

2	DATE: 5/25/05 L.D. 1473 (Filing No. H-502)
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10	Reproduced and distributed under the direction of the Clerk of the House.
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14	STATE OF MAINE HOUSE OF REPRESENTATIVES
	122ND LEGISLATURE
16	FIRST SPECIAL SESSION
18	COMMITTEE AMENDMENT "A" to H.P. 1036, L.D. 1473, Bill, "An
20	COMMITTEE AMENDMENT "/T" to H.P. 1036, L.D. 1473, Bill, "An Act To Strengthen the Animal Welfare Laws"
22	Amend the bill by striking out everything after the enacting
24	clause and before the summary and inserting in its place the following:
26	' Sec. 1. 7 MRSA §3909, sub-§1, as enacted by PL 1997, c. 456, §3, is amended to read:
28	
30	1. Attorney General and District Attorneys. Whenever a person has engaged in or is about to engage in an act or practice
2.2	that constitutes a violation of this Aet Part, a rule adopted
32	pursuant to this Aet <u>Part</u> or a condition of an order, license or permit approved or decision issued by the commissioner pursuant
34	to this Aet Part, or that constitutes a violation of ehapter-739
36	er 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
38	order enjoining those acts or practices, an order directing compliance or imposing a civil or criminal penalty, or any
40	combination of these actions, as provided by law. Upon a showing
42	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
44	order as appropriate.
46	Sec. 2. 7 MRSA c. 720, as amended, is further amended by
48	repealing the chapter headnote and enacting the following in its place:

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CHAPTER 720

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4	RABIES PREVENTION AND SHELTER PROVISIONS
б	Sec. 3. 7 MRSA §3916, sub-§1-A is enacted to read:
8	1-A. Required for dogs. A person owning or keeping a dog, except for a wolf hybrid, shall, within 30 days after the dog
10	attains the age of 6 months, cause the dog to be immunized against rabies and shall have booster vaccinations administered
12	periodically in accordance with rules adopted by the Commissioner of Health and Human Services under section 3922, subsection 3.
14	Sec. 4. 7 MRSA §3916, sub-§2, as amended by PL 1997, c. 704,
16	\$4, is further amended to read:
18 20	2. Certificate. A licensed veterinarian who vaccinates or supervises the vaccination of a cat <u>or dog</u> shall issue to the owner or keeper a certificate of rabies vaccination approved by
22	the State and shall indicate on the certificate the date by which a booster vaccination is required pursuant to subsection $1 \text{ or } 1-A$.
24	Sec. 5. 7 MRSA §3916, sub-§3, as amended by PL 1995, c. 490, §7, is further amended to read:
26	3. Enforcement. A humane agent, an animal control officer
28	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
30	from the State.
32	Sec. 6. 7 MRSA §3916, sub-§4, as amended by PL 1997, c. 704, §5, is further amended to read:
34	4. Exception. Notwithstanding any provision of this
36	chapter, an animal shelter operated by a nonprofit organization is not required to vaccinate an abandoned or stray cat <u>or dog</u>
38	received by the shelter.
40	An owner or keeper of a cat is exempt from the requirements of subsection 1 if a medical reason exists that precludes the
42	vaccination of the cat. To qualify for this exemption, the owner or keeper must have a written statement signed by a licensed
44	veterinarian that includes a description of the cat and the medical reason that precludes the vaccination.
46	Sec. 7. 7 MRSA §3923-C, sub-§6 is enacted to read:
48	6. Late fees. A late fee of \$25 in addition to the annual
50	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:

8 §3935. License prohibited

10 The department may not issue a license to maintain a boarding kennel, breeding kennel or pet shop to a person who,
12 within the 5 years previous to the application for the license, has been convicted of a criminal violation under Title 17,
14 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.

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

<u>§3935-A. Late fees</u>

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.

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

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

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

38 §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.

44 1. Determination of abandonment. There is a rebuttable presumption of abandonment if an owner:
 46

A. Places an animal in the custody of a licensed48veterinarian for treatment, boarding or other care, or in a
boarding kennel, animal grooming facility or animal day-care50facility for services offered by that facility; and

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2	<u>B. Fails to claim the animal within 10 days after written notice is sent in accordance with subsection 2.</u>
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-	2. Notice requirement. Before any animal may be considered
6	abandoned under this section, a veterinarian's office, boarding
U	kennel, animal grooming facility or animal day-care facility
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o	shall send written notice, by registered or certified mail,
10	return receipt requested, to the owner or keeper at the owner's
10	or keeper's last known address. Proof of attempted delivery
	<u>constitutes sufficient notice.</u>
12	
	3. Ownership of abandoned animal. When an owner or keeper
14	fails to claim an animal within 10 days of a notice's being sent
	under subsection 2, the veterinarian, kennel, facility or
16	individual who has custody and control of the animal is
	considered the owner of the animal and shall arrange for its
18	care, including, but not limited to, its adoption, sale or
	<u>placement with a licensed animal shelter.</u>
20	
	4. Financial obligation. The disposal of an abandoned
22	animal under this section does not relieve the owner or keeper of
	the animal of any financial obligation, including, but not
24	limited to, costs incurred for veterinary treatment, boarding,
	<u>grooming or other care.</u>
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20	
20	5. Penalty. In addition to the penalties provided in Title
28	5. Penalty. In addition to the penalties provided in Title 17-A for a Class D crime, the penalties in section 1031,
	<u>17-A for a Class D crime, the penalties in section 1031,</u>
28 30	<u>17-A for a Class D crime, the penalties in section 1031, subsection 3-B also apply.</u> '
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6. Makes abandonment a Class C crime if the animal dies as a result of abandonment; and
 7. Makes it a Class D crime to abandon an animal at a veterinarian's office, boarding kennel, animal grooming facility or animal day-care facility. It establishes a process for notification of an owner and disposition of an abandoned animal.
 FISCAL NOTE REQUIRED (See attached)

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Revised: 05/23/05 mac

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

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.