

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 223

S.P. 73

January 27, 2009

**An Act To Ensure That the Money Received from the Surcharge on
Registration of Pet Food Is Used for the Sterilization of Animals**

(EMERGENCY)

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator DAVIS of Cumberland.

Cosponsored by Senators: NUTTING of Androscoggin, SHERMAN of Aroostook,

Representatives: FLOOD of Winthrop, PIOTTI of Unity, WHEELER of Kittery.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** Public Law 2005, chapter 281 imposed a surcharge of \$20 on registered
4 pet food; and

5 **Whereas,** the money collected from the surcharge is to be deposited in the Animal
6 Welfare Fund; and

7 **Whereas,** the money from the fund should be distributed on a quarterly basis to the
8 Companion Animal Sterilization Fund; and

9 **Whereas,** deposits from the Animal Welfare Fund to the Companion Animal
10 Sterilization Fund are not made on a regular basis; and

11 **Whereas,** it is important that funds be available in the Companion Animal
12 Sterilization Fund so that animals may be spayed and neutered in a timely manner; and

13 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
14 the meaning of the Constitution of Maine and require the following legislation as
15 immediately necessary for the preservation of the public peace, health and safety; now,
16 therefore,

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

18 **Sec. 1.** 7 MRSA §714, sub-§4, as amended by PL 2007, c. 459, §2, is further
19 amended to read:

20 **4. Surcharge on registration of pet food.** For each product name of pet food
21 registered in accordance with subsection 1, the applicant shall pay a \$20 surcharge in
22 addition to the registration fee, except that a home-based manufacturer of pet food shall
23 pay a total annual surcharge of \$20. The commissioner shall deposit the surcharge into
24 the ~~Animal Welfare Fund established under section 3906-B, subsection 2~~ Companion
25 Animal Sterilization Fund established under section 3910-B.

26 Money deposited into the Companion Animal Sterilization Fund may be disbursed on
27 more than a quarterly basis.

28 **Sec. 2.** 7 MRSA §3906-B, sub-§2, as amended by PL 2005, c. 281, §3, is further
29 amended to read:

30 **2. Animal Welfare Fund.** The commissioner shall deposit all license fees received
31 pursuant to chapters 721, 723, 725 and 735 in a separate account established by the
32 Treasurer of State and known as the Animal Welfare Fund. The commissioner shall
33 deposit 1/2 of feed registration fees collected under section 714, subsection 1 ~~and all~~
34 ~~revenue from the surcharge collected under section 714, subsection 4~~ in the Animal
35 Welfare Fund. This account does not lapse, but continues from year to year. The
36 commissioner shall pay from the Animal Welfare Fund the expense of furnishing license

1 blanks, stickers and tags, travel expenses and salaries for necessary personnel, payments
2 to animal shelters and expenses incurred in the administration of this Part.

3 ~~The commissioner shall annually transfer \$100,000 from the Animal Welfare Fund for~~
4 ~~deposit in the Companion Animal Sterilization Fund established under section 3910-B.~~

5 **Sec. 3. 7 MRSA §3910-B, sub-§1**, as amended by PL 2007, c. 539, Pt. CCCC,
6 §1, is further amended to read:

7 **1. Establishment.** There is established the Companion Animal Sterilization Fund,
8 an interest-bearing account, referred to in this section as "the fund." The fund receives
9 money deposited by the Treasurer of State pursuant to Title 36, section 5284-A, revenues
10 generated in accordance with this section, all revenue from the surcharges collected under
11 section 714, subsection 4 and section 3933, subsection 4, ~~money transferred from the~~
12 ~~Animal Welfare Fund in accordance with section 3906-B, subsection 2~~ and any money
13 contributed voluntarily to the fund. All money deposited in the fund and the earnings on
14 that money remain in the fund to be used for the spaying or neutering of companion
15 animals owned by persons meeting income limit standards and for the necessary direct
16 administrative and personnel costs associated with the management of the fund and may
17 not be deposited in the General Fund or any other fund except as specifically provided by
18 law. The fund may not be charged for indirect costs under a departmental indirect cost
19 allocation plan.

20 **Emergency clause.** In view of the emergency cited in the preamble, this
21 legislation takes effect when approved.

22 **SUMMARY**

23 This bill requires the Commissioner of Agriculture, Food and Rural Resources to
24 deposit the surcharge on registration of pet food directly into the Companion Animal
25 Sterilization Fund instead of the Animal Welfare Fund. The bill also allows funds from
26 the Companion Animal Sterilization Fund to be disbursed on more than a quarterly basis.