

MAINE STATE LEGISLATURE

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Date: 6/5/9

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AGRICULTURE, CONSERVATION AND FORESTRY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 666, L.D. '964, Bill, "An Act Pertaining to the Breeding and Selling of Dogs and Cats"

Amend the bill by striking out the title and substituting the following:

'An Act Pertaining to the Breeding and Selling of Dogs and Cats and Equitable Funding of Animal Welfare'

Amend the bill in section 1 in subsection 8-A in the 6th line (page 1, line 9 in L.D.) by inserting after the following: "sledding," the following: 'competition.'

Amend the bill in section 1 in subsection 8-A in the last line (page 1, line 11 in L.D.) by striking out the following: "~~12-month period~~ calendar year" and inserting the following: '12-month period'

Amend the bill by striking out all of section 2 (page 1, lines 12 to 17 in L.D.) and inserting the following:

'Sec. 2. 7 MRSA §3923-C, sub-§5, as repealed and replaced by PL 1997, c. 690, §21, is amended to read:

5. Kennel inspection and quarantine. Except for a kennel inspected by the department in accordance with chapter 723, an animal control officer must inspect annually a kennel prior to the municipality issuing a kennel license. In addition to the annual inspection required under this subsection, an animal control officer, at any reasonable time, escorted by the kennel owner or the kennel owner's agent, may inspect the kennel. Inspections must be conducted in accordance with the sanitation and health rules established by the department for compliance with laws and rules. In conducting inspections, an animal control officer must use measures established by the department through rulemaking to prevent the spread of infectious and contagious diseases. Rules adopted pursuant to this subsection are ~~routine technical~~ major substantive rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

A veterinarian employed by the State or any licensed veterinarian may quarantine the kennel in person or by registered mail and the quarantine must be maintained as long as

COMMITTEE AMENDMENT

1 the veterinarian determines necessary. The decision and order for this quarantine is not
2 considered a licensing or an adjudicatory proceeding as defined by the Maine
3 Administrative Procedure Act.'

4 Amend the bill in section 4 in subsection 2 in the first and 2nd lines (page 1, lines 35
5 and 36 in L.D.) by striking out the following: "\$250 for a Category 2 breeding kennel and
6 \$500" and inserting the following: '\$100 for a Category 2 breeding kennel and \$150'

7 Amend the bill by inserting after section 6 the following:

8 '**Sec. 7. 7 MRSA §3936, sub-§1**, as amended by PL 1997, c. 690, §24, is further
9 amended to read:

10 **1. Inspection and quarantine.** The commissioner, a state humane agent, a
11 veterinarian employed by the State or a licensed veterinarian at the direction of the
12 commissioner may, at any reasonable time, enter an animal shelter, kennel, boarding
13 kennel, breeding kennel or pet shop and make examinations and conduct any recognized
14 tests for the existence of contagious or infectious diseases or conditions. If the animal
15 shelter, kennel, boarding kennel, breeding kennel or pet shop is also used for human
16 habitation, the person authorized to make examinations and conduct tests must be
17 escorted by the owner, or the owner's agent, of the animal shelter, kennel, boarding
18 kennel, breeding kennel or pet shop and the examinations and tests may be made only in
19 those portions of the premises used as an animal shelter, kennel, boarding kennel,
20 breeding kennel or pet shop. The commissioner may inspect animal shelters, kennels,
21 boarding kennels, breeding kennels and pet shops in accordance with the sanitation and
22 health rules established by the department and for compliance with laws and rules,
23 including licensing and permitting requirements, of the Department of Inland Fisheries
24 and Wildlife pertaining to wildlife importation and possession. In conducting
25 inspections, measures established by the department through rulemaking must be used to
26 prevent the spread of infectious and contagious diseases. Rules adopted pursuant to this
27 subsection are ~~routine technical~~ major substantive rules as defined in Title 5, chapter 375,
28 subchapter ~~H-A~~ 2-A. A veterinarian employed by the State or any licensed veterinarian
29 may quarantine the animal shelter, kennel, boarding kennel, breeding kennel or pet shop,
30 in person or by registered mail, and the quarantine must be maintained as long as the
31 department determines necessary. The decision and order for this quarantine is not
32 considered a licensing or an adjudicatory proceeding as defined by the Maine
33 Administrative Procedure Act. The commissioner shall promptly notify the Department
34 of Inland Fisheries and Wildlife of violations.'

35 Amend the bill by striking out all of section 8 (page 2, lines 31 to 40 in L.D.)

36 Amend the bill in section 9 in paragraph A by striking out all of subparagraph (7)
37 (page 3, lines 19 to 22 in L.D.) and inserting the following:

38 '(7) A record of inoculations, ~~worming~~ internal or external parasite treatments,
39 medication or any veterinarian examination or treatment received by the animal
40 while in the possession of the ~~breeder or dealer~~ seller.'

41 Amend the bill by striking out all of sections 11 and 12.

42 Amend the bill in section 13 in subsection 8-A in the 6th line (page 4, line 30 in L.D.)
43 by inserting after the following: "sledding," the following: 'competition.'

1 Amend the bill by striking out all of section 14 (page 4, lines 33 to 37 in L.D.) and
2 inserting the following:

3 **Sec. 14. Commissioner of Agriculture, Food and Rural Resources and**
4 **Attorney General to review provisions and processes pertaining to the State**
5 **taking possession of animals that have been abused.** The Commissioner of
6 Agriculture, Food and Rural Resources and the Attorney General shall convene a
7 working group to review the provisions in the Maine Revised Statutes, Title 17, chapter
8 42, subchapter 2. The commissioner and the Attorney General shall invite representatives
9 of the judicial branch and the district attorneys to join in a discussion of the processes for
10 seizing animals and requirements for the care of those animals prior to a transfer of
11 ownership. The working group shall review costs of care for animals seized or held by
12 the State pending adjudication or prosecution and make recommendations for reducing
13 costs while humanely caring for the animals and providing due process for the owners.
14 The commissioner and other participants in the working group shall report to the Joint
15 Standing Committee on Agriculture, Conservation and Forestry no later than December
16 9, 2009 with a summary of the discussions and recommendations of the working group to
17 expedite court actions in cases involving cruelty to animals.

18 **Sec. 15. Authorization to submit legislation.** The Joint Standing Committee
19 on Agriculture, Conservation and Forestry may submit legislation pertaining to animal
20 welfare and the funding of the animal welfare program within the Department of
21 Agriculture, Food and Rural Resources to the Second Regular Session of the 124th
22 Legislature.

23 **Sec. 16. Appropriations and allocations.** The following appropriations and
24 allocations are made.

25 **AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF**
26 **Animal Welfare Fund 0946**

27 Initiative: Provides one-time funding for database changes to accommodate 3 levels of
28 fee structures for licensing breeding kennels.

29	OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
30	All Other	\$6,000	\$0
31			
32	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$6,000</u>	<u>\$0</u>
33			

34 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
35 section number to read consecutively.

36 **SUMMARY**

37 This amendment reduces the license fee for Category 2 and Category 3 breeding
38 kennels. It removes the proposed revision to the definition of "seller" as it is used in the
39 chapter governing the sale of dogs and cats by pet shops and breeding kennels. It
40 removes the requirement that a dog or cat be examined by a veterinarian prior to sale and

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COMMITTEE AMENDMENT "A" to H.P. 666, L.D. 964

1 instead requires that records of any examinations by a veterinarian be provided to the
2 buyer. It also removes that section of the bill that proposes revisions to the definition of
3 "kennel" and the section authorizing the Department of Agriculture, Food and Rural
4 Resources to revoke or suspend a license for a pet shop or breeding kennel. It also adds
5 an appropriations and allocations section.

6 **FISCAL NOTE REQUIRED**

7 (See attached)

COMMITTEE AMENDMENT



124th MAINE LEGISLATURE

LD 964

LR 1884(02)

An Act Pertaining to the Breeding and Selling of Dogs and Cats

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Agriculture, Conservation and Forestry

Fiscal Note Required: Yes

Fiscal Note

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
Appropriations/Allocations				
Other Special Revenue Funds	\$6,000	\$0	\$0	\$0
Revenue				
Other Special Revenue Funds	\$1,200	\$1,200	\$1,200	\$1,200

Fiscal Detail and Notes

The bill includes a one-time Other Special Revenue Funds allocation of \$6,000 in fiscal year 2009-10 to the Department of Agriculture, Food and Rural Resources for database changes to accommodate three levels of fee structures for licensing breeding kennels. Other Special Revenue Funds revenue will increase by \$1,200 beginning in fiscal year 2009-10 from licensing fees. This estimate is based on calendar year 2008 data. The additional costs to the Department of the Attorney General can be absorbed utilizing existing budgeted resources.