

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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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**

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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 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. Training and certification of animal control officers.** The commissioner shall develop a program to train animal control 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 enforcement of dog licensing laws and rabies immunization laws. 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 hours of recertification training per year.

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

**§3909. Enforcement**

**1. Attorney General and District Attorneys.** 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 to this Act or a condition of an order, license or permit approved or decision issued by the commissioner pursuant to this Act, or that constitutes a violation of chapter 739 or Title 17, chapter 42, the Attorney General or a District Attorney, ~~at the request of the commissioner,~~ may institute proceedings before the 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, 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 practice, the court may grant a permanent or temporary injunction, restraining order or other order as appropriate.

**2. Designated employees of department.** For purposes of prosecution under this section, the commissioner may authorize humane agents and a state veterinarian to serve civil process pursuant to the Maine Rules of Civil Procedure, Rule 80H and any other applicable rules of court. The commissioner may authorize humane agents or a state veterinarian to represent the department in District Court in the prosecution of civil violations of these laws. Certification of the humane agents and a state veterinarian for this purpose is as provided under Title 30-A, section 4453, subsection 5. Once certified, prosecution by the 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 appropriate.

