

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 964

H.P. 666

House of Representatives, March 10, 2009

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

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Reported by Representative PIEH of Bremen for the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to Resolve 2007, chapter 203, section 3.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed under Joint Rule 218.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

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

2 **Sec. 1. 7 MRSA §3907, sub-§8-A**, as amended by PL 2007, c. 702, §3, is further  
3 amended to read:

4 **8-A. Breeding kennel.** "Breeding kennel" means a location where 5 or more adult  
5 female dogs, wolf hybrids or cats capable of breeding are kept and some or all of the  
6 offspring are offered for sale, sold or exchanged for value or a location where more than  
7 16 dogs or cats raised on the premises are sold to the public in a 12-month period.  
8 "Breeding kennel" does not include a kennel licensed by a municipality under section  
9 3923-C when the dogs are kept primarily for hunting, show, training, ~~mushing~~ sledding,  
10 field trials or exhibition purposes and not more than 16 dogs are offered for sale, sold or  
11 exchanged for value within a ~~12-month period~~ calendar year.

12 **Sec. 2. 7 MRSA §3907, sub-§17**, as amended by PL 2007, c. 702, §6, is further  
13 amended to read:

14 **17. Kennel.** "Kennel" means 5 or more dogs or wolf hybrids kept in a single  
15 location under one ownership for breeding, hunting, show, training, field trials, ~~mushing~~  
16 sledding or exhibition purposes. The sale or exchange of one litter of puppies within a  
17 12-month period alone does not constitute the operation of a kennel.

18 **Sec. 3. 7 MRSA §3931-A, sub-§1**, as amended by PL 1995, c. 490, §10, is  
19 further amended to read:

20 **1. License necessary.** A person maintaining a breeding kennel, as defined in section  
21 3907, must obtain a license from the department and is subject to rules adopted by the  
22 department. The license expires 12 months after the date of issuance. An applicant for a  
23 breeding kennel license shall state in the application the number of female dogs or cats  
24 capable of breeding that are maintained at the breeding kennel. The department shall  
25 issue a license or a conditional license under subsection 6 in one of the 3 categories  
26 described in paragraphs A, B and C and collect a fee in accordance with subsection 2.

27 A. A breeding kennel that maintains at least 5 but no more than 10 female dogs or  
28 cats capable of breeding is a Category 1 breeding kennel.

29 B. A breeding kennel that maintains at least 11 but no more than 20 female dogs or  
30 cats capable of breeding is a Category 2 breeding kennel.

31 C. A breeding kennel that maintains 21 or more female dogs or cats capable of  
32 breeding is a Category 3 breeding kennel.

33 **Sec. 4. 7 MRSA §3931-A, sub-§2**, as amended by PL 2003, c. 405, §16, is  
34 repealed and the following enacted in its place:

35 **2. License fees.** The license fee is \$75 for a Category 1 breeding kennel, \$250 for a  
36 Category 2 breeding kennel and \$500 for a Category 3 breeding kennel.

37 **Sec. 5. 7 MRSA §3931-A, sub-§5**, as enacted by PL 2007, c. 702, §8, is amended  
38 to read:

1           **5. License number requirements.** A breeding kennel shall prominently display in  
2 written any advertising the state-issued kennel license number.

3           The breeding kennel shall provide its license number to a person purchasing or receiving  
4 an animal from the breeding kennel.

5           **Sec. 6. 7 MRSA §3931-A, sub-§6** is enacted to read:

6           **6. Conditional breeding kennel license.** Upon receiving an application for a  
7 breeding kennel that does not at the time of application hold a valid license under this  
8 section, the department shall issue a conditional breeding kennel license. The conditional  
9 license remains in effect until the breeding kennel passes an inspection under section  
10 3936. If a breeding kennel cannot meet minimum standards within 6 months after the  
11 initial inspection, the conditional breeding kennel license may be revoked or suspended  
12 by the department pending an administrative proceeding held in accordance with Title 5,  
13 chapter 375, subchapter 5.

14           **Sec. 7. 7 MRSA §3936-A** is enacted to read:

15           **§3936-A. Noncompliance; subsequent inspection required**

16           If, upon inspection under section 3936, the commissioner or the commissioner's  
17 designee finds a facility licensed under this chapter to be in violation of this chapter or  
18 rules adopted under this chapter, the commissioner or the commissioner's designee shall  
19 issue a written notice describing the violation, the required corrective action to be taken  
20 and the date by which the correction must be made. No fee is charged for the first  
21 follow-up inspection. If the corrective action has not been taken within the specified  
22 period and 2 or more follow-up inspections are needed in any calendar year, the  
23 department shall charge the licensee a fee equal to 50% of the original license fee for  
24 each follow-up inspection. The original notice of a violation must inform the licensee of  
25 the fee charged for follow-up inspections.

26           If the person operating the facility fails to complete corrective actions by the date  
27 noted in the original notice or a subsequent date specified by the department, the  
28 department may revoke, suspend or refuse to renew a license issued under this chapter  
29 pending an administrative proceeding held in accordance with Title 5, chapter 375,  
30 subchapter 5.

31           **Sec. 8. 7 MRSA §4151, sub-§4-A,** as enacted by PL 2007, c. 702, §22, is  
32 amended to read:

33           **4-A. Seller.** "Seller" means the owner or operator of a breeding kennel as defined in  
34 section 3907, subsection 8-A or the owner or operator of a pet shop as defined in section  
35 3907, subsection 23. "Seller" includes animal dealers required to be licensed by the  
36 United States Department of Agriculture. "Seller" includes the owner or keeper of a cat  
37 or dog that advertises for sale, sells or exchanges for value more than one dog or cat in a  
38 calendar year. "Seller" does not include humane societies, nonprofit organizations  
39 performing the functions of humane societies or animal shelters licensed in accordance  
40 with section 3932-A.

1        **Sec. 9. 7 MRSA §4152, sub-§1, ¶A**, as amended by PL 2007, c. 702, §23, is  
2 further amended to read:

3        A. An animal history that includes:

4            (1) For sellers licensed with the United States Department of Agriculture, the  
5 name, address and United States Department of Agriculture license number of the  
6 breeder and any broker who has had possession of the animal. For sellers  
7 licensed with the State, the name, address of the seller and the license number  
8 issued under section 3931-A, 3933 or 4163;

9            (2) The date of the animal's birth;

10           (3) The date the seller received the animal if the animal was not born on the  
11 seller's premises;

12           (4) The breed, sex, color and identifying marks of the animal. If the breed is  
13 unknown or mixed, that fact must be stated;

14           (5) The individual identifying tag, tattoo, microchip identification number or  
15 collar number;

16           (6) For pure bred animals that are advertised as eligible for registration, the name  
17 and registration number of the sire and dam and, if available, the litter number;  
18 and

19           (7) A record of inoculations, worming internal or external parasite treatments,  
20 medication or any veterinarian treatment received by the animal while in the  
21 possession of the breeder or dealer seller and proof of veterinary examination as  
22 required under section 4153;

23        **Sec. 10. 7 MRSA §4152-A** is enacted to read:

24        **§4152-A. Documents necessary for breed registration**

25           **1. Requirement to provide.** A seller who states, promises or represents that an  
26 animal is registered or capable of registration with an animal pedigree organization shall  
27 provide the purchaser with the documents necessary for registration at the time of sale or  
28 within 90 days of the sale unless specified otherwise in a contractual agreement signed by  
29 the purchaser.

30           **2. Process to acquire documentation.** If the purchaser does not receive the  
31 necessary documents within the time period specified in subsection 1, the purchaser may  
32 send a written request for the documents to the seller via certified mail. Within 60 days  
33 of receiving the request, the seller must deliver the documents directly or send them by  
34 certified mail to the purchaser.

35           **3. Failure to provide documentation; resolution.** If the seller fails to provide the  
36 necessary documents in accordance with subsection 2, the purchaser is entitled to a partial  
37 refund of 50% of the purchase price. Upon payment of the refund, a seller is absolved of  
38 the requirement to provide the documents necessary for breed registration. Acceptance of  
39 the registration papers by the purchaser outside of the required time period waives the  
40 purchaser's right to a partial refund.

1           **Sec. 11. 7 MRSA §4153**, as amended by PL 2007, c. 702, §24, is further amended  
2 to read:

3           **§4153. Sale prohibited**

4           A seller may not sell an animal that has not been examined by a veterinarian to  
5 determine the general health of the animal. Any health problem discovered must be  
6 disclosed at the time of sale under section 4152, subsection 1, paragraph A.  
7 Notwithstanding section 4152, a seller may not sell an animal that has any obvious  
8 clinical sign of infectious, contagious, parasitic or communicable disease or abnormality  
9 or has any disease, illness or condition that requires hospitalization or nonelective  
10 surgical procedures.

11           **Sec. 12. 7 MRSA §4162**, as repealed and replaced by PL 1997, c. 690, §55 and  
12 amended by PL 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

13           **§4162. Additional penalties**

14           **1. Civil violation.** A person who fails to meet a requirement of this chapter commits  
15 a civil violation for which a forfeiture not to exceed \$100 less than \$250 or more than  
16 \$500 per violation may be adjudged.

17           **2. Action against pet shops and breeding kennels.** The Pending an administrative  
18 hearing in accordance with Title 5, chapter 375, subchapter 5, the department may file an  
19 action in District Court to revoke or suspend the license of a pet shop or breeding kennel  
20 that violates any provision of revoke or suspend a breeding kennel or pet shop license if  
21 the person maintaining the breeding kennel or pet shop violates this chapter or rules  
22 adopted under section 3906-B, subsection 10 to implement this chapter.

23           **Sec. 13. 17 MRSA §1011, sub-§8-A**, as amended by PL 2007, c. 702, §38, is  
24 further amended to read:

25           **8-A. Breeding kennel.** "Breeding kennel" means a location where 5 or more adult  
26 dogs, wolf hybrids or cats capable of breeding are kept and some or all of the offspring  
27 are offered for sale, sold or exchanged for value or a location where more than 16 dogs or  
28 cats raised on the premises are sold to the public in a 12-month period. "Breeding kennel"  
29 does not include a kennel licensed by a municipality under Title 7, section 3923-C when  
30 the dogs are kept primarily for hunting, show, training, ~~mushing~~ sledding, field trials or  
31 exhibition purposes and not more than 16 dogs are offered for sale, sold or exchanged for  
32 value within a 12-month period.

33           **Sec. 14. 17 MRSA §1011, sub-§17**, as amended by PL 2007, c. 702, §40, is  
34 further amended to read:

35           **17. Kennel.** "Kennel" means one pack or collection of dogs kept in a single location  
36 under one ownership for breeding, hunting, show, training, field trials, ~~mushing~~ sledding  
37 or exhibition purposes.

