

MAINE STATE LEGISLATURE

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No. 1293

H.P. 911

House of Representatives, March 9, 2007

An Act To Enhance Protection against Rabies in Wolf Hybrids

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.
Reference to the Committee on Agriculture, Conservation and Forestry suggested and
ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MILLER of Somerville.

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

2 **Sec. 1. 22 MRSA §1313**, as amended by PL 1999, c. 731, Pt. Q, §1, is further
3 amended to read:

4 **§1313. Procedures for the transportation, quarantine, euthanasia and testing of**
5 **animals suspected of having rabies**

6 **1. Establishment of procedures.** The commissioner, in consultation with the
7 Commissioner of Agriculture, Food and Rural Resources and the Commissioner of Inland
8 Fisheries and Wildlife, shall adopt rules, in accordance with the Maine Administrative
9 Procedure Act, establishing procedures for responding to a report of an animal suspected
10 of having rabies. The procedures must include provisions for the transportation,
11 quarantine, euthanasia and testing of an animal suspected of having rabies and, when that
12 animal has bitten a person, provisions for the notification of the animal control officer in
13 the locality where the bite occurred. The procedures may differ based on the perceived
14 public health threat determined in part by consideration of the following factors:

15 A. Whether the animal is a domesticated animal for which a known effective
16 vaccine exists and, if so, ~~can~~ whether the animal's vaccination status can be verified;
17 and

18 B. Whether the animal has bitten a person or exhibited other aggressive behavior;
19 and

20 C. Whether the animal is a wolf hybrid that has bitten or otherwise exposed a person
21 or a domesticated animal to rabies.

22 **2. Role of animal control officer; game warden.** An animal control officer
23 appointed in accordance with Title 7, section 3947, receiving a report of an animal
24 suspected of having rabies shall ensure that the procedures established pursuant to this
25 section and ~~section~~ sections 1313-A and 1313-B are carried out. If the animal is an
26 undomesticated animal, other than a wolf hybrid, a game warden shall assist the animal
27 control officer.

28 **3. Costs associated with transportation, quarantine, testing and euthanasia.** The
29 Department of Inland Fisheries and Wildlife shall provide for or pay all necessary costs
30 for transportation and euthanasia of an undomesticated animal suspected of having rabies.
31 The owner of a domesticated animal or a wolf hybrid suspected of having rabies shall pay
32 all costs for transportation, quarantine, euthanasia and testing of the animal. If a
33 domesticated animal or a wolf hybrid is a stray or the owner is unknown, the municipality
34 in which the animal was apprehended is responsible for transportation, quarantine,
35 euthanasia and testing costs. Cost of testing animals judged by the department to have
36 created a public health risk of rabies must be borne by the department, through its
37 General Fund appropriations.

38 **Sec. 2. 22 MRSA §1313-A, first ¶**, as amended by PL 1997, c. 704, §11, is
39 further amended to read:

1 If an undomesticated animal ~~or a wolf hybrid~~ suspected of having rabies bites or
2 otherwise exposes to rabies a person or a domestic animal, an animal control officer, a
3 local health officer or a game warden ~~must~~ shall immediately either remove the
4 undomesticated animal ~~or wolf hybrid~~ or cause the undomesticated animal ~~or wolf hybrid~~
5 to be removed and euthanized for testing. If a wolf hybrid suspected of having rabies
6 bites or otherwise exposes to rabies a person or a domestic animal, an animal control
7 officer, a local health officer or a law enforcement officer shall immediately cause the
8 animal to be euthanized for testing. When in the judgment of the animal control officer,
9 local health officer, game warden or law enforcement officer the animal poses an
10 immediate threat to a person or domestic animal, the animal control officer, local health
11 officer, game warden or law enforcement officer may immediately kill or order killed that
12 animal without destroying the head. The Department of Inland Fisheries and Wildlife
13 shall arrange for the transportation of the head to the State Health and Environmental
14 Testing Laboratory; except that the animal control officer shall make the arrangements if
15 the animal is a wolf hybrid.

16 **Sec. 3. 22 MRSA §1313-B, sub-§2,** as enacted by PL 1997, c. 704, §12, is
17 amended to read:

18 **2. Court authorization for removal.** When home quarantine procedures, as
19 described on the official notice of quarantine, have been violated, or in the case of a wolf
20 hybrid, when the owner fails to bring the animal to a veterinarian for euthanasia and
21 testing or to turn the animal over to authorities as required by rules established pursuant
22 to this chapter, an animal control officer, person acting in that capacity or law
23 enforcement officer ~~may~~ shall apply to the District Court or Superior Court for
24 authorization to take possession of the animal for placement, at the owner's expense, in a
25 veterinary hospital, boarding kennel or other suitable location for the remainder of the
26 quarantine period or, in the case of a wolf hybrid, removal for euthanasia. At the end of
27 the quarantine period for domestic animals, or if the animal shows signs of rabies, the
28 person in possession of the animal ~~must~~ shall report to the court, and the court shall either
29 dissolve the possession order or order the animal euthanized and tested for rabies.

30 **SUMMARY**

31 This bill clarifies that the primary responsibility for enforcement of statutory and
32 regulatory provisions governing rabies protection in wolf hybrids rests with municipal
33 animal control officers.

34 This bill also clarifies that it is the responsibility of the municipal animal control
35 officer, a local health officer or a law enforcement officer to euthanize for testing any
36 wolf hybrid exposed to the rabies virus.