

MAINE STATE LEGISLATURE

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R.O.S.

L.D. 1881

DATE: 2/24/06

(Filing No. H-774)

AGRICULTURE, CONSERVATION AND FORESTRY

majority

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1321, L.D. 1881, Bill, "An Act Amending 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 §3907, sub-§5-A, as amended by PL 1993, c. 657, §3, is further amended to read:

5-A. Animal shelter. "Animal shelter" means a facility that ~~includes--a--physical--structure--or--part--of--a--physical structure--that--provides--temporary--or--permanent--shelter--to~~ houses animals and operates for the purpose of providing stray, abandoned, abused or owner-surrendered animals with sanctuary or finding the animals temporary or permanent adoptive homes.

Further amend the bill by striking out all of section 3 and inserting in its place the following:

'Sec. 3. 7 MRSA §3907, sub-§8-A, as amended by PL 1997, c. 690, §4, is further amended to read:

8-A. Breeding kennel. "Breeding kennel" means a facility ~~operated--for--the--purpose--of--breeding--or--buying--selling--or--in--any way--exchanging--dogs--or--cats--for--value--that--exchanges--more--than--16 dogs--or--16--cats--in--a--12--month--period~~ location where 5 or more adult dogs, wolf hybrids or cats capable of breeding are kept and some or all of the offspring are offered for sale, sold or exchanged for value.'

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Further amend the bill by striking out all of sections 4 to 7 and inserting in their place the following:

'Sec. 4. 7 MRSA §3907, sub-§11-B is enacted to read:

11-B. Council. "Council" means the Animal Welfare Advisory Council as established by Title 5, section 12004-I, subsection 2-C or its duly authorized agent.

Sec. 5. 7 MRSA §3907, sub-§12-B, as enacted by PL 1995, c. 490, §3, is repealed.'

Further amend the bill by striking out all of sections 10 to 13 and inserting in their place the following:

'Sec. 10. 17 MRSA §1011, sub-§5-A, as amended by PL 1993, c. 657, §44, is further amended to read:

5-A. Animal shelter. "Animal shelter" means a facility that ~~includes--a--physical--structure--or--part--of--a--physical structure--that--provides--temporary--or--permanent--shelter--to~~ houses animals and operates for the purpose of providing stray, abandoned, abused or owner-surrendered animals with sanctuary or finding the animals temporary or permanent adoptive homes.

Sec. 11. 17 MRSA §1011, sub-§8-A, as amended by PL 1997, c. 690, §56, is further amended to read:

8-A. Breeding kennel. "Breeding kennel" means a facility ~~operated--for--the--purpose--of--breeding--or--buying--selling--or--in any--way--exchanging--dogs--or--cats--for--value~~ location where 5 or more adult dogs, wolf hybrids or cats capable of breeding are kept and some or all of the offspring are offered for sale, sold or exchanged for value.'

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

'Sec. 16. 19-A MRSA §4007, sub-§1, ¶N is enacted to read:

N. Directing the care, custody or control of any animal owned, possessed, leased, kept or held by either party or a minor child residing in the household.

Sec. 17. 19-A MRSA §4011, sub-§2, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

2. **Exception.** When the only provision that is violated concerns relief authorized under section 4007, subsection 1,

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paragraphs H to M N, the violation must be treated as contempt and punished in accordance with law.'

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

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SUMMARY

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This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It amends the definitions of "animal shelter" and "breeding kennel." It deletes sections of the bill that propose changing the definition of "companion animal" and enacting a definition for "companion livestock." It repeals the definition of "foster home," a term that is not used in the animal welfare statutes.

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It removes the proposed provisions establishing civil and criminal violations of endangerment. It specifies that a violation of a protection from abuse order that directs the care or custody of an animal is contempt.

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FISCAL NOTE REQUIRED
(See attached)

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LD 1881

LR 2727(02)

An Act Amending the Animal Welfare Laws

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

Committee: Agriculture, Conservation and Forestry

Fiscal Note Required: Yes

Majority Report

Fiscal Note

Minor cost increase - General Fund

	2005-06	2006-07	Projections 2007-08	Projections 2008-09
Revenue				
Other Special Revenue Funds	\$0	\$0	\$0	\$0

Fiscal Detail and Notes

There is no net Other Special Revenue Funds revenue to the Department of Agriculture, Food and Rural Resources. The repeal of a certain surcharge assessed to kennels will result in the estimated loss of \$10,000 in annual revenue in fiscal year 2006-07 and \$10,800 in revenue for each year thereafter. This revenue loss is offset by an estimated increase in dedicated revenue for that same time period from fees collected as a result of an expanded definition of what a breeding kennel is.