

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 517

H.P. 362

House of Representatives, February 12, 2009

**An Act To Authorize the Employment of Animal Control Officers
by Animal Shelters**

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CLEARY of Houlton.
Cosponsored by Senator JACKSON of Aroostook and
Representatives: BERRY of Bowdoinham, EATON of Sullivan, MCCABE of Skowhegan,
SCHATZ of Blue Hill, SMITH of Monmouth, SOCTOMAH of the Passamaquoddy Tribe,
WILLETTE of Presque Isle.

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

2 **Sec. 1. 7 MRSA §3907, sub-§4**, as amended by PL 1995, c. 490, §1, is further
3 amended to read:

4 **4. Animal control officer.** "Animal control officer" means the person appointed
5 periodically by a municipality pursuant to ~~chapter 725~~ section 3947 or a person employed
6 by an animal shelter pursuant to section 3947-A.

7 **Sec. 2. 7 MRSA §3947-A** is enacted to read:

8 **§3947-A. Animal control officers employed by animal shelter**

9 An animal shelter licensed under section 3932-A may employ an animal control
10 officer in accordance with this section. In addition to appointing an animal control
11 officer as required under section 3947, a municipality may contract for the services of an
12 animal control officer employed by the animal shelter that the municipality has
13 designated under section 3949.

14 **1. Duties.** The duties of an animal control officer employed by an animal shelter
15 under this section are enforcement of sections 3911, 3912, 3916, 3921, 3924, 3943, 3948,
16 3950, 3952 and 4041 and Title 17, section 1023, responding to reports of animals
17 suspected of having rabies in accordance with Title 22, sections 1313 and 1313-A and
18 any other duties to control animals as the animal shelter or contracting municipality may
19 require.

20 **2. Restrictions on employment.** An animal shelter may not employ a person as an
21 animal control officer who has been convicted of murder, a Class A or Class B offense, a
22 violation of Title 17-A, chapter 9, 11, 12 or 13 or a criminal violation under Title 17,
23 chapter 42, adjudicated of a civil violation for cruelty to animals under chapter 739 or
24 convicted or adjudicated in any other state, provincial or federal court of a violation
25 similar to one specified in this subsection.

26 **3. Certification and training.** A person employed by an animal shelter must be
27 certified in accordance with section 3906-B, subsection 4 prior to assuming the duties of
28 an animal control officer under subsection 1 and must attend advanced training programs
29 as described under section 3906-B, subsection 4 to maintain certification. An animal
30 control officer must have a minimum of 8 hours of training each year.

31 **4. Municipality not liable.** A municipality is not liable for the conduct of an animal
32 control officer employed by an animal shelter and providing services under a contract
33 between the shelter and the municipality. A municipality contracting with an animal
34 shelter for the services of an animal control officer is not responsible for fees, wages or
35 expenses of that animal control officer.

36 **SUMMARY**

37 This bill authorizes an animal shelter to employ an animal control officer with duties
38 and certification requirements identical to those of an animal control officer designated

1 by a municipality. It authorizes a municipality to contract with a shelter for an animal
2 control officer's services.