

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1215

H.P. 889

House of Representatives, March 6, 2003

An Act To Amend the Animal Welfare Laws and Improve Funding

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MILLETT of Waterford.
Cosponsored by Representative DUNLAP of Old Town and
Representatives: FLETCHER of Winslow, McKEE of Wayne.

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

PART A

Sec. A-1. 7 MRSA §3906-B, sub-§1, as amended by PL 1997, c. 690, §1, is repealed.

Sec. A-2. 7 MRSA §3906-B, sub-§2, as amended by PL 2001, c. 422, §3, is further amended to read:

2. **Animal Welfare Fund.** The commissioner shall deposit all license fees received pursuant to chapters ~~721~~, 723, ~~725~~ and 735 in a separate account established by the Treasurer of State and known as the Animal Welfare Fund. The commissioner shall deposit 1/2 of feed registration fees collected under section 714 and all funds collected pursuant to section 4852 in the Animal Welfare Fund. This account does not lapse, but continues from year to year. The commissioner shall pay from the Animal Welfare Fund the expense of furnishing blanks, ~~stickers--and--tags~~, travel expenses and salaries for necessary personnel, payments to animal shelters and expenses incurred in the administration of this Part.

Sec. A-3. 7 MRSA §3906-B, sub-§3, as enacted by PL 1991, c. 779, §9, is repealed.

Sec. A-4. 7 MRSA §3911, as amended by PL 1999, c. 254, §3, is further amended to read:

§3911. Dogs at large

It is unlawful for any dog, ~~licensed or unlicensed~~, to be at large, except when used for hunting. The owner or keeper of any dog found at large is subject to the penalties provided in this chapter.

Sec. A-5. 7 MRSA §3913, sub-§3, §C, as amended by PL 1991, c. 779, §22, is further amended to read:

C. If the owner claims the dog within the 6-day period, the owner may have and receive the dog upon payment of all department-approved fees as provided in subsection 2-A, the municipal impoundment fee and actual fees incurred for food, shelter, veterinary care and any other fees required by this chapter for each day that the dog has been sheltered, provided that the dog is ~~licensed~~ immunized in accordance with chapter ~~721~~ 721-A.

Sec. A-6. 7 MRSA §3913, sub-§4, ¶A, as amended by PL 1993, c. 657, §17, is further amended to read:

2 A. Sell or give away the dog, but not to a research
4 facility, if a--license immunization is first obtained in
accordance with chapter ~~721~~ 721-A; or

6 **Sec. A-7. 7 MRSA c. 721**, as amended, is repealed.

8 **Sec. A-8. 7 MRSA c. 721-A** is enacted to read:

10 **CHAPTER 721-A**

12 **IMMUNIZATION OF CANINES**

14 **§3926. Immunization**

16 **1. Immunization required.** Except as provided in subsection
4, a dog may not be kept within the limits of the State unless
18 the dog has been immunized against rabies in accordance with
rules adopted by the Commissioner of Human Services, except that
20 the requirement of immunization may be waived under conditions
set forth by the Commissioner of Human Services.

22 **2. Rabies tags.** An owner shall ensure that a rabies tag
24 obtained from a veterinarian for immunization against rabies is
securely attached to a collar of leather, metal or material of
26 comparable strength and that the collar is worn at all times by
the dog for which the rabies tag was issued, except as provided
28 in subsection 3.

30 **3. Rabies tag exceptions.** A dog is not required to wear a
rabies tag when on the premises of the owner or off the premises
32 of the owner while hunting, in training or in an exhibition.
When a dog is hunting, in training or in an exhibition, its owner
34 or keeper shall produce proof of rabies immunization within 24
hours upon request by a humane agent, animal control officer or
36 law enforcement officer, including a game warden.

38 **4. Exception to immunization requirement for wolf hybrids.**
The immunization requirement under subsection 1 may be waived
40 upon application to the Commissioner of Human Services for wolf
hybrids. A dog that has been declared a wolf hybrid must be
42 treated as a wolf hybrid in accordance with Title 22, chapter
251, subchapter 5.

44 **5. Rulemaking.** The Commissioner of Human Services shall
46 adopt rules to implement this section, including application
forms for proof of immunization provided by another state and
48 waiver of immunization. Rules adopted pursuant to this
subsection are routine technical rules under Title 5, chapter
50 375, subchapter 2-A.

2 **6. Failure to immunize; unlawful use of collar or rabies**
3 **tag.** A person who violates subsection 1 commits a civil
4 **violation for which a forfeiture of not more than \$100 may be**
5 **adjudged. A person who removes a rabies tag or who places a**
6 **rabies tag on a dog for which the rabies tag was not issued**
7 **commits a civil violation for which a forfeiture of not more than**
8 **\$100 may be adjudged.**

10 **§3927. Permanent identification of wolf hybrids**

12 The commissioner shall adopt rules to establish methods of
13 identifying wolf hybrids through tattooing, the placement of a
14 microchip under the animal's skin or any other method determined
15 by the commissioner as adequately providing a permanent means of
16 identification on the body of the animal. Rules adopted pursuant
17 to this section are routine technical rules as defined in Title
18 5, chapter 375, subchapter 2-A. A person may not own or keep a
19 wolf hybrid unless the animal has identification in compliance
20 with the rules adopted under this section. A person who violates
21 this section commits a civil violation for which a forfeiture of
22 not more than \$100 may be adjudged.

24 **§3928. Review**

26 The operation of this chapter must be reviewed by the Office
27 of Program Evaluation and Government Accountability pursuant to
28 Title 3, chapter 37, no later than June 30, 2007.

30 **Sec. A-9. 7 MRSA §3931-B, sub-§2.** as enacted by PL 2001, c.
31 129, §4, is amended to read:

32 **2. Kennel registration required.** A person who operates a
33 wolf hybrid kennel must register with the department on a form
34 provided by the department. The form must include the name of the
35 person operating the kennel, the mailing address and road or
36 street address for the kennel and the number of wolf hybrids kept
37 at the time of registration. The person who operates the kennel
38 must submit with the registration form proof that each wolf
39 hybrid has been permanently identified in accordance with section
40 ~~3921-A~~ 3927.

42 **Sec. A-10. 7 MRSA §3939,** as enacted by PL 1993, c. 657, §37,
43 is amended to read:

46 **§3939. Dog immunization**

48 Nothing in this chapter may be construed to exempt licensed
49 facilities from the ~~license~~ immunization requirements of chapter
50 ~~721~~ 721-A.

2 **Sec. A-11. 7 MRSA §3941**, as amended by PL 1997, c. 690, §25,
is further amended to read:

4
6 **§3941. Posting of law**

8 Municipal clerks, annually, at least 20 days before January
10 1st, shall post copies of ~~chapter 721~~ and this chapter in the
usual places for posting notices of the annual municipal
elections.

12 **Sec. A-12. 7 MRSA §3942**, as amended by PL 2001, c. 617, §7,
is repealed.

14 **Sec. A-13. 7 MRSA §3943**, as amended by PL 1999, c. 136, §1,
16 is repealed.

18 **Sec. A-14. 7 MRSA §3944**, as amended by PL 1997, c. 690, §27,
is repealed.

20 **Sec. A-15. 7 MRSA §3945**, as amended by PL 2001, c. 617, §8,
22 is further amended to read:

24 **§3945. Use of court fines retained by municipalities**

26 ~~Except for the \$1 recording fee pursuant to section 3942~~
28 ~~retained by the municipal clerk, all fees and~~ All court fines
retained by municipalities pursuant to this chapter must be kept
30 in a separate account and must be used for the salaries and costs
of animal control, enforcement of ~~licensing~~ immunization laws,
32 care of stray animals that are injured or abandoned and the
support of one or more approved animal shelters. Any money not
34 expended for these purposes in a municipality's fiscal year does
not lapse, but must be carried over to the next fiscal year.

36 **Sec. A-16. 7 MRSA §3946**, as amended by PL 1995, c. 490, §15,
is repealed.

38 **Sec. A-17. 7 MRSA §3947, first ¶.** as amended by PL 1997, c.
40 690, §28, is further amended to read:

42 Each municipality shall appoint one or more animal control
44 officers whose duties are enforcement of sections 3911, 3912,
3916, ~~3921, 3924, 3943,~~ 3948, 3950, 3950-A, 3952 and 4041 and
46 Title 17, section 1023 responding to reports of animals suspected
of having rabies in accordance with Title 22, sections 1313 and
48 1313-A and such other duties to control animals as the
municipality may require.

2 retailers or at the time domestic animal food is manufactured or
3 fabricated in this State for sale in this State.

4 3. Exception. The tax imposed on domestic animal food does
5 not apply to those products exported from this State or to any
6 domestic animal food that under laws of the United States may not
7 be subject to taxation by this State.

8
9 **§4853. Dedication of excise tax**

10 All funds collected as a result of this excise tax must be
11 deposited monthly in the Animal Welfare Fund established under
12 Title 7, section 3906-B, subsection 2.

13
14 **§4854. Review**

15 The excise tax imposed pursuant to this chapter and the
16 operation of this chapter must be reviewed by the Office of
17 Program Evaluation and Government Accountability pursuant to
18 Title 3, chapter 37, no later than June 30, 2007.

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22 **SUMMARY**

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25 Part A of this bill eliminates the licensing fees for dogs.
26 Dogs are still required to be immunized against rabies and proof
27 of that immunization must be displayed. This bill also continues
28 the current requirements regarding the identification of wolf
29 hybrids.

30 Part B of this bill imposes a 3% tax on the wholesale sale
31 of domestic animal food and dedicates the revenue to the Animal
32 Welfare Fund.

33 Both the immunization provisions and the operation of the
34 excise tax must be reviewed by June 30, 2007.
35
36