

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1545

S.P. 520

In Senate, April 10, 2003

An Act To Amend the Animal Welfare Laws

Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 204.

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 BRYANT of Oxford.
Cosponsored by Representative PINEAU of Jay and
Senator: KNEELAND of Aroostook, Representative: PIOTTI of Unity.

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

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

6 **9. Employees.** The commissioner shall employ personnel,
subject to the Civil Service Law, as necessary to assist in
8 enforcing this Part and in carrying out the duties and
responsibilities of the department. The commissioner, in
10 consultation with the Animal Welfare Advisory Committee, shall
employ, subject to the Civil Service Law, ~~one full-time humane~~
12 agent necessary employees to assist the commissioner in carrying
out the commissioner's duties and responsibilities. The
14 commissioner must conduct a background check of a potential
employee including any violations of or convictions under this
16 Title and Titles 12, 17-A, 22 and 29-A. The commissioner may not
hire as a state humane agent a person who has been convicted of a
18 criminal violation under Title 17, chapter 42 or has been
adjudicated of a civil violation for cruelty to animals under
20 chapter 739.

22 **Sec. 2. 7 MRSA §3906-C, sub-§1**, as repealed and replaced by PL
2001, c. 399, §3, is amended to read:

24 **1. Membership.** The council consists of ~~11~~ 12 members
26 appointed by the Governor as follows:

- 28 A. One member representing municipal interests;
- 30 B. One animal control officer;
- 32 C. One member representing licensed animal shelters;
- 34 D. One member representing licensed boarding or breeding
kennels;
- 36 E. One member representing licensed pet shops;
- 38 G. One member who is or has been a veterinarian licensed to
40 practice in the State;
- 42 H. One member who represents the interests of the public in
animal welfare, generally;
- 44 I. One attorney with experience in animal welfare law;
- 46 J. One cooperative extension agent or specialist;
- 48 K. One member with expertise in equine care; and
- 50

2 L. One member with expertise in livestock representing a
statewide farming organization; and

4 M. One member representing a State-based animal advocacy
group.

6 In making the appointment of the veterinarian member, the
8 Governor shall consider nominations made by the Maine Veterinary
Medical Association.

10 **Sec. 3. 7 MRSA §3906-D** is enacted to read:

12 **§3906-D. Animal control officers**

14 **1. Applicant criteria.** In order to be certified as an
16 animal control officer pursuant to section 3906-B, subsection 4,
an applicant must:

18 A. Pass a literacy test;

20 B. Complete a minimum of 8 hours of basic classroom
22 training;

24 C. Complete a minimum of 8 hours of practical hands-on
26 training, including small animal handling and large animal
handling; and

28 D. Pass an examination on state animal welfare laws and
rules.

30 **2. Continuing education.** In order to renew certification
32 as an animal control officer pursuant to section 3906-B,
34 subsection 4, an animal control officer must complete 8 hours per
year of a combination of advanced classroom and advanced hands-on
36 workshop training provided by the department that may include
topics such as:

38 A. Animal cruelty with respect to hoarders of animals;

40 B. Animal cruelty with respect to domestic violence;

42 C. Case reviews and report writing; and

44 D. First aid to animals.

46 **3. Municipality responsibilities.** In hiring and employing
48 an animal control officer, a municipality must:

50 A. Conduct a background check for any violations of or
convictions under this Title and Titles 12, 17-A, 22 or 29-A;

2 B. Provide a photographic identification card to an animal
4 control officer certified under section 3906-B, subsection
4; and

6 C. Provide equipment as required in rules adopted pursuant
8 to section 3906-B, subsection 10 subject to the availability
10 of funds deposited into the municipality's account
established in accordance with section 3945.

12 **Sec. 4. 7 MRSA §3909, sub-§3,** as enacted by PL 1999, c. 254,
§2, is repealed.

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

16 3-A. Humane agents. Humane agents are regulated as
18 provided in this subsection.

20 A. An applicant to become a humane agent must meet the
22 criteria for an animal control officer listed in section
24 3906-D, subsection 1 and pass a 100-hour service training
program at the Maine Criminal Justice Academy or
successfully complete a nationally recognized program
dealing with animal welfare.

26 B. The commissioner shall assign a humane agent to an area
of specialization, including:

- 28 (1) Blood sports;
30 (2) Exotic animals;
32 (3) Large animals;
34 (4) Mental health and domestic violence;
36 (5) Small animals; or
38 (6) Training.

40 C. A humane agent shall complete 40 hours per year of a
42 combination of classroom and hands-on workshop training.

44 **Sec. 6. 7 MRSA §3922, sub-§1, ¶B,** as amended by PL 2001, c.
46 422, §6, is further amended to read:

48 B. From the dog recorder in the unorganized territory where
50 the dog is kept or, in the absence of a duly authorized dog
recorder, from a dog recorder in the nearest municipality or
unorganized territory in the same county where the dog is
kept; or

2 **Sec. 7. 7 MRSA §3922, sub-§1, ¶C**, as enacted by PL 2001, c.
422, §7, is amended to read:

4 C. From a veterinary licensing agent in accordance with
6 section 3923-F; or

8 **Sec. 8. 7 MRSA §3922, sub-§1, ¶D** is enacted to read:

10 D. From the Internet on-line dog licensing project, if
12 applicable, in accordance with section 3923-G.

14 **Sec. 9. 7 MRSA §3923-A, sub-§§1 and 2**, as amended by PL 2001,
c. 422, §8, are further amended to read:

16 **1. Dogs capable of producing young.** A dog 6 months of age
18 or older is considered capable of producing young unless
20 certification under subsection 2 is provided. The owner or
22 keeper of a dog capable of producing young shall pay a fee of
\$7.50 \$20.00 to the municipal clerk or to a veterinary licensing
agent for each dog 6 months of age or older and capable of
producing young. A dog is considered capable of producing young
unless certification under subsection 2 is provided.

24 The municipal clerk or veterinary licensing agent recording the
26 transaction shall retain a \$1 as-a recording fee. A veterinary
28 licensing agent shall transfer the balance of the fee to the
30 municipal clerk. The municipality shall deposit \$3 into the
municipality's animal welfare account established in accordance
with section 3945 and pay the remaining \$6.50 \$16.00 to the
department for deposit in the Animal Welfare Fund.

32 **2. Dogs incapable of producing young.** A dog owner shall
34 pay a fee of \$4 \$10 to the municipal clerk or to a veterinary
36 licensing agent for each dog 6 months of age or older and
incapable of producing young. A dog is considered incapable of
producing young when the owner provides the following:

38 A. A written certificate issued by a veterinarian stating
40 that the veterinarian has neutered the dog;

42 B. A written certificate issued by a veterinarian stating
44 that the veterinarian has examined the dog and determined
that the dog is incapable of producing young; or

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

50 The municipal clerk or veterinary licensing agent recording the
transaction shall retain a \$1 as-a recording fee. A veterinary

2 licensing agent shall transfer the balance of the fee to the
3 municipal clerk. The municipality shall deposit \$2-in \$3 into
4 the municipality's animal welfare account established in
5 accordance with section 3945 and pay the remaining \$1 \$6 to the
6 department for deposit in the Animal Welfare Fund.

7 **Sec. 10. 7 MRSA §3923-C, sub-§2-A**, as amended by PL 1997, c.
8 690, §18, is further amended to read:

9 **2-A. License fees.** A kennel owner shall pay a fee of \$21
10 \$42 to the municipal clerk for each license to keep dogs. A
11 license is needed only for dogs 6 months of age or older. A
12 kennel owner may not keep more than 10 dogs per license. The
13 clerk shall retain \$1 \$2 as a recording fee and forward \$5 \$10 to
14 the municipality's animal welfare account established pursuant to
15 section 3945 and \$15 \$30 to the Animal Welfare Fund.

16 **Sec. 11. 7 MRSA §3923-G** is enacted to read:

17 **§3923-G. Internet on-line dog licensing pilot project**

18 The commissioner may develop and implement an Internet-based
19 pilot project to license dogs on-line. The project may be
20 provided as a service to municipalities that volunteer and wish
21 to participate in the project to allow their citizens to register
22 dogs on-line. The commissioner may limit the number of
23 municipalities that participate in the pilot project. The
24 commissioner, working with municipalities, shall establish a way
25 to evaluate the accuracy of the proof of rabies immunization from
26 the information provided on-line. The commissioner may eliminate
27 the sticker requirement as established in section 3923-B for
28 on-line dog licensing. The commissioner shall provide
29 information regarding the licensed dogs to participating
30 municipalities at least once per month. The commissioner working
31 with municipalities shall evaluate the project at the end of the
32 first and 2nd years and report the findings to the joint standing
33 committee of the Legislature having jurisdiction over
34 agricultural matters. The report must include an analysis of
35 public acceptance of the project, the need for stickers, the
36 accuracy of proof of rabies immunization and other information
37 considered necessary by the commissioner to determine if the
38 project should be continued. This section is repealed July 1,
39 2005.

40 **Sec. 12. 7 MRSA §3931-A, sub-§2**, as enacted by PL 1991, c.
41 779, §29, is amended to read:

42 **2. License fees.** The fee for a breeding kennel license is
43 \$50 \$75.

44 **Sec. 13. 7 MRSA §3932, sub-§2**, as amended by PL 1991, c. 779,
45 §30, is further amended to read:

2 **2. License fees.** The fee for a boarding kennel license is
3 \$50 \$75.

4 **Sec. 14. 7 MRSA §3932-A, sub-§2,** as enacted by PL 1993, c.
6 657, §33, is amended to read:

8 **2. License fee.** The license fee for an animal shelter is
9 \$20 \$100.

10 **Sec. 15. 7 MRSA §3933, sub-§2,** as amended by PL 1991, c. 779,
12 §31, is further amended to read:

14 **2. License fees.** The fee for a pet shop license is ~~\$100~~
15 \$150.

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

20 **§3942. Issuance of dog licenses**

22 Municipal clerks shall issue dog licenses in accordance with
23 chapter 721, receive the license fees and pay to the department
24 ~~\$6-50~~ \$16 for dogs capable of producing young and ~~\$1~~ \$6 from each
25 license fee received for dogs incapable of producing young. The
26 clerks shall keep a record of all licenses issued by them, with
27 the names of the owners or keepers of dogs licensed and the sex,
28 registered numbers and description of all dogs except those
29 covered by a kennel license. The clerks shall make a monthly
30 report to the department on a department-approved form of all dog
31 licenses issued and fees received.

32 The ~~clerks~~ clerk shall retain \$1 from each license fee as a
33 recording fee. The clerk shall deposit ~~\$2~~ \$3 from each license
34 for a dog incapable of producing young in the municipality's
35 animal welfare account established in accordance with section
36 3945.

38 **Sec. 17. 7 MRSA §3991, sub-§1,** as enacted by PL 1987, c. 383,
40 §3 and amended by PL 1993, c. 468, §25, is further amended to
41 read:

42 **1. License necessary.** No research or teaching institution
43 of higher education may employ live animals in scientific
44 investigation, experiment or instruction or for the testing of
45 drugs or medicines without first having been issued a license
46 under this section by the commissioner. A research or teaching
47 institution desiring to obtain a license shall make application
48 to the commissioner. On receipt of the application, the
49 commissioner shall make or cause to be made such investigation as
50

2 ~~it~~ the commissioner considers necessary to determine whether the
3 public interest will be served by the issuance of the license.
4 The commissioner may issue the license provided that the research
5 or teaching institution, by reason of its standards, facilities,
6 practices or activities, is a fit and proper institution to
7 receive the license and that its issuance is in the public
8 interest. The standards for licensure ~~shall--be~~ are those
9 contained in the United States Code, Title 7, Section 2143, and
10 any federal regulations issued pursuant to that law. Nothing in
11 this chapter may be construed to be more restrictive than federal
12 law. In the case of conflict between state law and federal law or
13 a mandatory rule, regulation or order of the Federal Government
14 or its agencies, the federal law, rule, regulation or order ~~shall~~
15 govern ~~governs~~. Each research or teaching institution licensed
16 under this chapter, before issuance of the license, shall pay to
17 the commissioner a license fee of \$50 ~~\$200~~. Each license ~~shall~~
18 expire ~~expires~~ on June 30th next following the date of issue. The
19 commissioner shall annually renew each license upon the
20 application of the licensee, unless, after notice and hearing as
21 provided in this chapter, ~~it~~ the commissioner finds that, by
22 reason of the standards, facilities, practices or activities of
23 the licensee, the renewal is not in the public interest. The
24 commissioner, after notice and hearing as provided in this
25 chapter, may modify, fail to renew, suspend or revoke any license
26 if ~~it~~ the commissioner finds that, by reason of the standards,
27 facilities, practices or activities of the licensee, the
28 continuation of the license is not in the public interest.

29 **Sec. 18. 17 MRSA §1031, sub-§1-B**, as enacted by PL 2001, c.
30 425, §8, is amended to read:

31 **1-B. Aggravated cruelty to animals.** A person is guilty of
32 aggravated cruelty to animals if that person, in a manner
33 manifesting a depraved indifference to animal life or suffering,
34 intentionally, knowingly or recklessly:

- 35
- 36 A. Causes extreme physical pain to an animal;
 - 37
 - 38 B. ~~Kills~~ Causes the death of an animal; or
 - 39
 - 40 C. Physically tortures an animal.
 - 41

42

43

44 **SUMMARY**

45 This bill increases fees for dog licensing and other
46 licenses administrated by the Department of Agriculture, Food and
47 Rural Resources. Dog licenses will be increased from \$7.50 to
48 \$20 for dogs capable of producing young and from \$4 to \$10 for
49 dogs incapable of producing young. The bill also requires that
50

2 animal control officers appointed by municipalities pass a
literacy test and complete a minimum of 8 hours basic training
4 and 8 hours practical hands-on training to be certified by the
Commissioner of Agriculture, Food and Rural Resources. In
6 addition, the bill requires that humane agents employed by the
department must complete the 100-hour in-service program at the
8 Maine Criminal Justice Academy or a nationally recognized program
dealing with animal welfare.

10 This bill also allows the Commissioner of Agriculture, Food
and Rural Resources to establish a pilot project for the
12 registration of dogs via the Internet.