

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 1615

H.P. 1137

House of Representatives, March 21, 2007

### An Act To Amend the Animal Welfare Laws

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Submitted by the Department of Agriculture, Food and Rural Resources 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 PIEH of Bremen.  
Cosponsored by Senator NUTTING of Androscoggin and  
Representatives: EDGECOMB of Caribou, MAREAN of Hollis, PRATT of Eddington.

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

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

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

10 The advanced training must include, but is not limited to, training in animal cruelty with  
11 respect to hoarders of animals, animal cruelty with respect to domestic violence, new  
12 laws, case reviews and report writing. Animal control officers must complete 8 hours of  
13 advanced training yearly to retain certification.

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

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

18 **9. Employees.** The commissioner, in consultation with the Animal Welfare  
19 Advisory Committee, shall employ, subject to the Civil Service Law, necessary  
20 employees to assist in enforcing this Part and in carrying out the commissioner's duties  
21 and responsibilities. The commissioner shall conduct a background check of a potential  
22 employee. The commissioner may not hire as a state humane agent a person who has  
23 been convicted of a felony offense, a domestic violence-related offense or of a criminal  
24 violation under Title 17, chapter 42 or a person who has been adjudicated of a civil  
25 violation for cruelty to animals under chapter 739.

26 **Sec. 3. 7 MRSA §3907, sub-§12-C**, as enacted by PL 1997, c. 690, §5, is  
27 amended to read:

28 **12-C. Dog.** "Dog" means a member of the genus and species known as canis  
29 familiaris ~~or any canine, regardless of generation, resulting from the interbreeding of a~~  
30 ~~member of canis familiaris with a wolf hybrid as defined in subsection 30.~~

31 **Sec. 4. 7 MRSA §3907, sub-§12-D**, as amended by PL 2001, c. 399, §4, is  
32 further amended to read:

33 **12-D. Dangerous dog or wolf hybrid.** "Dangerous dog" or "wolf hybrid" means a  
34 dog or wolf hybrid that bites an individual, a domestic animal or livestock who is not  
35 trespassing on the dog or wolf hybrid owner's or keeper's premises at the time of the bite  
36 or a dog or wolf hybrid that causes a reasonable and prudent person who is not on the dog  
37 or wolf hybrid owner's or keeper's premises and is acting in a reasonable and  
38 nonaggressive manner to fear imminent bodily injury by assaulting or threatening to  
39 assault that individual or individual's domestic animal or livestock. "Dangerous dog" or

1 "wolf hybrid" does not include a dog certified by the State and used for law enforcement  
2 use.

3 For the purposes of this definition, "dog or wolf hybrid owner's or keeper's premises"  
4 means the residence or residences, including buildings and land and motor vehicles,  
5 belonging to the owner or keeper of the dog or wolf hybrid.

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

7 **12-E. Feral cat.** "Feral cat" means a cat without owner identification of any kind  
8 whose usual and consistent temperament is extreme fear and is resistant to contact with  
9 people.

10 **Sec. 6. 7 MRSA §3907, sub-§18-A**, as repealed and replaced by PL 2003, c. 334,  
11 §2, is amended to read:

12 **18-A. Livestock.** "Livestock" means cattle; equines; sheep; goats; swine;  
13 domesticated cervids, fowl and rabbits; members of the genus lama; bison; ~~and~~ ratites;  
14 and camelids.

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

16 **23-A. Rescue group.** "Rescue group" means a for-profit or nonprofit group or  
17 organization or an individual with at least one of its purposes being the sale, adoption or  
18 placement of animals that have been abandoned, surrendered or removed from an animal  
19 facility or are feral.

20 **Sec. 8. 7 MRSA §3909, sub-§2**, as amended by PL 1997, c. 683, Pt. B, §1, is  
21 further amended to read:

22 **2. Designated employees of the department.** For purposes of prosecution under  
23 this section, the commissioner may authorize ~~humane agents and an employee of the~~  
24 department's animal welfare program or a state veterinarian to serve civil process  
25 pursuant to the Maine Rules of Civil Procedure, Rule 80H and any other applicable rules  
26 of court. The commissioner may authorize ~~humane agents~~ an employee of the  
27 department's animal welfare program or a state veterinarian to represent the department in  
28 District Court in the prosecution of civil violations of these laws. ~~Certification of the~~  
29 ~~humane agents and a state veterinarian for this purpose is as provided under Title 30-A,~~  
30 ~~section 4453, subsection 5. Once certified, prosecution by the humane agent~~ An  
31 employee of the department's animal welfare program or a state veterinarian may seek  
32 civil penalties as provided by law as well as a permanent or temporary injunction,  
33 restraining order or other equitable relief as the court finds appropriate.

34 **Sec. 9. 7 MRSA §3914**, as amended by PL 1993, c. 657, §19, is further amended  
35 to read:

36 **§3914. Purchase and sale of animals**

37 Animal shelters, kennels, breeding kennels, boarding kennels and pet shops engaged  
38 in buying or selling animals shall keep records of the buyer and seller in each transaction

1 for a 2-year period commencing at the time of purchase or sale. The records must be  
2 open to inspection by the department or law enforcement officers.

3 **Sec. 10. 7 MRSA §3914-A** is enacted to read:

4 **§3914-A. Unlawful act**

5 It is unlawful for a person to sell, adopt or give away a dog or cat until it has reached  
6 its 56th day of life.

7 **Sec. 11. 7 MRSA §3916, sub-§1-A**, as enacted by PL 2005, c. 422, §3, is  
8 repealed.

9 **Sec. 12. 7 MRSA §3916, sub-§2**, as amended by PL 2005, c. 422, §4, is further  
10 amended to read:

11 **2. Certificate.** A licensed veterinarian who vaccinates or supervises the vaccination  
12 of a cat ~~or dog~~ shall issue to the owner or keeper a certificate of rabies vaccination  
13 approved by the State and shall indicate on the certificate the date by which a booster  
14 vaccination is required pursuant to subsection 1 ~~or 1-A~~.

15 **Sec. 13. 7 MRSA §3916, sub-§3**, as amended by PL 2005, c. 422, §5, is further  
16 amended to read:

17 **3. Enforcement.** A humane agent, an animal control officer or a law enforcement  
18 officer may ask an owner or keeper of a cat ~~or dog~~ to present proof of a certificate of  
19 rabies vaccination from the State.

20 **Sec. 14. 7 MRSA §3916, sub-§4**, as amended by PL 2005, c. 422, §6, is further  
21 amended to read:

22 **4. Exception.** Notwithstanding any provision of this chapter, an animal shelter  
23 operated by a nonprofit organization is not required to vaccinate an abandoned or stray  
24 cat ~~or dog~~ received by the shelter.

25 An owner or keeper of a cat is exempt from the requirements of subsection 1 if a medical  
26 reason exists that precludes the vaccination of the cat. To qualify for this exemption, the  
27 owner or keeper must have a written statement signed by a licensed veterinarian that  
28 includes a description of the cat and the medical reason that precludes the vaccination.

29 **Sec. 15. 7 MRSA §3919-A, sub-§2**, as amended by PL 2003, c. 405, §8, is  
30 further amended to read:

31 **2. Homeless cats.** When an animal shelter accepts a cat under section 3919 and that  
32 cat does not have cat identification, the animal shelter shall hold the cat for not less than  
33 24 48 hours. After the ~~24-hour~~ 48-hour period, the animal shelter may treat the cat as a  
34 homeless cat and may:

35 A. Offer the cat for adoption, sell or give away the cat; or

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

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

4 **Sec. 16. 7 MRSA §3919-A, sub-§4**, as amended by PL 2003, c. 405, §8, is  
5 further amended to read:

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

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

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

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

18 **Sec. 17. 7 MRSA §3919-A, sub-§6** is enacted to read:

19 **6. Feral cats.** When an animal shelter accepts a cat under section 3919 and that  
20 shelter determines that cat is a feral cat, the animal shelter shall hold the cat for not less  
21 than 24 hours excluding days the shelter is closed to the public and holidays. After the  
22 24-hour period, the animal shelter may treat the cat as a homeless cat under subsection 2.

23 **Sec. 18. 7 MRSA §3919-C**, as enacted by PL 2003, c. 405, §9, is amended to  
24 read:

25 **§3919-C. Animal held pending court decision**

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

31 **1. Compensation.** Compensation for seized animals is as follows:

32 A. Dogs and cats, \$5 a day;

33 B. Female dogs or cats with unweaned litters, \$8 a day;

34 C. Equines, \$10 a day;

35 D. Livestock:

36 (1) Large, \$8 a day; and

- 1           (2) Small, \$5 a day;  
2           E. Rabbits, \$2 a day;  
3           F. Birds, including poultry, \$1 a day; and  
4           G. Exotics or other animals, as determined by the department.

5           **Sec. 19. 7 MRSA §3921-B** is enacted to read:

6           **§3921-B. Rabies vaccinations**

7           **1. Dogs; required.** A person owning or keeping a dog, except for a wolf hybrid,  
8 shall, within 30 days after the dog attains the age of 6 months, cause the dog to be  
9 immunized against rabies and have booster vaccinations administered periodically in  
10 accordance with rules adopted by the Commissioner of Health and Human Services.

11           **2. Certificate.** A licensed veterinarian who vaccinates or supervises the vaccination  
12 of a dog shall issue to the owner or keeper a certificate of rabies vaccination approved by  
13 the State and shall indicate on the certificate the date by which a booster vaccination is  
14 required pursuant to subsection 1.

15           **3. Enforcement.** A humane agent, an animal control officer or a law enforcement  
16 officer may ask an owner or keeper of a dog to present proof of a valid certificate of  
17 rabies vaccination.

18           **4. Exception.** Notwithstanding any provision of this chapter, an animal shelter  
19 operated by a nonprofit organization is not required to vaccinate an abandoned dog  
20 received by the shelter.

21           **Sec. 20. 7 MRSA §3923-A, sub-§1,** as amended by PL 2003, c. 405, §13, is  
22 further amended to read:

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

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

30           **Sec. 21. 7 MRSA §3923-A, sub-§2,** as amended by PL 2003, c. 405, §13, is  
31 further amended to read:

32           **2. Dogs or wolf hybrids incapable of producing young.** A dog or wolf hybrid  
33 owner shall pay a fee of \$~~6~~ \$7 to the municipal clerk or to a veterinary licensing agent for  
34 each dog or wolf hybrid 6 months of age or older and incapable of producing young. A  
35 dog or wolf hybrid is considered incapable of producing young when the owner provides  
36 the following:

- 1 A. A written certificate issued by a veterinarian stating that the veterinarian has  
2 neutered the dog or wolf hybrid;
- 3 B. A written certificate issued by a veterinarian stating that the veterinarian has  
4 examined the dog or wolf hybrid and determined that the dog or wolf hybrid is  
5 incapable of producing young; or
- 6 C. A previous license stating that the dog or wolf hybrid is incapable of producing  
7 young.

8 The municipal clerk shall retain a \$1 recording fee, deposit \$2 in the municipality's  
9 animal welfare account established in accordance with section 3945 and pay the  
10 remaining \$3 ~~\$4~~ to the department for deposit in the Animal Welfare Fund.

11 **Sec. 22. 7 MRSA §3923-B**, as amended by PL 1999, c. 254, §§5 and 6, is further  
12 amended to read:

13 **§3923-B. Tags**

14 **1. Tags.** The municipal clerk shall provide with each new license issued under  
15 section 3923-A a tag indicating the year the license is issued and bearing other  
16 information prescribed by the department. ~~The tag remains with the dog for as long as~~  
17 ~~the dog is kept in the licensing municipality. At each license renewal, the municipal clerk~~  
18 ~~shall provide a sticker indicating the year for which the license is valid. The sticker must~~  
19 ~~be attached to the back of the tag.~~ The owner or keeper shall make sure that the tag is  
20 securely attached to a collar of leather, metal or material of comparable strength and that  
21 the collar is worn at all times by the dog for which the license was issued, except as  
22 provided in subsection 3.

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

27 **2-A. Rabies tags.** An owner shall ensure that a rabies tag obtained from a  
28 veterinarian for immunization against rabies is securely attached to a collar of leather,  
29 metal or material of comparable strength and that the collar is worn at all times by the  
30 dog for which the rabies tag was issued, except as provided in subsection 3.

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

37 **Sec. 23. 7 MRSA §3923-G, sub-§5**, as enacted by PL 2003, c. 405, §15, is  
38 repealed.

39 **Sec. 24. 7 MRSA §3932, sub-§4** is enacted to read:



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

3        The license number must be provided to a person boarding an animal at a boarding  
4        kennel.

5        **Sec. 25. 7 MRSA §3932-A, sub-§3** is enacted to read:

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

8        **Sec. 26. 7 MRSA §3933, sub-§5** is enacted to read:

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

14        **Sec. 27. 7 MRSA §3935,** as amended by PL 2005, c. 422, §8, is further amended  
15        to read:

16        **§3935. License prohibited**

17        The department may not issue a license to maintain a boarding kennel, breeding  
18        kennel or pet shop to a person who, within the ~~5~~ 10 years previous to the application for  
19        the license, has been convicted of murder, a Class A, Class B or Class C crime in this  
20        jurisdiction or has been convicted of a similar crime by any other state, provincial or  
21        federal court, or of a criminal violation under Title 17, chapter 42, or under a criminal law  
22        involving cruelty to animals that is no longer in effect, or within ~~2~~ 10 years previous to  
23        the application for the license, has been adjudicated of a civil violation for cruelty to  
24        animals under chapter 739.

25        **Sec. 28. 7 MRSA §3938,** as amended by PL 1993, c. 657, §36, is further amended  
26        by adding at the end a new paragraph to read:

27        A person or an animal shelter, boarding kennel or breeding kennel that sells, adopts  
28        or gives away a dog or cat before it has reached its 56th day of life commits a civil  
29        violation for which a fine of not less than \$50 nor more than \$200 a day may be  
30        adjudged.

31        **Sec. 29. 7 MRSA §3939-A** is enacted to read:

32        **§3939-A. Spay; neuter of dogs and cats**

33        **1. Spay; neuter.** Except as otherwise provided in subsection 2, an animal shelter,  
34        humane society shelter, sanctuary or rescue group may not sell or give away to a new  
35        owner a dog or cat that has not been spayed or neutered unless formal arrangements with  
36        a licensed veterinarian hospital are made to spay or neuter the animal within 30 days of  
37        adoption. A person who adopts a dog or cat that is unaltered at the time of adoption shall,

1 in addition to adoption fees, place a deposit equal to 100% of the cost of the scheduled  
2 surgery. This deposit is to be refunded to the adopter upon providing proof of  
3 sterilization to the animal shelter, humane society shelter, sanctuary or rescue group.

4 **2. Detrimental to health.** If a veterinarian licensed to practice veterinary medicine  
5 in this State certifies that a dog or cat is too sick or injured to be spayed or neutered, or  
6 that it would otherwise be detrimental to the health of the dog or cat to be spayed or  
7 neutered, the adopter or purchaser shall pay the animal shelter, humane society shelter,  
8 sanctuary or rescue group a deposit of not less than \$50 and not more than \$150.

9 The deposit is temporary, until proof of sterilization is provided and may only be retained  
10 until the dog or cat is healthy enough to be spayed or neutered, as certified by a  
11 veterinarian licensed to practice veterinary medicine in this State.

12 The dog or cat must be spayed or neutered within 14 business days after certification by a  
13 licensed veterinarian that the dog or cat is healthy enough to be spayed or neutered.

14 Upon the provision of written proof to the entity from which a dog or cat was obtained  
15 that the dog or cat was spayed or neutered, the entity shall immediately and fully refund  
16 the deposit.

17 **3. Encourage spaying; neutering.** The entity shall establish the amount of the  
18 deposit at the level it determines is necessary to encourage the spaying or neutering of  
19 dogs and cats.

20 **4. Unclaimed deposits.** One hundred and twenty days after certification, funds from  
21 unclaimed deposits made pursuant to this section may be expended only for programs to  
22 spay or neuter dogs and cats.

23 **Sec. 30. 7 MRSA §3939-B** is enacted to read:

24 **§3939-B. Puppies or kittens in litters**

25 For purposes of this chapter, each member of a litter of puppies or kittens, weaned or  
26 unweaned, is treated as an individual animal.

27 **Sec. 31. 7 MRSA §3939-C** is enacted to read:

28 **§3939-C. Violation**

29 **1. Noncompliance.** If a recipient fails to comply with the spaying or neutering  
30 agreement under section 3939-A within 30 business days after the shelter spay or neuter  
31 agreement is signed, the recipient forfeits the sterilization deposit and commits a civil  
32 violation for which a fine of not less than \$50 nor more than \$200 a day may be  
33 adjudged.

34 **2. Extension.** Nothing in this section prohibits an animal shelter, a humane society  
35 shelter, sanctuary or rescue group from extending the date by which spaying or neutering  
36 is to be completed at its discretion for good cause. An extension must be in writing.

1       **3. Reimbursement of deposit.** If a dog or cat dies within the spaying or neutering  
2 period provided for in the written agreement pursuant to this section, the agreement does  
3 not apply to that dog or cat. The recipient or adopter may receive a reimbursement of the  
4 sterilization deposit by submitting to the animal shelter, humane society shelter, sanctuary  
5 or rescue group during the sterilization period a signed letter from a veterinarian licensed  
6 to practice medicine in this State stating that the animal has died. The letter must include  
7 a description of the dog or cat.

8       **4. Failure to spay or neuter.** An animal shelter that adopts or gives away a dog or  
9 cat and fails to spay or neuter that animal prior to adoption or fails to complete a spay or  
10 neuter agreement for the animal commits a civil violation for which a fine of not less than  
11 \$50 nor more than \$200 a day may be adjudged.

12       **Sec. 32. 7 MRSA §3941**, as amended by PL 1997, c. 690, §25, is further amended  
13 to read:

14       **§3941. Posting of law**

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

18       **Sec. 33. 7 MRSA §3947**, as amended by PL 1997, c. 690, §28, is further amended  
19 to read:

20       **§3947. Animal control officers**

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

26       A municipality may not appoint a person who has been convicted of murder, a Class  
27 A, Class B or Class C crime in this jurisdiction or has been convicted of a similar crime  
28 by any other state, provincial or federal court, a criminal violation under Title 17, chapter  
29 42 or who has been adjudicated of a civil violation for cruelty to animals under chapter  
30 739 to the position of animal control officer.

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

34       Animal control officers must attend the advanced training program as described  
35 under section 3906-B, subsection 4 to maintain certification; an animal control officer  
36 must have a minimum of at least 8 hours of training once a year.

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

1       **Sec. 34. 7 MRSA §4015, sub-§2**, as amended by PL 2005, c. 340, §1, is further  
2 amended to read:

3       **2. Outdoor standards.** Minimum outdoor standards of shelter ~~shall be~~ are as  
4 follows.

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

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

11           (1) An artificial shelter, with a minimum of ~~3~~ 4 sides and a waterproof roof,  
12 appropriate to the local climatic conditions for the species concerned must be  
13 provided as necessary for the health of the animal. A premanufactured circular  
14 doghouse meets these standards.

15           (2) If a dog is tied or confined unattended outdoors under weather conditions that  
16 adversely affect the health of the dog, a shelter of suitable size with a floor above  
17 ground and waterproof roof must be provided to accommodate the dog and  
18 protect it from the weather and, in particular, from severe cold. Inadequate shelter  
19 may be indicated by the shivering of the dog due to cold weather for a continuous  
20 period of 30 minutes.

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

23       D. Metal or plastic barrels are prohibited for use as shelter.

24       **Sec. 35. 7 MRSA §4041, sub-§1-A**, as enacted by PL 1999, c. 254, §15, is  
25 amended to read:

26       **1-A. Trespass.** An owner of an animal may not allow that animal to enter onto the  
27 property of another after the owner has been ~~warned~~ informed by a law enforcement  
28 officer or animal control officer that that animal was found on the property of another.

29       **Sec. 36. 7 MRSA §4041, sub-§3, ¶A**, as amended by PL 1999, c. 254, §15, is  
30 further amended to read:

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

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

36       **4. Pet dealer.** "Pet dealer" means a person, firm, partnership, corporation or  
37 association, including breeders, that sells more than 16 animals to the public in a 12-  
38 month period or a location where 5 or more adult dogs, wolf hybrids or cats capable of  
39 breeding are kept and some or all of the offspring are offered for sale, sold or exchanged

1 for value. "Pet dealer" does not include humane societies, nonprofit organizations  
2 performing the functions of humane societies or animal shelters licensed in accordance  
3 with section 3932-A.

4 **Sec. 38. 7 MRSA §4155, sub-§5** is enacted to read:

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

8 **Sec. 39. 7 MRSA §4157, sub-§2, ¶D,** as enacted by PL 1995, c. 589, §1, is  
9 repealed.

10 **Sec. 40. 17 MRSA §1011, sub-§12-B,** as enacted by PL 1997, c. 690, §57, is  
11 amended to read:

12 **12-B. Dog.** "Dog" means a member of the genus and species known as canis  
13 familiaris ~~or any canine, regardless of generation, resulting from the interbreeding of a~~  
14 ~~member of canis familiaris with a wolf hybrid as defined in subsection 30.~~

15 **Sec. 41. 17 MRSA §1011, sub-§18-A,** as repealed and replaced by PL 2003, c.  
16 334, §3, is amended to read:

17 **18-A. Livestock.** "Livestock" means cattle; equines; sheep; goats; swine;  
18 domesticated cervids, fowl and rabbits; members of the genus lama; bison; ~~and~~ ratites;  
19 and camelids.

20 **Sec. 42. 17 MRSA §1021, sub-§5-A,** as amended by PL 1995, c. 490, §24, is  
21 further amended to read:

22 **5-A. Seizure by state humane agent or state veterinarian without court order.**  
23 A state humane agent or a state veterinarian who has reasonable cause to believe that a  
24 violation of section 1031 or 1032 has taken place or is taking place may take possession  
25 of the cruelly treated animal. Upon taking possession of an animal under this section, the  
26 humane agent or the state veterinarian shall present the owner with a notice that:

- 27 A. States the reason for seizure;
- 28 B. Gives the name, address and phone number of the humane agent or the state  
29 veterinarian to contact for information regarding the animal; and
- 30 C. Advises the owner of the ensuing court procedure.

31 If the owner can not be found, the humane agent or the state veterinarian shall send a  
32 copy of the notice to the owner at the owner's last known address by certified mail, return  
33 receipt requested. If the owner is not known or can not be located, the humane agent or  
34 the state veterinarian shall contact the animal shelter or shelters used by the municipality  
35 in which the animal was found. The humane agent or the state veterinarian shall provide  
36 the shelter with a description of the animal, the date of seizure and the name of a person  
37 to contact for more information.

1 Within 3 working days of possession of the animal, the humane agent or the state  
2 veterinarian shall apply to the court for a possession order. The court shall set a hearing  
3 date and that hearing date must be within 10 days of the date the animal was seized. The  
4 humane agent or the state veterinarian shall arrange care for the animal, including  
5 medical treatment, if necessary, pending the hearing.

6 An animal welfare employee or the state veterinarian who is duly designated by the  
7 Commissioner of Agriculture, Food and Rural Resources pursuant to Title 7, section  
8 3906-B may represent the Department of Agriculture, Food and Rural Resources in the  
9 possession hearing.

10 The humane agent or the state veterinarian shall notify the owner, if located, of the time  
11 and place of the hearing. If the owner has not been located, the court shall order a notice  
12 to be published at least once in a newspaper of general circulation in the county where the  
13 animal was found stating the case and circumstances and giving 48 hours notice of the  
14 hearing.

15 It is the owner's responsibility at the hearing to show cause why the animal should not be  
16 seized permanently or disposed of humanely. If it appears at the hearing that the animal  
17 has been cruelly abandoned or cruelly treated by its owner, the court shall declare the  
18 animal forfeited and order its sale, adoption or donation or order the animal to be  
19 disposed of humanely if a veterinarian determines that the animal is diseased or disabled  
20 beyond recovery.

21 **Sec. 43. 17 MRSA §1027** is enacted to read:

22 **§1027. Security for seizure and impoundment of animals relating to cruelty to**  
23 **animals or animal fighting**

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

26 **A. "Authority"** means a state veterinarian, humane agent, sheriff, deputy sheriff,  
27 constable, police officer or animal control officer that seizes or impounds an animal  
28 pursuant to section 1031 or the Commissioner of Agriculture, Food and Rural  
29 Resources.

30 **2. Show cause hearing.** When an animal is lawfully seized or impounded pursuant  
31 to section 1021 or 1034, if the owner, custodian or person claiming an interest in the  
32 animal wishes to contest the order, the owner, custodian or person claiming an interest  
33 must petition the court for a show cause hearing. The petition must be filed within 10  
34 days of the date the seizure occurred or the search warrant was executed. If the owner  
35 fails to petition the court for a hearing within 10 days, the animal is ordered forfeited to  
36 the State.

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

1        **3. Post security.** If an animal is lawfully seized and impounded, the authority may  
2 file a petition with the court requesting that the person from whom an animal is seized or  
3 a person claiming an interest in the seized animal, be ordered to post a security. The  
4 authority shall serve a copy of the petition on the person from whom the animal was  
5 seized or, if the person cannot be found, by posting of copy at the place where the animal  
6 was taken into custody. The authority shall also serve a copy of the petition on the district  
7 attorney. The court may order the person from whom an animal is seized or a person  
8 claiming an interest in the seized animal to post a security.

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

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

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

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

25        **8. Order denied.** The authority may humanely dispose of the animal at the end of  
26 the period for which expenses are covered by the security, if the court orders the  
27 disposition. If the disposition order is denied, the court may require the owner or  
28 custodian or any other person claiming interest in the animal to provide additional  
29 security to secure payment of reasonable expenses and to extend the period of time  
30 pending adjudication by the court of the charges against the person from whom the  
31 animal was seized.

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

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

38        **Sec. 44. 17 MRSA §1031, sub-§1-B,** as amended by PL 2005, c. 281, §8 and c.  
39 397, Pt. F, §1, is further amended to read:





- 1           1. It creates mandatory advanced training for animal control officers and prohibits  
2 the appointment of a person who has been convicted of murder, a Class A, Class B or  
3 Class C crime in this jurisdiction or has been convicted of a similar crime by any other  
4 state, provincial or federal court.
- 5           2. It amends the hiring requirements for humane agents.
- 6           3. It amends the definition sections in the animal welfare laws to enact or amend  
7 definitions for "dog," "dangerous dog or wolf hybrid," "feral cat," "livestock" and "rescue  
8 group."
- 9           4. It allows an employee of the animal welfare program to represent the Department  
10 of Agriculture, Food and Rural Resources for civil process or possession hearings.
- 11          5. It provides extended time periods for the holding of stray cats.
- 12          6. It clarifies the law for rabies vaccinations for dogs.
- 13          7. It increases payment to shelters holding animals seized by the animal welfare  
14 program pending court hearings.
- 15          8. It increases the dog license fee by \$1.00 for both altered and unaltered dogs and  
16 wolf hybrids.
- 17          9. It removes stickers from the dog license requirement.
- 18          10. It requires boarding kennels and pet stores to insert their state license number in  
19 any advertising they use.
- 20          11. It prohibits a boarding kennel, breeding kennel or pet shop license from being  
21 issued to anyone convicted of a felony within the previous 10 years.
- 22          12. It amends the minimum age that a dog or cat may be sold, adopted or given  
23 away.
- 24          13. It requires that animal shelters, sanctuaries and rescue groups spay or neuter any  
25 dog or cat prior to adoption or to make formal arrangements for the altering of the animal  
26 within 30 days of adoption.
- 27          14. It allows municipal clerks to post dog license information at municipal offices.
- 28          15. It amends the dog sheltering requirements.
- 29          16. It prohibits a pet dealer to contractually or otherwise exempt itself from the  
30 remedies provided for deaths or health problems caused by disease.
- 31          17. It amends the animal trespass laws to protect public safety.
- 32          18. It requires a security to be placed by the owner for seizure and impoundment of  
33 animals relating to cruelty to animals or animal fighting.

1           19. It provides for a violation of any court sentencing provision for the Maine  
2 Revised Statutes, Title 17, section 1031 conviction to be a Class D crime.

3           20. It repeals a provision for the certification of animal control officers provided in  
4 Title 30-A, section 4453, subsection 5.