

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 1881

H.P. 1321

House of Representatives, January 3, 2006

An Act Amending the Animal Welfare Laws

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

Received by the Clerk of the House on December 28, 2005. 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 Representative PIOTTI of Unity.

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

2
4 **Sec. 1. 7 MRSA §3907, sub-§5-A**, as amended by PL 1993, c. 657, §3, is further amended to read:

6 **5-A. Animal shelter.** "Animal shelter" means a facility
7 that ~~includes--a--physical--structure--or--part--of--a--physical~~
8 ~~structure--that--provides--temporary--or--permanent--shelter--to~~ houses
9 5 or more weaned animals and operates for the purpose of
10 providing stray, abandoned, abused or owner-surrendered animals
11 with sanctuary or finding the animals temporary or permanent
12 adoptive homes.

14 **Sec. 2. 7 MRSA §3907, sub-§7**, as enacted by PL 1987, c. 383,
15 §3, is repealed.

16 **Sec. 3. 7 MRSA §3907, sub-§8-A**, as amended by PL 1997, c. 690,
18 §4, is further amended to read:

20 **8-A. Breeding kennel.** "Breeding kennel" means a facility
21 operated where 5 or more dogs, wolf hybrids or cats are kept in a
22 single location for the purpose of breeding or buying, selling or
23 in any way exchanging dogs, wolf hybrids or cats for value that
24 ~~exchanges more than 16 dogs or 16 cats in a 12-month period.~~

26 **Sec. 4. 7 MRSA §3907, sub-§11-A**, as enacted by PL 2003, c.
27 682, §3, is amended to read:

28 **11-A. Companion animal.** "Companion animal" means a cat or,
29 dog or any animal kept as a pet.

32 **Sec. 5. 7 MRSA §3907, sub-§11-B** is enacted to read:

34 **11-B. Companion livestock.** "Companion livestock" means
35 livestock treated as pets and not used, possessed or kept for
36 commercial or agricultural purposes.

38 **Sec. 6. 7 MRSA §3907, sub-§11-C** is enacted to read:

40 **11-C. Council.** "Council" means the Animal Welfare Advisory
41 Council as established by Title 5, section 12004-I, subsection
42 2-C or its duly authorized agent.

44 **Sec. 7. 7 MRSA §3907, sub-§12-B**, as enacted by PL 1995, c.
45 490, §3, is amended to read:

46 **12-B. Foster home.** "Foster home" means a facility or
47 private residence that ~~includes a physical structure or part of a~~
48 ~~physical structure and that contracts with an animal shelter to~~
49 provide provides temporary shelter to for up to 4 companion
50 animals.

2 animals or 3 companion animals and 3 unweaned litters of stray,
3 abandoned, abused or owner-surrendered companion animals in a
4 calendar year.

6 **Sec. 8. 7 MRSA §3910-B, sub-§1**, as amended by PL 2005, c. 281,
7 §5, is further amended to read:

8 **1. Establishment.** There is established the Companion
9 Animal Sterilization Fund, an interest-bearing account, referred
10 to in this section as "the fund." The fund receives money
11 deposited by the Treasurer of State pursuant to Title 36, section
12 5284-A, revenues generated in accordance with this section, all
13 revenue from the surcharges collected under ~~section--3931-A,~~
14 ~~subsection-4-and~~ section 3933, subsection 4, money transferred
15 from the Animal Welfare Fund in accordance with section 3906-B,
16 subsection 2 and any money contributed voluntarily to the fund.
17 All money deposited in the fund and the earnings on that money
18 remain in the fund to be used for the spaying or neutering of
19 companion animals owned by persons meeting income limit standards
20 and for the necessary administrative and personnel costs
21 associated with the management of the fund and may not be
22 deposited in the General Fund or any other fund except as
23 specifically provided by law.

24 **Sec. 9. 7 MRSA §3931-A, sub-§4**, as enacted by PL 2005, c. 281,
25 §6, is repealed.

28 **Sec. 10. 7 MRSA §4019** is enacted to read:

30 **§4019. Endangerment**

32 **1. Endangerment.** A person is guilty of endangering the
33 welfare of a companion animal or companion livestock if that
34 person:

36 A. Knowingly or recklessly acts in a manner likely to be
37 injurious to the physical welfare of a companion animal or
38 companion livestock; or

40 B. Is an owner or keeper legally charged with the care or
41 custody of a companion animal or companion livestock and
42 fails or refuses to exercise reasonable diligence, care or
43 control in any action that places in jeopardy the physical
44 well-being of the companion animal or companion livestock.

46 **2. Husbandry practices excepted.** This section may not be
47 construed to prohibit normal and accepted practices of animal
48 husbandry.

2 **Sec. 11. 17 MRSA §1011, sub-§5-A**, as amended by PL 1993, c.
657, §44, is further amended to read:

4 **5-A. Animal shelter.** "Animal shelter" means a facility
that ~~includes--a--physical--structure--or--part--of--a--physical~~
6 ~~structure--that--provides--temporary--or--permanent--shelter--to~~ houses
7 5 or more weaned animals and operates for the purpose of
8 providing stray, abandoned, abused or owner-surrendered animals
10 with sanctuary or finding the animals temporary or permanent
adoptive homes.

12 **Sec. 12. 17 MRSA §1011, sub-§8-A**, as amended by PL 1997, c.
14 690, §56, is further amended to read:

16 **8-A. Breeding kennel.** "Breeding kennel" means a facility
operated where 5 or more dogs, wolf hybrids or cats are kept in a
18 single location for the purpose of breeding or buying, selling or
in any way exchanging dogs, wolf hybrids or cats for value that
20 exchanges more than 16 dogs or 16 cats in a 12-month period.

22 **Sec. 13. 17 MRSA §1039** is enacted to read:

24 **§1039. Endangerment**

26 **1. Endangerment.** A person is guilty of endangering the
welfare of a companion animal or companion livestock if that
28 person:

30 A. Knowingly or recklessly acts in a manner likely to be
injurious to the physical welfare of a companion animal or
32 companion livestock; or

34 B. Is an owner or keeper legally charged with the care or
custody of a companion animal or companion livestock and
36 fails or refuses to exercise reasonable diligence, care or
control in any action that places in jeopardy the physical
38 well-being of the companion animal or companion livestock.

40 **2. Definitions.** As used in this section, "companion
animal" has the same meaning as set out in Title 7, section 3907,
42 subsection 11-A and "companion livestock" has the same meaning as
set out in Title 7, section 3907, subsection 11-B.

44 **3. Husbandry practices excepted.** This section may not be
construed to prohibit normal and accepted practices of animal
46 husbandry.

48 **4. Penalty.** Endangering the welfare of a companion animal
or companion livestock is a Class D crime.

50

2 **Sec. 14. 19-A MRSA §4007, sub-§1, ¶L**, as enacted by PL 1995,
c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

4 L. Ordering the defendant or, if the complaint is
6 dismissed, the plaintiff to pay court costs or reasonable
attorney's fees; or

8 **Sec. 15. 19-A MRSA §4007, sub-§1, ¶M**, as enacted by PL 1995,
10 c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

12 M. Entering any other orders determined necessary or
appropriate in the discretion of the court; or

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

16 N. Entering an order concerning the care, custody or
18 control of any companion animal or companion livestock
20 owned, possessed, leased, kept or held by either party or a
22 minor child residing in the household.

SUMMARY

24 This bill amends several provisions of the animal welfare
26 laws.

28 1. It amends the definition sections in the animal welfare
30 laws in the Maine Revised Statutes, Title 7 and Title 17 to enact
32 definitions for "companion livestock" and for "council" as being
the Animal Welfare Advisory Council; to amend definitions for
34 "animal shelter," "breeding kennel," "companion animal" and
"foster home"; and to remove an obsolete reference to the Animal
Welfare Board.

36 2. It repeals the surcharge currently assessed for
unneutered cats and dogs sold by a breeding kennel.

38 3. It enacts a civil violation and a crime of endangering
40 the welfare of a companion animal or companion livestock.

42 4. It amends the domestic relations laws providing relief
from abuse to allow judges to write protection from abuse orders
to protect both companion animals and companion livestock.