

MAINE STATE LEGISLATURE

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DATE: 5-19-03

(Filing No. S-195)

AGRICULTURE, CONSERVATION AND FORESTRY

Reported by: Majority

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STATE OF MAINE
SENATE
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 520, L.D. 1545, Bill, "An Act To Amend the Animal Welfare Laws"

Amend the bill by striking out all of section 1 and inserting in its place the following:

Sec. 1. 7 MRSA §3906-B, sub-§9, as amended by PL 1995, c. 502, Pt. C, §11, is further amended to read:

9. Employees. The commissioner shall employ personnel, subject to the Civil Service Law, as necessary to assist in enforcing this Part and in carrying out the duties and responsibilities of the department. The commissioner, in consultation with the Animal Welfare Advisory Committee, shall employ, subject to the Civil Service Law, one full-time humane agent necessary employees to assist the commissioner in enforcing this Part and in carrying out the commissioner's duties and responsibilities. The commissioner shall conduct a background check of a potential employee. The commissioner may not hire as a state humane agent a person who has been convicted of a criminal violation under Title 17, chapter 42 or has been adjudicated of a civil violation for cruelty to animals under chapter 739.

Sec. 2. 7 MRSA §3906-B, sub-§9-A is enacted to read:

9-A. Humane agents. The commissioner shall assign a humane agent to each of the following areas of specialization:

A. Blood sports;

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B. Exotic animals;

C. Large animals;

D. Mental health and domestic violence;

E. Small animals; and

F. Training for humane agents.

Sec. 3. 7 MRSA §3906-B, sub-§16 is enacted to read:

16. Animal welfare auxiliary fund. The commissioner may accept gifts, donations, bequests, endowments, grants and matching funds from any private or public source for the purposes of ensuring the humane and proper treatment of animals and enhancing the administration and enforcement of this Part and Title 17, chapter 42. The commissioner shall deposit all funds accepted for these purposes into a separate, nonlapsing account known as the animal welfare auxiliary fund. All gifts, donations, bequests, endowments, grants and matching funds received must be used for the benefit of and accomplishment of the objectives in this Part and Title 17, chapter 42 and any gift, donation, bequest, endowment, grant or matching funds accepted with a stipulated purpose may be used only for that purpose.'

Further amend the bill by striking out all of section 3.

Further amend the bill by striking out all of section 5 and inserting in its place the following:

'Sec. 5. 7 MRSA §3909, sub-§3-A is enacted to read:

3-A. Humane agents; training requirements. Continuing employment of a humane agent hired after October 1, 2003 is contingent upon the successful completion by that agent of a 100-hour service training program at the Maine Criminal Justice Academy or a nationally recognized training program on investigation and enforcement of animal welfare laws and the successful completion of an examination on state animal welfare laws and rules adopted pursuant to this Part.

A humane agent shall complete training in the handling of small and large animals and a minimum of 40 hours of training each year, including a combination of classroom and hands-on training.

Sec. 6. 7 MRSA c. 720 is amended by repealing the chapter headnote and enacting the following in its place:

CHAPTER 720

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RABIES PREVENTION FOR CATS AND SHELTER PROVISIONS

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

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

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

1. **Cats with identification.** An animal shelter that accepts a cat with cat identification shall make a reasonable attempt to notify the owner by telephone or by sending a written notice within 24 hours of accepting the cat. Except as provided in subsections 4 and 5, the animal shelter shall hold the cat for a period of 6 days beginning on and including the day of acceptance. If the owner claims the cat within the 6-day period, 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.

2. **Homeless cats.** When an animal shelter accepts a cat under section 3919 and that cat does not have cat identification, 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:

- A. Offer the cat for adoption, sell or give away the cat; or
- B. Otherwise dispose of the cat humanely in accordance with Title 17, chapter 42, subchapter IV 4.

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

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

4. **Euthanasia for severely sick, severely injured or extremely vicious cat.** A humane agent, an animal control officer

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COMMITTEE AMENDMENT "A" to S.P. 520, L.D. 1545

2 or an animal shelter may authorize in writing the immediate
3 euthanasia of a severely sick, severely injured or extremely
4 vicious cat upon determining that the ~~animal control officer of~~
5 ~~the municipality where the cat was found has been notified or, if~~
6 ~~the cat has cat identification, the owner of the cat has been~~
7 notified. following conditions are met:

8 A. The animal control officer of the municipality where the
9 cat was found has been notified or, if the cat has cat
10 identification, the owner of the cat has been notified; and

11 B. A veterinarian states in writing that the cat's recovery
12 from its injury or illness, given reasonable time and
13 reasonable care, is doubtful or that the cat presents a
14 danger to the public.

15 Notwithstanding paragraphs A and B, a veterinarian may authorize
16 immediate euthanasia if, in the veterinarian's judgment, there is
17 no possibility of recovery for a severely injured or severely
18 sick cat.

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

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

28 **Sec. 8. 7 MRSA §§3919-B and 3919-C are enacted to read:**

29 **§3919-B. Disposition of pet when owner is institutionalized**

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

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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 mail, return receipt requested, to the owner of the pet. The
4 notice must inform the owner of the provisions of this section.

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

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

- 18 A. Offer the pet for adoption or sell or give away the pet;
19 or
- 20 B. Dispose of the pet humanely in accordance with Title 17,
21 chapter 42, subchapter 4.

24 An animal shelter may not sell or give a pet to a research
25 facility.

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

32 5. Immunity. A person who brings a pet to an animal
33 shelter in accordance with this section is not civilly liable to
34 the owner for the loss of that pet resulting from the release,
35 transfer or disposition of the pet in accordance with subsection
36 2 or 3. A veterinarian, a humane agent, an animal control officer
37 or an animal shelter, including a person employed by an animal
38 shelter, is not civilly liable to the owner for the loss of that
39 pet resulting from the release, transfer or disposition of the
40 pet in accordance with subsection 2 or 3.

42 Nothing in this subsection grants to an animal shelter or person
43 any immunity from liability arising from the gift, sale or other
44 transfer of a pet to a research facility in violation of
45 subsection 3.

46 **§3919-C. Animal held pending court decision**

48 When an animal shelter holds an animal at the request or
49 with the approval of the department pending an investigation or
50 with the approval of the department pending an investigation or

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COMMITTEE AMENDMENT "A" to S.P. 520, L.D. 1545

2 disposition by the court of an alleged violation of chapter 739
3 or Title 17, chapter 42, the shelter is entitled to receive from
4 the department \$4 a day for the period for which food and shelter
5 are furnished to the animal.'

6 Further amend the bill in section 8 by striking out all of
7 paragraph D and inserting in its place the following:

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9 'D. From the department using the Internet in accordance
10 with section 3923-G.'

11 Further amend the bill by striking out all of section 9 and
12 inserting in its place the following:

13 'Sec. 9. 7 MRSA §3923-A, as amended by PL 2001, c. 422, §§8
14 and 9, is further amended to read:

15 **§3923-A. License and recording fees**

16 Except as provided in subsection 3 and section 3923-C, a dog
17 owner or keeper obtaining a license from a municipal clerk or dog
18 recorder shall pay the license and recording fees established in
19 this section.

20 **1. Dogs capable of producing young.** A dog owner or keeper
21 shall pay a fee of ~~\$7.50~~ \$15 to the municipal clerk ~~or to a~~
22 ~~veterinary licensing agent~~ for each dog 6 months of age or older
23 and capable of producing young. A dog is considered capable of
24 producing young unless certification under subsection 2 is
25 provided.

26 The ~~clerk~~ municipal shall retain a \$1 ~~as a~~ recording fee. The
27 municipal clerk shall deposit \$2 into the municipality's animal
28 welfare account established in accordance with section 3945 and
29 pay the remaining ~~\$6.50~~ \$12 to the department for deposit in the
30 Animal Welfare Fund.

31 **2. Dogs incapable of producing young.** A dog owner shall
32 pay a fee of ~~-\$4-~~ \$8 to the municipal clerk or to a veterinary
33 licensing agent for each dog 6 months of age or older and
34 incapable of producing young. A dog is considered incapable of
35 producing young when the owner provides the following:

36 **A.** A written certificate issued by a veterinarian stating
37 that the veterinarian has neutered the dog;

38 **B.** A written certificate issued by a veterinarian stating
39 that the veterinarian has examined the dog and determined
40 that the dog is incapable of producing young; or
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COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to S.P. 520, L.D. 1545

2 C. A previous license stating that the dog is incapable of producing young.

4 The municipal clerk shall retain a \$1 as-a recording fee, deposit \$2 in the municipality's animal welfare account established in accordance with section 3945 and pay the remaining \$1 \$5 to the department for deposit in the Animal Welfare Fund.

8 3. **Exemption from fees.** A municipal clerk or a veterinary licensing agent shall issue a license upon application and without payment of a license fee required under this section for:

12 A. A trained guide dog owned or kept by a visually impaired person or such a dog awaiting training;

14 B. A trained hearing dog owned or kept by a hearing-impaired person or such a dog awaiting training;

16 C. A trained service dog owned or kept by a physically impaired person or such a dog awaiting training;

18 D. A trained search and rescue dog recognized by the Department of Inland Fisheries and Wildlife or by the statewide association of search and rescue that cooperates with the Department of Inland Fisheries and Wildlife in developing standards for search and rescue or such a dog awaiting training; and

20 E. A dog certified by the State and used for law enforcement purposes.

22 4. **Late fees.** An owner or keeper required to license a dog under section 3922, subsection 1 or section 3923-C, subsection 1 and applying for a license for that dog after January 31st shall pay to the municipal clerk or dog recorder a late fee of \$5 \$15 in addition to the annual license fee paid in accordance with subsection 1 or 2 and section 3923-C, subsection 1. The clerk or dog recorder shall deposit all late fees collected under this subsection into the municipality's animal welfare account established in accordance with section 3945.

24 An owner or keeper whose name appears on a municipal warrant issued in accordance with section 3943 must pay the late fee of \$10 \$25 required by that section and is not subject to this subsection.'

26 Further amend the bill by striking out all of section 11 and inserting in its place the following:

28 'Sec. 11. 7 MRSA §3923-G is enacted to read:

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2 §3923-G. Internet licensing project

4 1. Procedure developed; municipality participation. The
6 commissioner may develop and implement a procedure by which a dog
8 owner can electronically apply for and be issued a dog license
10 using a publicly accessible site on the Internet. A municipality
12 may choose to participate in the electronic dog licensing
14 project by contacting and working with the commissioner.
Electronic licensing is available only to residents of a
municipality that requests and is accepted by the commissioner to
participate in the electronic licensing project. The commissioner
may limit the number of municipalities that participate in the
project.

16 2. Forms; verification of rabies immunization. The
18 commissioner shall develop a form to be used for electronic
20 licensing under this section. The commissioner shall consult
with the Commissioner of Human Services to establish the
information needed to verify rabies immunization.

22 3. Payment of licensing fee. The commissioner shall
24 establish a mechanism for accepting payment of license fees by
26 credit card. An owner or keeper who applies for a dog license
28 using the publicly accessible site on the Internet developed
pursuant to subsection 1 shall pay the fee required under section
3923-A and an additional service fee of \$1 for each license to
cover administrative costs and pay the Internet service provider.

30 4. Distribution of licensing fee. The commissioner shall
32 deposit all fees received under this section into the Animal
34 Welfare Fund. The commissioner shall establish procedures for
36 participating municipalities to periodically receive the
38 appropriate credit or payment for license fees collected by the
department under this section. A municipality is entitled to a
payment or credit of \$3 for each dog licensed under this
section. All payments or credits received by a municipality must
be deposited or credited to the municipality's animal welfare
account established in accordance with section 3945.

40 5. Sticker requirement. Notwithstanding section 3923-B,
42 for a dog licensed under this section, the commissioner may waive
44 the requirement that a sticker indicating the year for which a
46 license is valid be affixed to the tag. An owner of a dog that
48 does not have a valid sticker affixed to its tag shall produce
proof of licensure and proof of rabies immunization within 24
hours upon request by a humane agent, animal control officer or
law enforcement officer, including a game warden.'

R. 4. 3.

COMMITTEE AMENDMENT "A" to S.P. 520, L.D. 1545

2 Further amend the bill by striking out all of section 16 and
inserting in its place the following:

4 'Sec. 16. 7 MRSA §3942, as amended by PL 2001, c. 617, §7, is
further amended to read:

6 **§3942. Issuance of dog licenses**

8
10 Municipal clerks shall issue dog licenses in accordance with
chapter 721, receive the license fees and pay to the department
12 ~~\$6.50~~ \$12 for dogs capable of producing young and ~~\$1~~ \$5 from each
license fee received for dogs incapable of producing young. The
14 clerks shall keep a record of all licenses issued by them, with
the names of the owners or keepers of dogs licensed and the sex,
16 registered numbers and description of all dogs except those
covered by a kennel license. The clerks shall make a monthly
report to the department on a department-approved form of all dog
18 licenses issued and fees received.

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

24 **Sec. 17. 7 MRSA §3943, sub-§1**, as amended by PL 1999, c. 136,
26 §1, is further amended to read:

28 **1. Procedure.** Between February 1st and April 1st annually,
the municipal officers of each municipality shall issue a warrant
30 with the names and addresses of all owners or keepers of
unlicensed dogs to one or more police officers, constables,
32 sheriffs or animal control officers, directing them to send a
notice of violation to the last known address of the owners or
34 keepers or call on the owners or keepers. The warrant must
further direct that demand be made on the owners or keepers to
36 obtain a license from the municipal clerk within 7 days from the
date of demand and remit to the clerk the license and recording
38 fees plus a late fee of ~~\$10~~ \$25 for each dog that is licensed.
Finally, the warrant must direct the police officer, constable,
40 sheriff or animal control officer to enter summons and complaint
as soon as possible for all owners or keepers so notified who
42 fail to comply with the order.'

44 Further amend the bill by inserting after section 17 the
following:

46 'Sec. 18. 7 MRSA §4013, sub-§2, as enacted by PL 1987, c. 383,
48 §3, is amended to read:

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COMMITTEE AMENDMENT "A" to S.P. 520, L.D. 1545

2 2. **Water.** If potable water is not accessible to the animal
at all times, it shall must be provided daily and in sufficient
quantity for the health of the animal. Snow or ice is not an
4 adequate water source.'

6 Further amend the bill by inserting after section 18 the
following:

8 'Sec. 19. **Appropriations and allocations.** The following
10 appropriations and allocations are made.

12 **AGRICULTURE, FOOD AND RURAL**
RESOURCES, DEPARTMENT OF

14 **Animal Welfare Fund 0946**

16 Initiative: Allocates funds for 4 additional State Humane Agent
18 positions, one additional Planning and Research Associate
position, increased operating costs and the costs of establishing
20 a spay and neuter pet program to benefit low-income families.

22	Other Special Revenue Funds	2003-04	2004-05
	Positions - Legislative Count	(5.000)	(5.000)
24	Personal Services	\$217,415	\$296,035
	All Other	234,211	306,132
26		<hr/>	<hr/>
	Other Special Revenue Funds Total	\$451,625	\$602,167

28 **Animal Welfare Fund 0946**

30 Initiative: Allocates funds for the newly established animal
32 welfare auxiliary fund.

34	Other Special Revenue Funds	2003-04	2004-05
	All Other	\$500	\$500
36		<hr/>	<hr/>
	Other Special Revenue Funds Total	\$500	\$500

38 **AGRICULTURE, FOOD AND RURAL**
40 **RESOURCES, DEPARTMENT OF**

42	DEPARTMENT TOTALS	2003-04	2004-05
44	OTHER SPECIAL REVENUE FUNDS	\$452,125	\$602,667
46	DEPARTMENT TOTAL - ALL FUNDS	\$452,125	\$602,667'

48 Further amend the bill by relettering or renumbering any
nonconsecutive Part letter or section number to read
50 consecutively.

COMMITTEE AMENDMENT

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SUMMARY

This amendment:

- 1. Allows the Commissioner of Agriculture, Food and Rural Resources to accept funds and gifts for deposit in a separate account to enhance the animal welfare program;
- 2. Establishes more comprehensive training requirements for humane agents;
- 3. Removes additional training requirements proposed for animal control officers;
- 4. Requires a veterinarian statement in writing prior to the authorization of euthanasia by a humane agent, animal control officer or animal shelter authorizing euthanasia of a severely sick, severely injured or extremely vicious cat;
- 5. Establishes a process for animal shelters to accept and dispose of pets whose owners are incarcerated or hospitalized;
- 6. Entitles an animal shelter to receive reimbursement for holding animals at the request or with the approval of the Department of Agriculture, Food and Rural Resources when the animal is held pending an investigation or disposition of an alleged violation of cruelty to animals laws;
- 7. Modifies language in the bill authorizing the department to establish a process for licensing dogs using the Internet;
- 8. Reduces the proposed increases in dog license fees and allows municipalities to keep \$2 for dogs that are capable of producing young;
- 9. Increases late fees for dog licensing;
- 10. Increases license fees for kennels, breeding kennels, boarding kennels, pet shops, animal shelters and research institutions;
- 11. Corrects an inconsistency between the Maine Revised Statutes, Title 7 and Title 17 regarding water requirements for animals; and

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12. Adds an appropriation and allocation section to the
bill.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT

121st Maine Legislature
Office of Fiscal and Program Review



LD 1545
An Act To Amend the Animal Welfare Laws

LR 1899(02)
Fiscal Note for Bill as Amended by Committee Amendment *Am S 195*
Committee: Agriculture, Conservation and Forestry
Fiscal Note Required: Yes

Fiscal Note

	2003-04	2004-05	Projections 2005-06	Projections 2006-07
Appropriations/Allocations				
Other Special Revenue Funds	\$452,125	\$602,667	\$602,667	\$602,667
Revenue				
Other Special Revenue Funds	\$451,625	\$602,167	\$602,167	\$602,167

Fiscal Detail and Notes

As amended, the bill includes additional Other Special Revenue allocations of \$451,625 and \$602,167 in fiscal years 2003-04 and 2004-05, respectively, for the Animal Welfare Fund program within the Department of Agriculture, Food and Rural Resources to reflect the program's increased responsibilities. The amended bill also includes initial Other Special Revenue Funds allocations for the newly established Animal Welfare Auxiliary Fund; the amount is \$500 beginning in fiscal year 2003-04.

The increased Other Special Revenue fees authorized by this bill will generate an estimated \$451,625 and \$602,167 in dedicated revenues for the Animal Welfare Fund in fiscal years 2003-04 and 2004-05, respectively. Dedicated revenues for the newly established Animal Welfare Auxiliary Fund will depend on whatever allowable revenue can be collected; the amounts cannot be determined at this time.