

# MAINE STATE LEGISLATURE

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10/18

L.D. 1473

DATE: 5/25/05

(Filing No. H-502)

AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE HOUSE OF REPRESENTATIVES 122ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1036, L.D. 1473, Bill, "An Act To Strengthen the Animal Welfare Laws"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 7 MRSA §3909, sub-§1, as enacted by PL 1997, c. 456, §3, is amended to read:

1. Attorney General and District Attorneys. Whenever a person has engaged in or is about to engage in an act or practice that constitutes a violation of this Act Part, a rule adopted pursuant to this Act Part or a condition of an order, license or permit approved or decision issued by the commissioner pursuant to this Act Part, or that constitutes a violation of chapter 739 or Title 17, chapter 42, the Attorney General or a District Attorney, at the request of the commissioner, may institute proceedings before the District Court or Superior Court for an order enjoining those acts or practices, an order directing compliance or imposing a civil or criminal penalty, or any combination of these actions, as provided by law. Upon a showing by the commissioner that the person has engaged or is about to engage in such an act or practice, the court may grant a permanent or temporary injunction, restraining order or other order as appropriate.

Sec. 2. 7 MRSA c. 720, as amended, is further amended by repealing the chapter headnote and enacting the following in its place:

COMMITTEE AMENDMENT

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CHAPTER 720

RABIES PREVENTION AND SHELTER PROVISIONS

**Sec. 3. 7 MRSA §3916, sub-§1-A** is enacted to read:

1-A. Required for dogs. A person owning or keeping a dog, except for a wolf hybrid, shall, within 30 days after the dog attains the age of 6 months, cause the dog to be immunized against rabies and shall have booster vaccinations administered periodically in accordance with rules adopted by the Commissioner of Health and Human Services under section 3922, subsection 3.

**Sec. 4. 7 MRSA §3916, sub-§2**, as amended by PL 1997, c. 704, §4, is further amended to read:

**2. Certificate.** A licensed veterinarian who vaccinates or supervises the vaccination of a cat or dog shall issue to the owner or keeper a certificate of rabies vaccination approved by the State and shall indicate on the certificate the date by which a booster vaccination is required pursuant to subsection 1 or 1-A.

**Sec. 5. 7 MRSA §3916, sub-§3**, as amended by PL 1995, c. 490, §7, is further amended to read:

**3. Enforcement.** A humane agent, an animal control officer or a law enforcement officer may ask an owner or keeper of a cat or dog to present proof of a certificate of rabies vaccination from the State.

**Sec. 6. 7 MRSA §3916, sub-§4**, as amended by PL 1997, c. 704, §5, is further amended to read:

**4. Exception.** Notwithstanding any provision of this chapter, an animal shelter operated by a nonprofit organization is not required to vaccinate an abandoned or stray cat or dog received by the shelter.

An owner or keeper of a cat is exempt from the requirements of subsection 1 if a medical reason exists that precludes the vaccination of the cat. To qualify for this exemption, the owner or keeper must have a written statement signed by a licensed veterinarian that includes a description of the cat and the medical reason that precludes the vaccination.

**Sec. 7. 7 MRSA §3923-C, sub-§6** is enacted to read:

6. Late fees. A late fee of \$25 in addition to the annual fee must be paid by a person who fails to obtain a municipal

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kennel license by January 31st of each year as required in this section. The late fee must be deposited in the municipality's animal welfare account established pursuant to section 3945.

Sec. 8. 7 MRSA §3935, as amended by PL 1993, c. 657, §35, is further amended to read:

**§3935. License prohibited**

The department may not issue a license to maintain a boarding kennel, breeding kennel or pet shop to a person who, within the 5 years previous to the application for the license, has been convicted of a criminal violation under Title 17, chapter 42, or under a criminal law involving cruelty to animals that is no longer in effect, or within 2 years previous to the application for the license, has been adjudicated of a civil violation for cruelty to animals under chapter 739.

Sec. 9. 7 MRSA §3935-A is enacted to read:

**§3935-A. Late fees**

A person maintaining a facility required to be licensed under this chapter shall pay a late fee equal to 50% of the required license fee if that person fails to renew a license within 30 days of that license's expiration date. The late fee must be deposited in the Animal Welfare Fund established in section 3906-B.

Sec. 10. 17 MRSA §1031, sub-§1, ¶D-2 is enacted to read:

D-2. Abandons an animal in violation of paragraph D and that animal dies as a result. Violation of this paragraph is a Class C crime;

Sec. 11. 17 MRSA §1038 is enacted to read:

**§1038. Animals abandoned at animal care facilities**

Abandoning an animal at a veterinarian's office, boarding kennel, animal grooming facility or animal day-care facility is a Class D crime.

1. Determination of abandonment. There is a rebuttable presumption of abandonment if an owner:

A. Places an animal in the custody of a licensed veterinarian for treatment, boarding or other care, or in a boarding kennel, animal grooming facility or animal day-care facility for services offered by that facility; and







# 122nd MAINE LEGISLATURE

LD 1473

LR 0310(02)

**An Act To Strengthen the Animal Welfare Laws**

**Fiscal Note for Bill as Amended by Committee Amendment "A"**

**Committee: Agriculture, Conservation and Forestry**

**Fiscal Note Required: Yes**

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## Fiscal Note

Current biennium cost increase - General Fund

Minor revenue increase - General Fund

Undetermined current biennium revenue increase - Other Special Revenue Funds

### Correctional and Judicial Impact Statements

Establishes new Class C and D crimes; increases correctional and judicial costs

The collection of additional fines may also increase General Fund revenue by minor amounts.

### Fiscal Detail and Notes

Establishing certain late fees pertaining to animal facilities licensed by the department will increase Other Special Revenue Funds revenue collected by the Department of Agriculture, Food and Rural Resources for the Animal Welfare Fund; the amounts will depend on the number of late fees that are incurred and can not be determined at this time. Any additional costs to the Department of Health and Human Services in adopting required rules can be absorbed by the department utilizing existing resources.