

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1185

H.P. 866

House of Representatives, March 7, 2007

An Act To Protect Dogs Tied Outside

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative PENDLETON of Scarborough.
Cosponsored by Senator ROTUNDO of Androscoggin and
Representatives: BLISS of South Portland, PINEAU of Jay.

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

2 **Sec. 1. 7 MRSA §4011, sub-§1, ¶E**, as amended by PL 1997, c. 456, §5, is
3 further amended to read:

4 E. Deprives an animal that the person owns or possesses or keeps of necessary
5 sustenance, necessary medical attention, proper shelter, protection from the weather
6 or humanely clean conditions or fails to comply with the standards for shelter and
7 tethering under section 4015, subsection 6 for dogs when tethering or chaining is the
8 primary means of confinement;

9 **Sec. 2. 7 MRSA §4015, sub-§6**, as enacted by PL 2005, c. 340, §2, is amended to
10 read:

11 **6. Dogs confined by tethering for long time periods.** In addition to the
12 requirements of subsection 2, paragraph B, subparagraph (2), when tethering is the
13 primary means of confinement for a dog, the standards for shelter and tethering are as
14 follows:

15 A. A shelter must be provided that is fully enclosed except for a portal. A shelter
16 must be of adequate space to allow the dog to stand easily, sit, lie, turn around and
17 make all other normal movements in a comfortable and normal manner. The portal
18 must be of a sufficient size to allow the dog unimpeded passage into and out of the
19 structure. For dogs other than arctic breeds, the portal must be constructed in a
20 manner that keeps wind and precipitation out of the interior. The shelter must have
21 clean bedding material sufficient to retain the dog's normal body heat; ~~and~~

22 B. The chain or tether must be attached to both the dog and the anchor using
23 swivels or similar devices that prevent the chain or tether from becoming entangled
24 or twisted. The chain or tether must be attached to a well-fitted collar or harness on
25 the dog. For dogs other than arctic breeds, the chain or tether must be at least 5 times
26 the length of the dog measured from the tip of its nose to the base of its tail. For
27 arctic breeds, the chain or tether must be at least 2.5 times the length of the dog
28 measured from the tip of its nose to the base of its tail;

29 C. A person may not tether, confine or restrain at any time a dog in a manner that
30 would cause pain or injury or entanglement or in a manner that would render the dog
31 incapable of reaching its shelter and water at all times and reaching its food as
32 appropriate;

33 D. The weight or gauge of any chain or tether must be appropriate for the restrained
34 dog and may not unduly burden the dog;

35 E. The tether must be attached to a properly fitting collar worn by the dog, with
36 enough room between the collar and the dog's throat for 2 adult fingers to fit. The
37 use of choke collars and pinch collars for chaining or tethering is prohibited. For the
38 purposes of this section, "choke collar" means a length of chain or nylon rope with
39 rings at either end so that the collar can be formed into a loop around an animal's
40 neck that adjusts tighter when pulled, and "pinch collar" means a series of chain links

1 with open ends turned to the animal's neck so that when the collar is tightened it
2 pinches the naturally loose skin around the animal's neck;

3 F. It is unlawful for any person to confine or tether a dog outdoors during periods of
4 extreme weather marked by periods of unusually cold temperatures, except for arctic
5 breeds. It is also unlawful for any person to confine or tether a dog outdoors during
6 periods of extreme heat and during periods for which hurricane, tropical storm,
7 winter storm or wind chill warnings have been issued;

8 G. A dog restrained by a chain or tether must have access to potable, clean and
9 unfrozen water at all times and to suitable, edible and sufficient food as appropriate to
10 ensure the health of the dog;

11 H. A dog must be removed from the tether or for at least 3 consecutive hours daily.
12 During the period the dog is off the tether or chain, the dog may not be confined in
13 any enclosure other than a fenced yard that provides the dog adequate space for
14 exercise; and

15 I. A state veterinarian, humane agent, animal control officer or law enforcement
16 officer shall issue a notice to comply or a correction warning to any owner or keeper
17 who commits a violation of this subsection. If the violation endangers the health and
18 safety of the dog, the dog is injured as a result of the violation or a notice to comply
19 or a correction warning has been issued previously, a state veterinarian, humane
20 agent, animal control officer or law enforcement officer shall proceed under the
21 applicable provisions of Title 17, section 1021.

22 For the purposes of this subsection, "primary means of confinement" means the method
23 used to confine a dog for periods of time that exceed 12 hours in a 24-hour period. For
24 the purposes of this subsection, "arctic breeds" means Siberian Huskies, Alaskan Huskies,
25 Alaskan Malamutes and other dogs with a double-layered coat and bred to live in an
26 arctic climate.

27 **Sec. 3. 17 MRSA §1037, sub-§7, as enacted by PL 2005, c. 340, §4, is amended**
28 **to read:**

29 **7. Dogs confined by tethering for long time periods.** In addition to the
30 requirements of subsection 2, paragraph B, subparagraph (2), when tethering is the
31 primary means of confinement for a dog, the standards for shelter and tethering are as
32 follows:

33 A. A shelter must be provided that is fully enclosed except for a portal. A shelter
34 must be of adequate space to allow the dog to stand easily, sit, lie, turn around, and
35 make all other normal movements in a comfortable and normal manner. The portal
36 must be of a sufficient size to allow the dog unimpeded passage into and out of the
37 structure. For dogs other than arctic breeds, the portal must be constructed in a
38 manner that keeps wind and precipitation out of the interior. The shelter must have
39 clean bedding material sufficient to retain the dog's normal body heat; ~~and~~

40 B. The chain or tether must be attached to both the dog and the anchor using
41 swivels or similar devices that prevent the chain or tether from becoming entangled
42 or twisted. The chain or tether must be attached to a well-fitted collar or harness on
43 the dog. For dogs other than arctic breeds, the chain or tether must be at least 5 times

1 the length of the dog measured from the tip of its nose to the base of its tail. For
2 arctic breeds, the chain or tether must be:

3 (1) At least 2.5 times the length of the dog measured from the tip of its nose to
4 the base of its tail if the anchor is stationary; or

5 (2) At least 1.5 times the length of the dog measured from the tip of its nose to
6 the base of its tail if the anchor is a pivot point allowing a ~~360~~ 360 degree area of
7 movement; and

8 C. A person may not tether, confine or restrain at any time a dog in a manner that
9 would cause pain or injury or entanglement or in a manner that would render the dog
10 incapable of reaching its shelter and water at all times and reaching its food as
11 appropriate;

12 D. The weight or gauge of any chain or tether must be appropriate for the restrained
13 dog and may not unduly burden the dog;

14 E. The tether must be attached to a properly fitting collar worn by the dog with
15 enough room between the collar and the dog's throat for 2 adult fingers to fit. The
16 use of choke collars and pinch collars for chaining or tethering is prohibited. For the
17 purposes of this section, "choke collar" means a length of chain or nylon rope with
18 rings at either end so that the collar can be formed into a loop around an animal's
19 neck that adjusts tighter when pulled, and "pinch collar" means a series of chain links
20 with open ends turned to the animal's neck so that when the collar is tightened it
21 pinches the naturally loose skin around the animal's neck;

22 F. It is unlawful for any person to confine or tether a dog outdoors during periods of
23 extreme weather marked by periods of unusually cold temperatures, except for arctic
24 breeds. It is also unlawful for any person to confine or tether a dog outdoors during
25 periods of extreme heat and during periods for which hurricane, tropical storm,
26 winter storm or wind chill warnings have been issued;

27 G. A dog restrained by a chain or tether must have access to potable, clean and
28 unfrozen water at all times and to suitable, edible and sufficient food as appropriate to
29 ensure the health of the dog;

30 H. A dog must be removed from the tether or chain for at least 3 consecutive hours
31 daily. During the period the dog is off the tether or chain, the dog may not be
32 confined in any enclosure other than a fenced yard that provides the dog adequate
33 space for exercise; and

34 I. A state veterinarian, humane agent, animal control officer or law enforcement
35 officer shall issue a notice to comply or a correction warning to any owner or keeper
36 who commits a violation of this subsection. If the violation endangers the health and
37 safety of the dog, the dog is injured as a result of the violation or a notice to comply
38 or a correction warning has been issued previously, a state veterinarian, humane
39 agent, animal control officer or law enforcement officer shall proceed under the
40 applicable provisions of section 1021.

41 For the purposes of this subsection, "primary means of confinement" means the method
42 used to confine a dog for periods of time that exceed 12 hours in a 24-hour period. For
43 the purposes of this subsection, "arctic breeds" means Siberian Huskies, Alaskan Huskies,

1 Alaskan Malamutes and other dogs with a double-layered coat and bred to live in an
2 arctic climate.

3 **SUMMARY**

4 This bill amends the animal welfare laws as follows:

5 1. It prohibits the tethering, confining or restraining of a dog that would cause pain
6 or injury or entanglement so that the dog is incapable of reaching its food, water and
7 shelter;

8 2. It permits a state veterinarian, humane agent, animal control officer or law
9 enforcement officer to issue a notice to comply or a correction warning to any owner or
10 keeper who fails to comply with the animal welfare laws. If the violation endangers the
11 health and safety of the dog or if the dog has been wounded as a result of the violation or
12 if a prior warning has been issued, then the state veterinarian, humane agent, animal
13 control officer or law enforcement officer shall proceed under the applicable provisions
14 of the Maine Revised Statutes, Title 17, section 1021;

15 3. It specifies the weight and length permitted for chains or tethers and describes
16 acceptable collars and fittings for collars and prohibits choke collars and pinch collars;

17 4. It prohibits the tethering of dogs outside during extreme weather conditions;

18 5. It requires that a dog be removed from a tether for at least 3 consecutive hours a
19 day and have reasonable freedom to exercise;

20 6. It specifies that a dog shelter must allow a dog to easily stand, sit, lie and turn
21 about in a comfortable manner; and

22 7. It specifies the area required for confined space to provide adequate exercise.