



121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 431

S.P. 149

In Senate, February 4, 2003

An Act To Increase Educational Certification for Humane Agents and Animal Control Officers

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

Brien

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator LaFOUNTAIN of York. Cosponsored by Senator: MAYO of Sagadahoc, Representative: PERRY of Bangor.

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

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

4

16

2

Training and certification of animal control officers. б 4. The commissioner shall develop a program to train animal control 8 officers. This program must include training in investigation of complaints of cruelty to animals, training in response to calls concerning animals suspected of having rabies and training in 10 enforcement of dog licensing laws and rabies immunization laws. 12 The commissioner shall certify all animal control officers who complete the training program. Once an animal control officer is certified, the animal control officer must receive a minimum of 8 14 hours of recertification training per year.

Sec. 2. 7 MRSA §3909, as amended by PL 2001, c. 422, §5, is further amended to read:

20 §3909. Enforcement

Attorney General and District Attorneys. 22 1. Whenever a person has engaged in or is about to engage in an act or practice that constitutes a violation of this Act, a rule adopted pursuant 24 to this Act or a condition of an order, license or permit approved or decision issued by the commissioner pursuant to this 26 Act, or that constitutes a violation of chapter 739 or Title 17, 28 chapter 42, the Attorney General or a District Attorney, -at-the request-of-the-commissioner, may institute proceedings before the 30 District Court or Superior Court for an order enjoining those acts or practices, an order directing compliance or imposing a civil or criminal penalty, or any combination of these actions, 32 as provided by law. Upon a showing by the commissioner that the person has engaged or is about to engage in such an act or 34 practice, the court may grant a permanent or temporary injunction, restraining order or other order as appropriate. 36

Designated employees of department. 38 2. For purposes of prosecution under this section, the commissioner may authorize 40 humane agents and a state veterinarian to serve civil process pursuant to the Maine Rules of Civil Procedure, Rule 80H and any 42 other applicable rules of court. The commissioner may authorize humane agents or a state veterinarian to represent the department 44 in District Court in the prosecution of civil violations of these Certification of the humane agents and a state laws. veterinarian for this purpose is as provided under Title 30-A, 46 section 4453, subsection 5. Once certified, prosecution by the 48 humane agent or a state veterinarian may seek civil penalties as provided by law as well as a permanent or temporary injunction, restraining order or other equitable relief as the court finds 50 appropriate.

2 Education requirement; management. A humane agent hired 3. after-January-17-1999-chall-attend -a-nationally-recognized-animal law-enforcement-training-program-of-at-least-40-hours'-duration_ 4 regardless of the date of employment, must attend and 6 successfully complete the Maine Criminal Justice Academy preservice law enforcement training as required in Title 25, 8 section 2804-B and the in-service law enforcement training as required in Title 25, section 2804-E in order to have the power to make arrests or to carry a firearm. A humane agent is exempt 10 from Title 25, section 2804-C. A humane agent, regardless of 12 date of employment, must receive 40 hours of related education periodically annually as determined by the Animal Welfare 14 Advisory Council and the department.

16 4. Subpoenas and summons. The--commissioner--or--the commissioner's-designee-after-consultation-with-the-appropriate
18 atterney-for-the-State-or-the-legal-counsel-for-the-department may+ Upon the meeting of the requirements stated in subsection 3,
20 a humane agent has the authority to serve civil and criminal process.

22 A.-Serve-subpoense-requiring-persons-to-disclose or -provide 24 te-the-department-information-or-records-in-their-possession that-are-necessary-and-relevant-to-an-investigation-under 26 the-animal-welfare-laws-

28 (1)--The-department-may-apply-to-the-District-Court-to enforce-a-subpoena.

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

36

30

SUMMARY

38

This bill sets minimum educational requirements for 40 certification and recertification of humane agents and animal control officers and clarifies their authority to serve civil and 42 criminal process.