
42 of animal welfare laws. The surcharge must be deposited in the
state Animal Welfare Fund.
- 44 6. It provides allocations from the Animal Welfare Fund.