

MAINE STATE LEGISLATURE

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AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1137, L.D. 1615, Bill, "An Act To Amend the Animal Welfare Laws"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 7 MRSA §3906-B, sub-§4, as amended by PL 1997, c. 690, §2, is further amended to read:

4. Training and certification of animal control officers. The commissioner shall develop both a basic and advanced program to train animal control officers. This The basic program must include training in investigation of complaints of cruelty to animals, training in response to calls concerning animals suspected of having rabies and training in enforcement of dog licensing laws and rabies immunization laws. The commissioner shall certify all animal control officers who complete the training program.

The advanced training must include, but is not limited to, training in animal cruelty with respect to hoarders of animals, animal cruelty with respect to domestic violence, new laws, case reviews and report writing.

The commissioner shall certify all animal control officers who complete the training programs.

Sec. 2. 7 MRSA §3906-B, sub-§9, as amended by PL 2003, c. 405, §1, is further amended to read:

9. Employees. The commissioner, in consultation with the Animal Welfare Advisory Committee, shall employ, subject to the Civil Service Law, necessary employees to assist in enforcing this Part and in carrying out the commissioner's duties and responsibilities. The commissioner shall conduct a background check of a potential employee. The commissioner may not hire as a state humane agent a person who has been convicted of murder, a Class A or Class B offense, a violation under Title 17-A, chapter 9, 11, 12 or 13, a violation of Title 19-A, section 4011 or a criminal violation under Title 17, chapter 42 or a person who has been adjudicated of a civil violation for

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1 cruelty to animals under chapter 739 or who has been convicted or adjudicated in any
2 other state, provincial or federal court of a violation similar to those specified in this
3 subsection.

4 **Sec. 3. 7 MRSA §3907, sub-§12-E** is enacted to read:

5 **12-E. Feral cat.** "Feral cat" means a cat without owner identification of any kind
6 that consistently exhibits extreme fear in the presence of people.

7 **Sec. 4. 7 MRSA §3907, sub-§18-A**, as repealed and replaced by PL 2003, c. 334,
8 §2, is amended to read:

9 **18-A. Livestock.** "Livestock" means cattle; equines; sheep; goats; swine;
10 domesticated cervids, fowl and rabbits; members of the family Camelidae, genus lama
11 and genus vicugna; bison; and ratites.

12 **Sec. 5. 7 MRSA §3907, sub-§23-A** is enacted to read:

13 **23-A. Rescue group.** "Rescue group" means an organization or individual that
14 receives animals that have been abandoned, surrendered or removed from an animal
15 facility or that takes in homeless dogs or cats and sells, gives or otherwise places the
16 animals in private homes. "Rescue group" does not include a facility licensed under
17 chapter 723.

18 **Sec. 6. 7 MRSA §3913, sub-§4, ¶A**, as amended by PL 1993, c. 657, §17, is
19 further amended to read:

20 A. ~~Sell~~ Except as provided in section 3938-A, sell or give away the dog, but not to a
21 research facility, if a license is first obtained in accordance with chapter 721; or

22 **Sec. 7. 7 MRSA §3914**, as amended by PL 1993, c. 657, §19, is further amended
23 to read:

24 **§3914. Purchase and sale of animals**

25 Animal shelters, kennels, breeding kennels, boarding kennels and pet shops engaged
26 in buying or selling animals shall keep records of the buyer and seller in each transaction
27 for a 2-year period commencing at the time of purchase or sale. The records must be
28 open to inspection by the department or law enforcement officers. A person not in
29 possession of a valid license for an animal shelter, kennel, breeding kennel, boarding
30 kennel or pet shop shall obtain a vendor's license under section 4163 prior to selling,
31 offering for sale or exchanging for value a cat or dog.

32 **Sec. 8. 7 MRSA §3916, sub-§1-A**, as enacted by PL 2005, c. 422, §3, is amended
33 to read:

34 **1-A. Required for dogs.** A person owning or keeping a dog, ~~except for a wolf~~
35 ~~hybrid~~, shall, within 30 days after the dog attains the age of 6 months, cause the dog to be
36 ~~immunized~~ vaccinated against rabies and shall have booster vaccinations administered
37 periodically in accordance with rules adopted by the Commissioner of Health and Human
38 Services under section 3922, subsection 3. A wolf hybrid is required to be vaccinated in
39 accordance with this subsection. The procedure prescribed under Title 22, chapter 251,
40 subchapter 5 for a wolf hybrid suspected of having rabies does not change based on proof
41 that the wolf hybrid has received a rabies vaccination.

1 **Sec. 9. 7 MRSA §3919-A, sub-§2**, as amended by PL 2003, c. 405, §8, is further
2 amended to read:

3 **2. Homeless cats.** When an animal shelter accepts a cat under section 3919 and that
4 cat does not have cat identification or is determined to be a feral cat, the animal shelter
5 shall hold the cat for not less than ~~24~~ 48 hours. After the ~~24-hour~~ 48-hour period, the
6 animal shelter may treat the cat as a homeless cat and may:

7 A. ~~Offer~~ Except as provided in section 3938-A, offer the cat for adoption, sell or
8 give away the cat; or

9 B. Otherwise dispose of the cat humanely in accordance with Title 17, chapter 42,
10 subchapter 4.

11 An animal shelter may not sell or give a cat to a research facility.

12 **Sec. 10. 7 MRSA §3919-A, sub-§4**, as amended by PL 2003, c. 405, §8, is
13 further amended to read:

14 **4. Euthanasia for severely sick or severely injured cat.** A humane agent, an
15 animal control officer or an animal shelter may authorize in writing the immediate
16 euthanasia of a severely sick; or severely injured ~~or extremely vicious~~ cat upon
17 determining that the following conditions are met:

18 A. The animal control officer of the municipality where the cat was found has been
19 notified or, if the cat has cat identification, the owner of the cat has been notified; and

20 B. A veterinarian states in writing that the cat's recovery from its injury or illness,
21 given reasonable time and reasonable care, is doubtful or that the cat presents a
22 danger to the public.

23 Notwithstanding paragraphs A and B, a veterinarian may authorize immediate euthanasia
24 if, in the veterinarian's judgment, there is no possibility of recovery for a severely injured
25 or severely sick cat.

26 **Sec. 11. 7 MRSA §3919-C**, as enacted by PL 2003, c. 405, §9, is amended to
27 read:

28 **§3919-C. Animal held pending court decision**

29 When an animal shelter holds an animal at the request or with the approval of the
30 department pending an investigation or disposition by the court of an alleged violation of
31 chapter 739 or Title 17, chapter 42, the shelter is entitled to receive from the department
32 \$4 a day monetary compensation in accordance with this section for the period for which
33 food and shelter are furnished to the animal.

34 **1. Compensation for dogs and cats.** Compensation for a dog or cat is \$5 a day.
35 Compensation for a female cat or dog with a litter that has not been weaned is \$8 a day.

36 **2. Equines.** Compensation for an equine is \$10 a day.

37 **3. Livestock.** Except for equines, fowl and rabbits, compensation for a livestock
38 animal is between \$5 and \$8 a day as determined by the department based on the size of
39 the animal.

1 4. Other animals. Compensation for a rabbit is \$2 a day. Compensation for a bird,
2 including poultry, is \$1 a day. Compensation for other animals is as determined by the
3 department.

4 **Sec. 12. 7 MRSA §3922, sub-§3,** as amended by PL 1997, c. 704, §7 and PL
5 2003, c. 689, Pt. B, §7, is further amended to read:

6 **3. Proof of immunization.** ~~Except as provided in subsection 3-A, a~~ A municipal
7 clerk may not issue a license for a dog until the applicant has filed with the clerk proof
8 that the dog has been immunized against rabies in accordance with rules adopted by the
9 Commissioner of Health and Human Services, except that the requirement of
10 immunization may be waived by the clerk under conditions set forth by the
11 Commissioner of Health and Human Services.

12 The commissioner shall adopt rules that allow the clerk and the commissioner to accept
13 valid proof of immunization against rabies provided by another state.

14 **Sec. 13. 7 MRSA §3922, sub-§3-A,** as enacted by PL 1997, c. 704, §8, is
15 repealed.

16 **Sec. 14. 7 MRSA §3922, sub-§6,** as enacted by PL 1997, c. 704, §10, is amended
17 to read:

18 **6. Designation of wolf hybrid.** An owner or keeper of a dog declared as a wolf
19 hybrid may not change the license designation. A dog that has been declared a wolf
20 hybrid must be treated as a wolf hybrid in accordance with Title 22, chapter 251,
21 subchapter ~~4~~ 5. The procedure prescribed under Title 22, chapter 251, subchapter 5 for a
22 wolf hybrid suspected of having rabies does not change based on proof that the wolf
23 hybrid has received a rabies vaccination.

24 **Sec. 15. 7 MRSA §3923-A, sub-§1,** as amended by PL 2003, c. 405, §13, is
25 further amended to read:

26 **1. Dogs capable of producing young.** A dog owner or keeper shall pay a fee of \$10
27 \$11 to the municipal clerk for each dog 6 months of age or older and capable of
28 producing young. A dog is considered capable of producing young unless certification
29 under subsection 2 is provided.

30 The municipal clerk shall retain a \$1 recording fee and pay the remaining \$9 \$10 to the
31 department for deposit in the Animal Welfare Fund.

32 **Sec. 16. 7 MRSA §3923-B,** as amended by PL 1999, c. 254, §§5 and 6, is further
33 amended to read:

34 **§3923-B. Tags**

35 **1. Tags.** The municipal clerk shall provide with each new license issued under
36 section 3923-A a tag indicating the year the license is issued and bearing other
37 information prescribed by the department. ~~The tag remains with the dog for as long as~~
38 ~~the dog is kept in the licensing municipality. At each license renewal, the municipal clerk~~
39 ~~shall provide a sticker indicating the year for which the license is valid. The sticker must~~
40 ~~be attached to the back of the tag.~~ The owner or keeper shall make sure that the tag is
41 securely attached to a collar of leather, metal or material of comparable strength and that

1 the collar is worn at all times by the dog for which the license was issued, except as
2 provided in subsection 3.

3 If a ~~sticker and~~ the tag ~~are~~ is lost or the owner has moved to a different municipality, the
4 owner or keeper of the dog shall obtain a new license, and tag ~~and sticker~~. The municipal
5 clerk shall issue another license, and tag ~~and sticker~~ upon presentation of the original
6 license and payment of \$1. The clerk shall retain the \$1 for a recording fee.

7 **2-A. Rabies tags.** An owner shall ensure that a rabies tag obtained from a
8 veterinarian for immunization against rabies is securely attached to a collar of leather,
9 metal or material of comparable strength and that the collar is worn at all times by the
10 dog for which the rabies tag was issued, except as provided in subsection 3.

11 **3. Exceptions.** A dog is not required to wear a tag when on the premises of the
12 owner or off the premises of the owner while hunting, in training or in an exhibition.
13 When a dog is hunting, in training or in an exhibition, its owner or keeper shall produce
14 proof of licensure and proof of rabies immunization within 24 hours upon request by a
15 humane agent, animal control officer or law enforcement officer, including a game
16 warden.

17 **Sec. 17.** 7 MRSA §3923-G, sub-§5, as enacted by PL 2003, c. 405, §15, is
18 repealed.

19 **Sec. 18.** 7 MRSA §3932, sub-§4 is enacted to read:

20 **4. Advertising.** A boarding kennel shall prominently display the state-issued kennel
21 license number in any form of print advertising.

22 The license number must be provided to a person boarding an animal at a boarding
23 kennel.

24 **Sec. 19.** 7 MRSA §3932-A, sub-§3 is enacted to read:

25 **3. Temporary placement.** Facilities where animals are temporarily placed by the
26 department are exempt from licensing requirements.

27 **Sec. 20.** 7 MRSA §3933, sub-§5 is enacted to read:

28 **5. Advertising.** A pet shop license holder advertising to the public the availability of
29 a dog or cat for sale or in any way exchanging a dog or cat for value shall prominently
30 display the state-issued pet shop license number in any publication in which the pet shop
31 license holder advertises. The pet shop license number must be provided to a person
32 adopting or purchasing an animal from the pet shop.

33 **Sec. 21.** 7 MRSA §3935, as amended by PL 2005, c. 422, §8, is further amended
34 to read:

35 **§3935. License prohibited**

36 The department may not issue a license to maintain a boarding kennel, breeding
37 kennel or pet shop to a person who, within the ~~5-~~ 10 years previous to the application for
38 the license, has been convicted of murder, a Class A or Class B offense, a violation under
39 Title 17-A, chapter 9, 11, 12 or 13 or a criminal violation under Title 17, chapter 42, or
40 under a criminal law involving cruelty to animals that is no longer in effect, or within 2

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1 10 years previous to the application for the license, has been adjudicated of a civil
2 violation for cruelty to animals under chapter 739 or has been convicted or adjudicated in
3 any other state, provincial or federal court of a violation similar to those specified in this
4 section.

5 **Sec. 22. 7 MRSA §3938-A is enacted to read:**

6 **§3938-A. Minimum age of transfer for cats and dogs**

7 A person or an animal shelter, boarding kennel, breeding kennel or pet shop that sells,
8 gives away or otherwise transfers ownership of a dog or cat before it has reached its 56th
9 day of life commits a civil violation for which a fine of not less than \$50 nor more than
10 \$200 may be adjudged.

11 **Sec. 23. 7 MRSA §3939-A is enacted to read:**

12 **§3939-A. Spay; neuter of dogs and cats**

13 **1. Spay; neuter.** Except as otherwise provided in subsections 2 and 3, an animal
14 shelter or rescue group may not place with a new owner a dog or cat that has not been
15 spayed or neutered unless an appointment has been made with a licensed veterinarian to
16 spay or neuter the animal within 30 days of accepting ownership. A person who accepts
17 ownership of a dog or cat that is unaltered shall, in addition to any other charges or other
18 fees, make a deposit equal to 100% of the cost of the scheduled surgery with the animal
19 shelter or rescue group and shall sign a spay-neuter agreement. The animal shelter or
20 rescue group must refund the deposit upon receiving proof of sterilization.

21 For purposes of this section, "place" means to sell, give away or otherwise transfer
22 possession of a cat or dog.

23 **2. Detrimental to health.** If a licensed veterinarian or veterinary technician as
24 defined in Title 32, section 4853 determines that a dog or cat is too sick or injured or that
25 it would otherwise be detrimental to the health of the dog or cat to be spayed or neutered
26 within 30 days of placement, the animal shelter or rescue group shall collect a deposit of
27 not less than \$50 and not more than \$150 at the time of sale or placement. The animal
28 shelter or rescue group shall determine the amount of the deposit based on the cost of
29 spaying or neutering within the geographic area served by the animal shelter or rescue
30 group. A person accepting ownership of the dog or cat under this subsection shall sign an
31 agreement to have the animal sterilized as soon as it is medically advisable.

32 Upon receipt of proof of sterilization, the animal shelter or rescue group shall
33 immediately and fully refund the deposit.

34 **3. Extension.** Notwithstanding subsection 1, an animal shelter or rescue group may
35 extend the date by which spaying or neutering is to be completed at its discretion for good
36 cause. An extension must be in writing.

37 **4. Reimbursement of deposit.** If a dog or cat dies prior to spaying or neutering and
38 within the agreement period, the owner is entitled to reimbursement of the deposit paid
39 under subsection 1. If a dog or cat dies prior to spaying or neutering and within 120 days
40 of signing an agreement under subsection 2, the owner is entitled to reimbursement of the
41 deposit paid under subsection 2. To receive reimbursement under this subsection, the

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1 owner must provide the animal shelter or rescue group with a letter signed by a licensed
2 veterinarian stating that the cat or dog has died and providing a description of the animal.

3 5. Unclaimed deposits. Except as provided in subsections 2, 3 and 4, deposits
4 received under subsection 1 or 2 that are unclaimed within 120 days of the date the spay-
5 neuter agreement was signed must be:

6 A. Used to subsidize spaying or neutering of dogs and cats offered for placement by
7 the animal shelter or rescue group receiving the deposits; or

8 B. Remitted to the department for deposit in the Companion Animal Sterilization
9 Fund established under section 3910-B.

10 When extensions are granted under subsection 3 and the deposits are unclaimed 120 days
11 after the extended date for spaying or neutering, those deposits must be disposed of under
12 paragraphs A and B.

13 **Sec. 24. 7 MRSA §3939-B** is enacted to read:

14 **§3939-B. Violations**

15 1. Noncompliance by new owner. If a person receiving a dog or cat from an animal
16 shelter or rescue group fails to comply with section 3939-A, that person forfeits the
17 sterilization deposit and commits a civil violation for which a fine of not less than \$50 nor
18 more than \$200 per animal may be adjudged.

19 2. Noncompliance by animal shelter or rescue group. If an animal shelter or
20 rescue group fails to require a spay-neuter agreement or fails to collect a deposit as
21 required under section 3939-A, that animal shelter or rescue group commits a civil
22 violation for which a fine of not less than \$50 nor more than \$200 per animal may be
23 adjudged.

24 **Sec. 25. 7 MRSA §3941**, as amended by PL 1997, c. 690, §25, is further amended
25 to read:

26 **§3941. Posting of law**

27 Municipal clerks, annually, at least 20 days before January 1st, shall post copies of
28 chapter 721 and this chapter in the usual places for posting notices of the annual
29 municipal elections offices.

30 **Sec. 26. 7 MRSA §3947**, as amended by PL 1997, c. 690, §28, is further amended
31 to read:

32 **§3947. Animal control officers**

33 Each municipality shall appoint one or more animal control officers whose duties are
34 enforcement of sections 3911, 3912, 3916, 3921, 3924, 3943, 3948, 3950, 3950-A, 3952
35 and 4041 and Title 17, section 1023 responding to reports of animals suspected of having
36 rabies in accordance with Title 22, sections 1313 and 1313-A and such any other duties to
37 control animals as the municipality may require.

38 A municipality may not appoint a person to the position of animal control officer who
39 has been convicted of murder, a Class A or Class B offense or a violation of Title 17-A,

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1 chapter 9, 11, 12 or 13 or has been convicted of a criminal violation under Title 17,
2 chapter 42 or has been adjudicated of a civil violation for cruelty to animals under chapter
3 739 to the position of animal control officer or who has been convicted or adjudicated in
4 any other state, provincial or federal court of a violation similar to those specified in this
5 section.

6 Animal control officers must be certified in accordance with section 3906-B,
7 subsection 4. Upon initial appointment, an animal control officer must complete basic
8 training and be certified by the commissioner within 6 months of appointment.

9 An animal control officer must attend advanced training programs as described under
10 section 3906-B, subsection 4 to maintain certification. An animal control officer must
11 have a minimum of 8 hours of training each year.

12 Upon appointment of an animal control officer, municipal clerks shall notify the
13 commissioner of the name, address and telephone number of the animal control officer.

14 **Sec. 27. 7 MRSA §4015, sub-§2,** as amended by PL 2005, c. 340, §1, is further
15 amended to read:

16 **2. Outdoor standards.** Minimum outdoor standards of shelter ~~shall be~~ are as
17 follows.

18 A. When sunlight is likely to cause heat exhaustion of an animal tied or caged
19 outside, sufficient shade by natural or artificial means ~~shall~~ must be provided to
20 protect the animal from direct sunlight. As used in this paragraph, "caged" does not
21 include farm fencing used to confine ~~farm animals~~ livestock.

22 B. Except as provided in subsections 5 and 6, shelter from inclement weather must
23 be as follows.

24 (1) An artificial shelter, with a minimum of 3 sides and a waterproof roof,
25 appropriate to the local climatic conditions and for the species concerned and
26 breed of the animal must be provided as necessary for the health of the animal.

27 (2) If a dog is tied or confined unattended outdoors under weather conditions that
28 adversely affect the health of the dog, a shelter ~~of suitable size with a floor above~~
29 ~~ground and waterproof roof~~ must be provided in accordance with subsection 6,
30 paragraph A to accommodate the dog and protect it from the weather and, in
31 particular, from severe cold. Inadequate shelter may be indicated by the shivering
32 of the dog due to cold weather for a continuous period of ~~30~~ 10 minutes or by
33 symptoms of frostbite or hypothermia. A metal barrel is not adequate shelter for a
34 dog.

35 C. ~~No~~ An animal may not be confined in a building, enclosure, car, boat, vehicle or
36 vessel of any kind when extreme heat or extreme cold will be harmful to its health.

37 **Sec. 28. 7 MRSA §4015, sub-§6,** as enacted by PL 2005, c. 340, §2, is amended
38 to read:

39 **6. Dogs confined by tethering for long time periods.** In addition to the
40 requirements of subsection 2, paragraph B, subparagraph (2), when tethering is the

1 primary means of confinement for a dog, the standards for shelter and tethering are as
2 follows:

3 A. A shelter must be provided that is fully enclosed except for a portal. The portal
4 must be of a sufficient size to allow the dog unimpeded passage into and out of the
5 structure. For dogs other than arctic breeds, the portal must be constructed ~~in a~~
6 ~~manner that keeps~~ with a baffle or other means of keeping wind and precipitation out
7 of the interior. The shelter must ~~have~~ be constructed of materials with a thermal
8 resistance factor of 0.9 or greater and must contain clean bedding material sufficient
9 to retain the dog's normal body heat; and

10 B. The chain or tether must be attached to both the dog and the anchor using
11 swivels or similar devices that prevent the chain or tether from becoming entangled
12 or twisted. The chain or tether must be attached to a well-fitted collar or harness on
13 the dog. For dogs other than arctic breeds, the chain or tether must be at least 5 times
14 the length of the dog measured from the tip of its nose to the base of its tail. For
15 arctic breeds, the chain or tether must be ~~at least 2.5 times the length of the dog~~
16 ~~measured from the tip of its nose to the base of its tail.:~~

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

19 (2) At least 1.5 times the length of the dog measured from the tip of its nose to
20 the base of its tail if the anchor is a pivot point allowing a 360° area of
21 movement.

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. 29. 7 MRSA §4041, sub-§1-A**, as enacted by PL 1999, c. 254, §15, is
28 amended to read:

29 **1-A. Trespass.** An owner of an animal may not allow that animal to enter onto the
30 property of another after the owner has been ~~warned~~ informed by a law enforcement
31 officer or animal control officer that that animal was found on the property of another.

32 **Sec. 30. 7 MRSA §4041, sub-§3, ¶A**, as amended by PL 1999, c. 254, §15, is
33 further amended to read:

34 A. That person fails to remove the animal within 12 hours, or immediately if public
35 safety is threatened, after having been personally notified by an animal control officer
36 or law enforcement officer that the animal was trespassing.

37 **Sec. 31. 7 MRSA §4151, sub-§4**, as amended by PL 1997, c. 690, §50, is further
38 amended to read:

39 **4. Pet dealer.** "Pet dealer" means a person, firm, partnership, corporation or
40 association, including breeders, that sells more than 16 animals to the public in a 12-
41 month period. "Pet dealer" includes the owner or operator of a breeding kennel. "Pet
42 dealer" does not include humane societies, nonprofit organizations performing the

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1 functions of humane societies or animal shelters licensed in accordance with section
2 3932-A.

3 **Sec. 32. 7 MRSA §4155, sub-§5** is enacted to read:

4 **5. Pet dealers not exempt.** Pet dealers may not, contractually or otherwise, exempt
5 themselves from the remedies provided by this section for deaths or health problems
6 caused by infectious, contagious, parasitic or communicable disease.

7 **Sec. 33. 7 MRSA §4157, sub-§2, ¶D,** as enacted by PL 1995, c. 589, §1, is
8 repealed.

9 **Sec. 34. 7 MRSA §4163** is enacted to read:

10 **§4163. Dog or cat vendor's license**

11 A person may not advertise for sale, sell or exchange for value more than one cat or
12 dog in a 12-month period unless that person has a valid animal shelter, kennel, breeding
13 kennel or pet shop license or a valid vendor's license issued under this section.

14 **1. Vendor's license; fee.** A person may apply for a vendor's license by completing
15 and submitting to the department an application form provided by the department along
16 with a \$25 vendor's license fee. Upon receipt of a completed application and the fee, the
17 department shall issue a vendor's license and an identifying license number that is valid
18 for a period of 60 days from the date of issuance.

19 **2. Advertising.** A person possessing a vendor's license issued under this section
20 must include that vendor's license number in any form of advertising, brochure or sign
21 that announces the availability of a dog or cat for sale or exchange. The vendor's name
22 and license number must be provided to a person purchasing or otherwise receiving a dog
23 or cat from the vendor.

24 **3. Violation.** A person who fails to comply with this section commits a civil
25 violation for which a fine of not less than \$50 nor more than \$200 may be adjudged, none
26 of which may be suspended.

27 **Sec. 35. 17 MRSA §1011, sub-§18-A,** as repealed and replaced by PL 2003, c.
28 334, §3, is amended to read:

29 **18-A. Livestock.** "Livestock" means cattle; equines; sheep; goats; swine;
30 domesticated cervids, fowl and rabbits; members of the family Camelidae, genus lama
31 and genus vicugna; bison; and ratites.

32 **Sec. 36. 17 MRSA §1027** is enacted to read:

33 **§1027. Security for seizure and impoundment of animals relating to cruelty to**
34 **animals or animal fighting**

35 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
36 following terms have the following meanings.

37 **A. "Authority"** means the commissioner or a state veterinarian, humane agent,
38 sheriff, deputy sheriff, constable, police officer or animal control officer that seizes or
39 impounds an animal pursuant to section 1021.

1 2. Show cause hearing. When an animal is lawfully seized or impounded pursuant
2 to section 1021 or 1034, if the owner, custodian or person claiming an interest in the
3 animal wishes to contest the order, the owner, custodian or person claiming an interest
4 must petition the court for a show cause hearing. The petition must be filed within 10
5 days of the date the seizure occurred or the search warrant was executed. If the owner
6 fails to petition the court for a hearing within 10 days, the animal is ordered forfeited to
7 the State.

8 Upon petition by the owner, custodian or person claiming an interest in the animal in
9 accordance with this subsection, the court shall hold a hearing within 10 days of receipt
10 of the petition. Upon a showing of good cause, the court may extend the time needed to
11 hold the hearing.

12 3. Post security. If an animal is lawfully seized and impounded, the authority may
13 file a petition with the court requesting that the person from whom an animal is seized or
14 a person claiming an interest in the seized animal be ordered to post a security. The
15 authority shall serve a copy of the petition on the person from whom the animal was
16 seized or, if the person cannot be found, by posting of copy at the place where the animal
17 was taken into custody. The authority shall also serve a copy of the petition on the district
18 attorney. The court may order the person from whom an animal is seized or a person
19 claiming an interest in the seized animal to post a security.

20 4. Payment of expenses. The security must be in an amount sufficient to secure
21 payment for all reasonable expenses to be incurred by the authority having custody of the
22 seized animal for a period of at least 30 days. The court upon the recommendation of the
23 authority shall determine the amount of the security. Reasonable expenses include, but
24 are not limited to, estimated medical care, shelter and board.

25 5. Draw actual reasonable costs. When security is posted in accordance with this
26 section, the authority may draw from the security the actual reasonable costs incurred for
27 medical care, shelter, board and record keeping.

28 6. Post with clerk. If the court orders the posting of security, the security must be
29 posted with the clerk within 10 business days of the show cause hearing. The court shall
30 order the immediate forfeiture of the seized animal to the authority if the person fails to
31 post security as ordered. The court may waive the security requirement or reduce the
32 amount of the security for good cause shown.

33 7. Disposition of animal. Posting of the security does not prevent the authority from
34 disposing of the seized or impounded animal before the expiration of the period covered
35 by the security, if the court rules in favor of the authority.

36 8. Order denied. The authority may humanely dispose of the animal at the end of
37 the period for which expenses are covered by the security, if the court orders the
38 disposition. If the disposition order is denied, the court may require the owner or
39 custodian or any other person claiming interest in the animal to provide additional
40 security to secure payment of reasonable expenses and to extend the period of time
41 pending adjudication by the court of the charges against the person from whom the
42 animal was seized.

1 9. Recover damages. The owner or custodian of an animal humanely killed
2 pursuant to this section is not entitled to recover damages or the actual value of the
3 animal if the owner or custodian failed to post security.

4 10. Refund. The court may direct a refund to the person who posted the security in
5 whole or in part for expenses not incurred by the authority. The court may direct a refund
6 to the person who posted security upon acquittal of the charges.

7 **Sec. 37. 17 MRSA §1031, sub-§1-B**, as amended by PL 2005, c. 281, §8 and c.
8 397, Pt. F, §1, is further amended to read:

9 **1-B. Aggravated cruelty to animals.** A person is guilty of aggravated cruelty to
10 animals if that person, in a manner manifesting a depraved indifference to animal life or
11 suffering, intentionally, knowingly or recklessly:

12 A. Causes extreme physical pain to an animal;

13 B. Causes the death of an animal; or

14 C. Physically tortures an animal; or

15 D. Shoots with a firearm a dog or cat owned by that person or, while acting as an
16 agent for the owner, shoots with a firearm a dog or cat in a manner that does not
17 comply with subsection 1-E.

18 Violation of this subsection is a Class C crime. Notwithstanding Title 17-A, section
19 1301, the court shall impose a fine of not less than ~~\$1,000~~ \$2,500 and not more than
20 \$10,000 for a first or subsequent violation of this subsection. The sentencing provisions
21 in subsection 3-B also apply to a person convicted of aggravated cruelty to animals.

22 **Sec. 38. 17 MRSA §1031, sub-§3-B, ¶A**, as enacted by PL 2003, c. 452, Pt. I,
23 §20 and affected by Pt. X, §2, is amended to read:

24 A. In addition to any other penalty authorized by law, the court shall impose a fine
25 of not less than ~~\$250~~ \$500 for each violation of this section. The court may order the
26 defendant to pay the costs of the care, housing and veterinary medical treatment for
27 the animal.

28 **Sec. 39. 17 MRSA §1031, sub-§3-B, ¶D** is enacted to read:

29 D. Violation of any sentencing provision imposed by the court pursuant to this
30 section is a Class D crime.

31 **Sec. 40. Appropriations and allocations.** The following appropriations and
32 allocations are made.

33 **AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF**

34 **Animal Welfare Fund 0946**

35 Initiative: Allocates additional funds for the Animal Welfare Fund.

36	OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
37	All Other	\$26,000	\$26,000

H. 016

COMMITTEE AMENDMENT "A" to H.P. 1137, L.D. 1615

1			
2	OTHER SPECIAL REVENUE FUNDS TOTAL	\$26,000	\$26,000
3			

4 SUMMARY

5 This amendment:

- 6 1. Requires rabies vaccinations for wolf hybrids and clarifies that vaccination does
- 7 not alter treatment of a wolf hybrid when it is suspected of having rabies;
- 8 2. Increases the dog license fee by \$1 only for dogs capable of producing young. The
- 9 bill proposes a \$1 increase for all dog licenses;
- 10 3. Strengthens the sheltering requirements for a dog left outdoors in adverse weather;
- 11 4. Requires a vendor's license to sell or offer for sale more than one dog or cat in a
- 12 12-month period and requires advertising to provide the vendor's license number; and
- 13 5. Adds to the aggravated cruelty to animals statutes, making the shooting of a dog
- 14 or cat by the owner or the owner's agent a Class C crime when the shooting does not
- 15 conform to statutory conditions for an exception.

16 This amendment makes technical changes to, corrections to and clarifies certain
17 provisions in the bill. It also removes several sections from the bill, including proposed
18 changes to the definition of "dog" to exclude wolf hybrids from the definition and
19 proposed changes to the provisions for employees of the Department of Agriculture, Food
20 and Rural Resources serving civil process.

21 This amendment also adds an appropriations and allocations section.

22 FISCAL NOTE REQUIRED
23 (See attached)

COMMITTEE AMENDMENT



123rd MAINE LEGISLATURE

LD 1615

LR 991(02)

An Act To Amend 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

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
Appropriations/Allocations				
Other Special Revenue Funds	\$26,000	\$26,000	\$26,000	\$26,000
Revenue				
Other Special Revenue Funds	\$26,000	\$26,000	\$26,000	\$26,000

Correctional and Judicial Impact Statements

Establishes new civil violations. Establishes new Class C and D crimes.

Increases fines for certain violations of cruelty to animals.

The collection of additional fines and surcharges may increase General Fund revenue and Other Special Revenue Funds revenue by minor amounts.

Fiscal Detail and Notes

Changes in various animal licensing requirements will increase dedicated revenue collected by the Department of Agriculture, Food and Rural Resources. Beginning in fiscal year 2007-08, the estimated annual increases are \$26,000. The department will also require corresponding additional Other Special Revenue Funds allocations.