

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND REGULAR SESSION-2004

Legislative Document

No. 1763

H.P. 1285

House of Representatives, December 22, 2003

An Act To Promote Responsible Pet Ownership

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 17, 2003. Referred to the Committee on Agriculture, Conservation and Forestry pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Speaker COLWELL of Gardiner.
Cosponsored by Senator BRYANT of Oxford and
Representatives: BENNETT of Caribou, CLOUGH of Scarborough, LEMOINE of Old
Orchard Beach, LUNDEEN of Mars Hill, McKEE of Wayne, SUSLOVIC of Portland,
TARDY of Newport, Senator: MAYO of Sagadahoc.

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

2
4 **Sec. 1. 7 MRSA §3906-B, sub-§13,** as enacted by PL 1995, c. 502, Pt. C, §12, is repealed.

6 **Sec. 2. 7 MRSA §3906-B, sub-§15,** as amended by PL 2001, c. 399, §2, is further amended to read:

8
10 **15. Annual report.** The commissioner shall report the activities of the commissioner annually by March 1st to the joint standing committee of the Legislature having jurisdiction over agricultural matters. This report must include a summary of cases of cruelty to animals investigated by the commissioner, a summary of final dispositions of those cases and an account of deposits into and payments from the ~~spaying and neutering fund~~ Companion Animal Sterilization Fund established in section 3910-B.

18 **Sec. 3. 7 MRSA §3907, sub-§11-A** is enacted to read:

20 **11-A. Companion animal.** "Companion animal" means a cat or dog.

22 **Sec. 4. 7 MRSA §3907, sub-§21-A** is enacted to read:

24 **21-A. Participating veterinarian.** "Participating veterinarian" means a veterinarian participating in the Companion Animal Sterilization Program.

28 **Sec. 5. 7 MRSA §§3910-B and 3910-C** are enacted to read:

30 **§3910-B. Companion Animal Sterilization Program**

32 **1. Program established; purpose; annual report.** The commissioner shall establish and administer the Companion Animal Sterilization Program, referred to in this section as "the program," in accordance with this section. The purpose of the program is to reduce the population of unwanted, stray and homeless dogs and cats by encouraging the owners of companion animals to have them permanently reproductively sterilized, thereby reducing potential threats to public health and safety from mid-Atlantic rabies and other sources. The program is funded by the Companion Animal Sterilization Fund established in subsection 2. The commissioner shall report annually by September 1st to the Governor and the Legislature regarding the progress of the program and the status of the fund.

46 **2. Companion Animal Sterilization Fund.** There is established the Companion Animal Sterilization Fund, referred to in this section as "the fund." The fund receives money deposited by the Treasurer of State pursuant to Title 36, section 5284-A,

2 revenues generated in accordance with this section and any money
3 contributed voluntarily to the fund. All money deposited in the
4 fund and the earnings on that money remain in the fund to be used
5 to fund the program, including necessary administrative and
6 personnel costs associated with the management of the fund, and
7 may not be deposited in the General Fund or any other fund,
8 except as specifically provided by law.

9
10 **3. Eligibility of owner of companion animal to**
11 **participate.** A resident of this State who has adopted a
12 companion animal from an animal shelter is eligible to
13 participate in the program if the person presenting the animal
14 signs a consent form certifying that the person is the owner of
15 the companion animal or is authorized by the owner to present the
16 companion animal for the operation and that person pays a fee of
17 \$30. The sterilization must be performed by a participating
18 veterinarian.

19
20 **4. Reduced fee eligibility.** A resident of this State who
21 presents a companion animal for sterilization may participate in
22 the program for a reduced fee if the person:

23
24 A. Signs a consent form certifying that the person is the
25 owner of the companion animal or is authorized by the owner
26 to present the companion animal for the procedure;

27
28 B. Pays a fee of \$15; and

29
30 C. Is able to provide proof that the owner is receiving
31 unemployment benefits or is eligible to participate in one
32 of the following programs:

33
34 (1) The federal Food Stamp Act of 1977, 7 United
35 States Code, Sections 2011 to 2036 and the statewide
36 food stamp program under Title 22, section 3104;

37
38 (2) The program of supplementation of benefits for
39 blind, disabled and elderly people provided by the
40 United States Government pursuant to Title XVI of the
41 United States Social Security Act, as amended, and
42 Title 22, chapter 855-C;

43
44 (3) The Temporary Assistance for Needy Families
45 program under the United States Social Security Act, as
46 amended by the federal Personal Responsibility and Work
47 Opportunity Reconciliation Act of 1996, Public Law
48 104-193, 110 Stat. 2105 and Title 22, chapter 1053-B; or

49
50 (4) The MaineCare program established in Title 22,
chapter 855.

2 The sterilization must be performed by a participating
3 veterinarian.

4
5 **5. Veterinarian participation.** A veterinarian licensed in
6 this State may participate in the program. A veterinarian
7 applying to participate in the program shall file with the
8 commissioner an application provided by the commissioner on which
9 the veterinarian shall supply, in addition to any other
10 information requested by the commissioner, a fee schedule listing
11 the fees charged for sterilization, examination and presurgical
12 immunizations of dogs against rabies, distemper, hepatitis,
13 leptospirosis and parvovirus and the fees charged for
14 sterilization, examination and presurgical immunizations of cats
15 against rabies, feline panleukopenia, feline calici virus,
16 pneumonitis and rhinotracheitis performed in the normal course of
17 business. The sterilization fee may vary with the companion
18 animal's weight, sex and species. The commissioner may, however,
19 disqualify from participation in the program any veterinarian
20 whose fees are considered unreasonable.

21
22 **6. Veterinarian reimbursement.** The commissioner shall
23 reimburse, to the extent funds are available, a participating
24 veterinarian for the difference between 80% of the participating
25 veterinarian's fee and payment paid by the owner to the
26 participating veterinarian as provided in subsection 3 for each
27 companion animal sterilization procedure administered. To
28 receive this reimbursement, the participating veterinarian must
29 submit a companion animal sterilization reimbursement request
30 signed by the participating veterinarian and the owner of the
31 animal certifying that the animal has been sterilized. The owner
32 of a companion animal sterilized pursuant to subsection 3 who has
33 adopted that companion animal from an animal shelter shall pay
34 the cost of all presurgical immunizations and examination fees
35 directly to the participating veterinarian.

36
37 **7. Veterinarian reimbursement under reduced fee**
38 **arrangement.** For companion animals sterilized pursuant to
39 subsection 4, the commissioner shall reimburse, to the extent
40 funds are available, a participating veterinarian for the fees
41 for an examination and the presurgical immunization of dogs
42 against rabies, distemper, hepatitis, leptospirosis and
43 parvovirus or the fees for an examination and the presurgical
44 immunization of cats against rabies, feline panleukopenia, feline
45 calici virus, pneumonitis and rhinotracheitis, as the case may
46 be, as well as the fee for the companion animal sterilization
47 procedure. Reimbursement for these fees, less the \$15 fee paid
48 by the person presenting the companion animal, must be made by
49 the commissioner to the participating veterinarian upon
50 submission of the written companion animal sterilization

2 reimbursement request, signed by the participating veterinarian
3 and the owner of the companion animal or the person authorized by
4 the owner, certifying that the immunization has been administered
5 and the animal has been sterilized. The owner of a companion
6 animal sterilized pursuant to subsection 4 may not be required to
7 pay any additional charges for the examination fee or presurgical
8 immunization.

10 **8. Enforcement; administrative fine.** A person who
11 knowingly falsifies proof of eligibility for, or participation
12 in, the program, who furnishes any participating veterinarian
13 with inaccurate information concerning the ownership of a
14 companion animal submitted for a sterilization procedure, who
15 furnishes the commissioner with false information concerning a
16 companion animal sterilization fee schedule submitted pursuant to
17 subsection 5 or a companion animal sterilization reimbursement
18 request submitted pursuant to subsection 3 or 4 or who violates
19 any provision of this section or a rule adopted under this
20 section is subject to a civil fine levied by the commissioner not
21 to exceed \$1,000 for each violation.

22 **9. Fund raising.** The commissioner or the commissioner's
23 authorized agent may provide for the creation, reproduction,
24 sale, licensing, distribution and other disposal of any art or
25 products for the purpose of generating revenues for the fund.
26 All money generated from the sale of these items must be
27 deposited in the fund.

28 The commissioner may solicit and accept funds from any public or
29 private source to be used to carry out the provisions of this
30 section. All such funds must be deposited into the fund.

32 **10. Rulemaking.** The commissioner shall adopt rules to
33 carry out the purposes of this section, including rules
34 concerning:

36 A. The format and content of all forms required under this
37 section;

40 B. Proof of eligibility under subsections 3 and 4;

42 C. Administration of the fund; and

44 D. Any matters other than those in paragraphs A to C
45 necessary for the administration of this section.

46 Rules adopted pursuant to this subsection are routine technical
47 rules pursuant to Title 5, chapter 375, subchapter 2-A.

50 **§3910-C. Companion Animal Overpopulation Committee**

2 1. Establishment; purpose. The Companion Animal
Overpopulation Committee, referred to in this section as "the
4 committee," is established. The purpose of the committee is to
study companion animal overpopulation in this State and the
6 relationship of companion animal overpopulation to the spread of
rabies and other threats to the public health.

8
 2. Membership; cochair. The committee consists of 14
10 members, as follows:

12 A. Two members of the Senate, appointed by the President of
 the Senate;

14 B. Two members of the House of Representatives, appointed
16 by the Speaker of the House;

18 C. The Commissioner of Agriculture, Food and Rural
20 Resources or the commissioner's designee;

22 D. The Commissioner of Human Services or the commissioner's
 designee;

24 E. The Commissioner of Inland Fisheries and Wildlife or the
26 commissioner's designee;

28 F. A representative of a statewide association of
 veterinarians, appointed jointly by the President of the
30 Senate and the Speaker of the House;

32 G. A representative of a humane society or society for the
 prevention of cruelty to animals in the State, appointed
34 jointly by the President of the Senate and the Speaker of
 the House;

36 H. A representative of the Maine Municipal Association,
 appointed jointly by the President of the Senate and the
38 Speaker of the House;

40 I. A representative of an association of town and city
 clerks in the State, appointed jointly by the President of
42 the Senate and the Speaker of the House;

44 J. A representative of dog breeders, appointed by the
 Governor;

46 K. A representative of cat breeders, appointed by the
48 Governor; and

50 L. A member of the public, appointed by the Governor.

2 The first-chosen member of the House and the first-chosen Senator
3 serve as cochairs.

4
5 **3. Terms; compensation.** The terms of the members of the
6 committee are for 3 years, except that:

7 A. The Legislators appointed pursuant to subsection 2,
8 paragraphs A and B serve terms that are coterminous with
9 their terms of office; and

10
11 B. The Commissioner of Agriculture, Food and Rural
12 Resources, the Commissioner of Human Services and the
13 Commissioner of Inland Fisheries and Wildlife serve ex
14 officio.

15 Members of the committee serve until a successor has been
16 appointed.

17
18 Members of the committee serve without compensation, except for
19 Legislators appointed pursuant to subsection 2, paragraphs A and
20 B, who are entitled to receive the legislative per diem and
21 reimbursement for travel and other necessary expenses related to
22 their attendance at authorized meetings of the committee.

23
24 **4. Duties.** The primary duties of the committee are to
25 study the economic, human and public health effects of companion
26 animal overpopulation in the State and the lack of compliance
27 with dog licensing and rabies vaccination laws and ordinances.
28 The committee shall make recommendations to reduce the number of
29 stray and homeless cats and dogs in the State, to reduce the
30 number of healthy cats and dogs euthanized in animal shelters and
31 to increase compliance with dog licensing and rabies vaccination
32 laws and ordinances.

33
34 **5. Report.** The committee shall submit by January 15th an
35 annual report of its findings and recommendations, including any
36 recommended implementing legislation, to the Legislature and the
37 Governor. The committee's first report must be submitted on or
38 before March 15, 2005.

39
40 **Sec. 6. 36 MRSA §5284-A is enacted to read:**

41
42 **§5284-A. Companion Animal Sterilization Fund voluntary checkoff**

43
44 **1. Companion Animal Sterilization Fund.** A taxpayer who,
45 when filing a return, is entitled to a refund under this Part may
46 designate that a part of that refund be paid into the Companion
47 Animal Sterilization Fund established in Title 7, section 3910-B,
48 subsection 2. A taxpayer who is not entitled to a refund under
49 subsection 2.

2 this Part may contribute to the Companion Animal Sterilization
3 Fund by including with that taxpayer's return sufficient funds to
4 make the contribution. Each individual income tax return form
5 must contain a designation in substantially the following form:
6 "Contribution to Companion Animal Sterilization Fund: () \$5, ()
7 \$10, () \$25 or () Other \$... ."

8 **2. Contributions credited to Companion Animal Sterilization**
9 **Fund.** The State Tax Assessor shall determine annually the total
10 amount contributed pursuant to subsection 1. Prior to the
11 beginning of the next year, the assessor shall deduct the cost of
12 administering the Companion Animal Sterilization Fund checkoff,
13 but not exceeding \$5,000 annually, and report the remainder to
14 the Treasurer of State, who shall credit that amount to the
15 Companion Animal Sterilization Fund, which is established in
16 Title 7, section 3910-B, subsection 2.

17 **Sec. 7. Transition.** All funds in the spaying and neutering
18 fund established by the Commissioner of Agriculture, Food and
19 Rural Resources pursuant to the Maine Revised Statutes, Title 7,
20 section 3906-B, subsection 13 must be transferred to the
21 Companion Animal Sterilization Fund established in Title 7,
22 section 3910-B, subsection 2 within 30 days following the
23 effective date of this Act.

24 **Sec. 8. Effective date.** This Act takes effect January 1, 2005.

28 SUMMARY

29 **30**
31 This bill, based on New Hampshire law, establishes the
32 Companion Animal Sterilization Program to provide funding
33 assistance to Maine residents who adopt a dog or cat from an
34 animal shelter and need the animal to be spayed or neutered. A
35 resident pays a fee of \$30 to participating veterinarians.
36 Disabled, elderly, unemployed or low-income residents who are
37 eligible to receive low-income assistance, such as food stamps or
38 MaineCare or unemployment benefits, pay a fee of \$15, which
39 covers an examination, vaccinations and sterilization from a
40 participating veterinarian.

41 Participating veterinarians are reimbursed for the
42 difference between the fee and 80% of the veterinarian's fee for
43 sterilizing the companion animal less the copayment; if the
44 companion animal is owned by a disabled, elderly, low-income or
45 unemployed person, the veterinarian receives full reimbursement.

46
47 The primary source of funding for the program is a voluntary
48 checkoff on the individual income tax form that allows a taxpayer

2 to donate a portion of a tax refund or make a donation with the
tax return.

4 This bill also establishes the Companion Animal
6 Overpopulation Committee, a permanent committee whose purpose is
to study pet overpopulation in Maine and the relationship of
8 companion animal overpopulation to the spread of rabies and other
threats to the public health and make recommendations to reduce
10 the number of stray and homeless cats and dogs in the State and
the number of healthy cats and dogs euthanized in animal shelters
and to increase compliance with dog licensing and rabies
12 vaccination laws. The committee consists of 4 Legislators, the
Commissioner of Agriculture, Food and Rural Resources, the
14 Commissioner of Human Services and the Commissioner of Inland
Fisheries and Wildlife and representatives of veterinarians,
16 humane societies, municipalities, municipal clerks, dog and cat
breeders and the public. The committee is required to make an
18 annual report to the Legislature and the Governor.

20 The program begins January 1, 2005.