

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

---

Legislative Document

No. 1194

S.P. 400

In Senate, March 6, 2003

### An Act To Improve Services of Animal Shelters

---

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 SAWYER of Penobscot.  
Cosponsored by Senator: ROTUNDO of Androscoggin, Representative: CROSTHWAITE of Ellsworth.

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

4 **Sec. 1. 7 MRSA §3913, sub-§4, ¶B,** as amended by PL 1997, c.  
690, §11, is further amended to read:

6 B. Otherwise dispose of the dog humanely in accordance with  
7 Title 17, chapter 42, subchapter IV 4. ~~Except as provided~~  
8 ~~in this section, an animal shelter must hold a dog at least~~  
9 ~~8 days before euthanasia.~~

10 **Sec. 2. 7 MRSA c. 720** is amended by repealing the chapter  
12 headnote and enacting the following in its place:

14 **CHAPTER 720**

16 **RABIES PREVENTION FOR CATS AND SHELTER PROVISIONS**

18 **Sec. 3. 7 MRSA §3919-A,** as enacted by PL 2001, c. 363, §3, is  
20 amended to read:

22 **§3919-A. Procedure for acceptance and disposition of cats by  
24 animal shelter**

24 An animal shelter to which a cat is taken may accept the cat  
26 unless the shelter is in quarantine. An animal shelter accepting  
a cat shall comply with the provisions of this section.

28 **1. Cats with identification.** An animal shelter that  
30 accepts a cat with cat identification shall make a reasonable  
32 attempt to notify the owner by telephone or by sending a written  
34 notice within 24 hours of accepting the cat. Except as provided  
36 in subsections 4 and 5, the animal shelter shall hold the cat for  
38 a period of 6 days beginning on and including the day of  
acceptance. If the owner claims the cat within the 6-day period,  
40 the animal shelter shall release the cat to the owner upon  
payment of any municipal impoundment fee and actual fees incurred  
for food, shelter and veterinary care. Upon expiration of the  
6-day period, ownership of the cat is vested with the animal  
shelter and the animal shelter may then handle the cat as a  
homeless cat for disposition in accordance with subsection 2.

42 **2. Homeless cats.** When an animal shelter accepts a cat  
44 under section 3919 and that cat does not have cat identification,  
46 the animal shelter shall hold the cat for not less than 24 hours.  
After the 24-hour period, the animal shelter may treat the cat as  
a homeless cat and may:

48 A. Offer the cat for adoption, sell or give away the cat; or

2 B. Otherwise dispose of the cat humanely in accordance with  
3 Title 17, chapter 42, subchapter IV 4.

4 An animal shelter may not sell or give a cat to a research  
5 facility.

6  
7 **3. Owner's claim after 6-day period.** An owner may reacquire  
8 a cat at any time prior to its disposition under subsection 2  
9 upon payment of any municipal impoundment fee and actual fees  
10 incurred for food, shelter and veterinary care and any other  
11 reasonable fee imposed by the animal shelter.

12  
13 **4. Euthanasia for severely sick, severely injured or**  
14 **extremely vicious cat.** A humane agent, an animal control officer  
15 or an animal shelter may authorize in writing the immediate  
16 euthanasia of a severely sick, severely injured or extremely  
17 vicious cat upon determining that the animal control officer of  
18 the municipality where the cat was found has been notified or, if  
19 the cat has cat identification, the owner of the cat has been  
20 notified.

21  
22 **5. Immunity.** A veterinarian, a humane agent, an animal  
23 control officer or an animal shelter, including a person employed  
24 by an animal shelter, is not civilly liable to the owner of a cat  
25 for the loss of that cat resulting from actions taken in  
26 compliance with this section.

27  
28 Nothing in this subsection grants to an animal shelter or person  
29 any immunity from liability arising from the gift, sale or other  
30 transference of a cat to a research facility in violation of  
31 subsection 2.

32  
33 **Sec. 4. 7 MRSA §§3919-B and 3919-C** are enacted to read:

34  
35 **§3919-B. Disposition of pet when owner is institutionalized**

36  
37 Notwithstanding sections 3913 and 3919-A and except as  
38 provided in Title 17, section 1021, when a person brings a pet to  
39 an animal shelter because the owner of that pet is incarcerated  
40 or hospitalized, that person shall provide the animal shelter  
41 with the name and address of the pet's owner and the name and  
42 address of the facility where the person is incarcerated or  
43 hospitalized. The person bringing the pet to the shelter shall  
44 also provide the shelter with that person's name and address and  
45 that person's relationship to the owner or the official capacity  
46 in which that person is acting to enforce the animal welfare  
47 laws. The animal shelter may accept the pet unless the shelter  
48 is in quarantine. An animal shelter accepting a pet under this  
49 section shall comply with the provisions of this section.  
50

1           1. Notice. An animal shelter that accepts a pet under this  
2 section shall within 24 hours of receiving the pet send a notice  
3 by registered mail, return receipt requested, to the owner of the  
4 pet. The notice must inform the owner of the provisions of this  
5 section.

6           2. Release of pet. Upon payment of costs incurred for food,  
7 shelter and veterinary care, an animal shelter shall release a  
8 pet accepted under this section to its owner or to a person who  
9 is designated in a letter signed by the owner as acting on the  
10 owner's behalf.

11           3. Transfer of ownership; disposition of pet. If an owner  
12 fails to arrange for release of a pet in accordance with  
13 subsection 2 within 10 days of the pet's acceptance by the  
14 shelter, ownership of the pet is vested with the animal shelter  
15 upon expiration of the 10-day period and the animal shelter may:

16           A. Offer the pet for adoption or sell or give away the pet;  
17 or

18           B. Dispose of the pet humanely in accordance with Title 17,  
19 chapter 42, subchapter 4.

20           An animal shelter may not sell or give a pet to a research  
21 facility.

22           4. Claims. When an owner does not arrange for the release  
23 of a pet under subsection 2, the animal shelter is entitled to  
24 receive from the department \$4 a day for food and shelter for the  
25 pet for a maximum of 10 days.

26           5. Immunity. A veterinarian, a humane agent, an animal  
27 control officer or an animal shelter, including a person employed  
28 by an animal shelter, is not civilly liable to the owner of a pet  
29 for the loss of that pet resulting from actions taken in  
30 compliance with this section.

31           A person who brings a pet to an animal shelter in accordance with  
32 this section is not civilly liable to the owner of a pet for the  
33 loss of that pet resulting from actions taken in compliance with  
34 this section.

35           Nothing in this subsection grants to an animal shelter or person  
36 any immunity from liability arising from the gift, sale or other  
37 transference of a pet to a research facility in violation of  
38 subsection 3.

39           §3919-C. Animal held pending court decision

2                   The seizure and disposition of an animal whose owner is  
3 charged with a violation of chapter 739 or Title 17, chapter 42  
4 must be in accordance with Title 17, section 1021.

5                   **Sec. 5. 17 MRSA §1031-A is enacted to read:**

6                   **§1031-A. Possession of animal in violation of court order**

7  
8                   A person is guilty of illegal possession of an animal if  
9 that person owns, possesses or has on that person's property an  
10 animal in violation of a court order issued under section 1031,  
11 subsection 3, paragraph D or E. Illegal possession of an animal  
12 in violation of a court order is a Class E crime. Violation of  
13 this section is a strict liability crime as defined in Title  
14 17-A, section 34, subsection 4-A.

15  
16                   **SUMMARY**

17  
18                   This bill establishes a process for animal shelters to  
19 accept and dispose of pets whose owners are incarcerated or  
20 hospitalized. It reduces from 8 to 6 the number of days a  
21 shelter must hold a dog prior to euthanasia. This bill also  
22 makes it a Class E crime to possess an animal in violation of a  
23 court order prohibiting a person from possessing an animal as  
24 part of the penalty imposed for a cruelty to animals conviction.  
25  
26