

MAINE STATE LEGISLATURE

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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. 758, L.D. 1103, Bill, "An Act To Amend the Animal Welfare Laws"

Amend the bill by striking out all of section 1.

Amend the bill by striking out all of section 4 and inserting the following:

'Sec. 4. 7 MRSA §3907, sub-§8, as amended by PL 1997, c. 33, §1, is further amended to read:

8. Boarding kennel. "Boarding kennel" means any place, building, tract of land or abode in or on which 3 or more privately owned dogs or other pets, or both, companion animals are kept at any one time for their owners in return for a fee or compensation and includes a facility where 3 or more companion animals are kept for training purposes for compensation.'

Amend the bill in section 5 in subsection 17 in the 3rd line (page 2, line 16 in L.D.) by inserting after the following: "sledding" the following: ''

Amend the bill by striking out all of section 6 and inserting the following:

'Sec. 6. 7 MRSA §3909, sub-§2, as amended by PL 1997, c. 683, Pt. B, §1, is further amended to read:

2. Designated employees of the department. For purposes of prosecution under this section, the commissioner may authorize humane agents and a state veterinarian who have been certified in accordance with subsection 3-A to issue and serve civil process violation processes against offenders pursuant to the Maine Rules of Civil Procedure, Rule 80H and any other applicable rules of court for violations of this Part. The commissioner may authorize certified humane agents or a certified state veterinarian to represent the department in District Court in the prosecution of civil violations of these laws. Certification of the humane agents and a state veterinarian for this purpose is as provided under Title 30-A, section 4453, subsection 5. Once certified, prosecution by the A certified humane agent or a certified state veterinarian may seek civil penalties as

1 provided by law as well as a permanent or temporary injunction, restraining order or
2 other equitable relief as the court finds appropriate.'

3 Amend the bill in section 7 in subsection 2-A in paragraph A in the 4th line (page 2,
4 line 37 in L.D.) by striking out the following: "individual law enforcement officers" and
5 inserting the following: 'humane agents and a state veterinarian certified under subsection
6 3-A'

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

8 '**Sec. 8. 7 MRSA §3909, sub-§3-A**, as amended by PL 2003, c. 536, §3, is further
9 amended to read:

10 **3-A. Humane agents; training requirements.** Continuing employment of a
11 humane agent hired after October 1, 2003 is contingent upon the successful completion
12 by that agent of a 100-hour service training program at the Maine Criminal Justice
13 Academy or a nationally recognized training program on investigation and enforcement
14 of animal welfare laws and the successful completion of an examination on state animal
15 welfare laws and rules adopted pursuant to this Part. To issue and serve civil violation
16 processes or represent the department in District Court under subsection 2, a humane
17 agent or a state veterinarian must have completed a program at the Maine Criminal
18 Justice Academy that certifies familiarity with court procedures.

19 A humane agent, regardless of appointment date, shall complete training in the handling
20 of small and large animals and a minimum of 40 hours of training each year, including a
21 combination of classroom and hands-on training.'

22 Amend the bill by striking out all of section 8 and inserting the following:

23 '**Sec. 8. 7 MRSA §3909, sub-§5** is enacted to read:

24 **5. Enforcement provision; animal control officers.** The certification of an animal
25 control officer under section 3906-B may be suspended or revoked by the commissioner
26 in accordance with Title 5, chapter 375.'

27 Amend the bill by inserting after section 8 the following:

28 '**Sec. 9. 7 MRSA §3913, sub-§2-A**, as amended by PL 1997, c. 690, §11, is
29 further amended to read:

30 **2-A. Animal shelter.** An animal shelter, as defined in section 3907, to which a stray
31 dog is taken shall accept the dog for a period of 6 days unless the shelter is in quarantine
32 or has a bona fide lack of adequate space. The Except as provided in subsection 2-B, the
33 acceptance entitles the animal shelter to receive from the department the sum of \$4 a day
34 for the period for which food and shelter are furnished to the dog. An animal shelter may
35 refuse to accept dogs from municipalities not contracting with that animal shelter.

36 **Sec. 10. 7 MRSA §3913, sub-§2-B** is enacted to read:

37 **2-B. Adoption policy.** Beginning January 1, 2010, to be eligible for reimbursement
38 under subsection 2-A, an animal shelter must have an adoption policy. An adoption
39 policy must provide for a dog to be available for adoption for a minimum of 24 hours
40 except as provided in subsection 6.'

41 Amend the bill by striking out all of section 9.

1 Amend the bill by striking out all of section 10 and inserting the following:

2 'Sec. 10. 7 MRSA §3919-A, sub-§2, as amended by PL 2007, c. 439, §9, is
3 further amended to read:

4 2. **Homeless cats.** When an animal shelter accepts a cat under section 3919 and that
5 cat does not have cat identification ~~or is determined to be a feral cat~~, the animal shelter
6 shall hold the cat for not less than 48 hours or, for feral cats, not less than 24 hours. After
7 the 24-hour or 48-hour period, the animal shelter may treat the cat as a homeless cat and
8 may:

9 A. Except as provided in section 3938-A, offer the cat for adoption, sell or give
10 away the cat; or

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

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

14 Amend the bill by striking out all of section 14.

15 Amend the bill in section 16 in subsection 3 in the last line (page 5, line 36 in L.D.)
16 by striking out the following: "immediately upon" and inserting the following: 'within 24
17 hours of the'

18 Amend the bill by striking out all of section 18 and inserting the following:

19 'Sec. 18. 7 MRSA §3936, sub-§2, as amended by PL 1993, c. 89, §1 and PL
20 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

21 2. **Suspension of license.** ~~The District Court, upon complaint of the commissioner,~~
22 ~~the Attorney General or the Commissioner of Inland Fisheries and Wildlife, department~~
23 may, in accordance with Title 5, chapter 375, subchapter 5, revoke or suspend a kennel,
24 boarding kennel, breeding kennel, animal shelter or pet shop license if a person
25 maintaining the kennel, boarding kennel, breeding kennel, animal shelter or pet shop
26 violates any quarantine or maintains animals contrary to the rules adopted by the
27 department, fails to keep records required by the department or violates any provision of
28 the laws or rules of the Department of Inland Fisheries and Wildlife pertaining to wildlife
29 importation and possession.'

30 Amend the bill by striking out all of sections 20 and 21 and inserting the following:

31 'Sec. 20. 7 MRSA §3947, as amended by PL 2009, c. 177, §1, is further amended
32 to read:

33 **§3947. Animal control officers**

34 Each municipality shall appoint one or more animal control officers whose duties are
35 enforcement of sections 3911, 3912, 3916, 3921, 3924, ~~3943~~, 3948, 3950, 3950-A, 3952
36 and 4041 and Title 17, section 1023, responding to reports of animals suspected of having
37 rabies in accordance with Title 22, sections 1313 and 1313-A and any other duties to
38 control animals as the municipality may require. A municipality may appoint an
39 employee of an animal shelter as an animal control officer as long as the person meets the
40 qualifications and training requirements of this section.

1 A municipality may not appoint a person to the position of animal control officer who
2 has been convicted of murder, a Class A or Class B offense or a violation of Title 17-A,
3 chapter 9, 11, 12 or 13 or has been convicted of a criminal violation under Title 17,
4 chapter 42 or has been adjudicated of a civil violation for cruelty to animals under chapter
5 739 or who has been convicted or adjudicated in any other state, provincial or federal
6 court of a violation similar to those specified in this section.

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

10 An animal control officer must attend advanced training programs as described under
11 section 3906-B, subsection 4 to maintain certification. An animal control officer must
12 have a minimum of 8 hours of training each year.

13 Upon appointment of an animal control officer, municipal clerks shall notify the
14 commissioner of the name, address and telephone number of the animal control officer
15 within 10 business days. In the event the position is vacant upon termination or
16 resignation of the animal control officer, the municipal clerk shall notify the
17 commissioner within 10 business days of the vacancy.

18 **Sec. 21. 7 MRSA §3948, sub-§2**, as amended by PL 1997, c. 690, §30, is further
19 amended to read:

20 **2. Medical attention.** Law enforcement officers and animal control officers shall
21 take a stray animal to its owner, if known, or, if the owner is unknown, ~~to an animal~~
22 ~~shelter and~~ shall ensure that any injured companion animal that is at large or in a public
23 way is given proper medical attention.'

24 Amend the bill in section 22 in subsection 2 in the 2nd line (page 7, line 18 in L.D.)
25 by striking out the following: "\$50 \$250" and inserting the following: '\$50'

26 Amend the bill by striking out all of section 23 and inserting the following:

27 **'Sec. 23. 7 MRSA §4015, sub-§6**, as amended by PL 2007, c. 439, §28, is further
28 amended to read:

29 **6. Dogs confined by tethering for long time periods.** In addition to the
30 requirements of subsection 2, paragraph B, subparagraph (2), when tethering is the
31 primary means of confinement for a dog, the standards for shelter and tethering are as
32 follows:

33 A. A shelter must be provided that is fully enclosed except for a portal. The portal
34 must be of a sufficient size to allow the dog unimpeded passage into and out of the
35 structure. For dogs other than arctic breeds, the portal must be constructed with a
36 baffle or other means of keeping wind and precipitation out of the interior. The
37 shelter must be constructed of materials with a thermal resistance factor of 0.9 or
38 greater and must contain clean bedding material sufficient to retain the dog's normal
39 body heat; and

40 B. The chain or tether must be attached to both the dog and the anchor using swivels
41 or similar devices that prevent the chain or tether from becoming entangled or
42 twisted. The chain or tether must be attached to a well-fitted collar or harness on the

1 dog. For dogs other than ~~arctic breeds~~ dogs kept as sled dogs or dogs used in
2 competition, the chain or tether must be at least 5 times the length of the dog
3 measured from the tip of its nose to the base of its tail. For ~~arctic breeds~~ dogs kept as
4 sled dogs or dogs used in competition, the chain or tether must be:

5 (1) At least 2.5 times the length of the dog measured from the tip of its nose to
6 the base of its tail if the anchor is stationary; or

7 (2) At least 1.5 times the length of the dog measured from the tip of its nose to
8 the base of its tail if the anchor is a pivot point allowing a 360° area of
9 movement.

10 For the purposes of this subsection, "primary means of confinement" means the method
11 used to confine a dog for periods of time that exceed 12 hours in a 24-hour period. For
12 the purposes of this subsection, "arctic breeds" means Siberian Huskies, Alaskan Huskies,
13 Alaskan Malamutes and other dogs with a double-layered coat and bred to live in an
14 arctic climate and "dogs kept as sled dogs or dogs used in competition" means dogs
15 regularly and consistently used in training or participation in competitive or recreational
16 sled dog activities or other competition canine events.'

17 Amend the bill by striking out all of section 24 and inserting the following:

18 '**Sec. 24. 7 MRSA §4162**, as repealed and replaced by PL 1997, c. 690, §55 and
19 amended by PL 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

20 **§4162. Additional penalties**

21 1. **Civil violation.** A person who fails to meet a requirement of this chapter commits
22 a civil violation for which a ~~forfeiture not to exceed \$100 fine of not less than \$50 or~~
23 more than \$500 per violation may be adjudged.

24 2. **Action against pet shops and breeding kennels.** The department may ~~file an~~
25 ~~action in District Court to~~, in accordance with Title 5, chapter 375, subchapter 5, revoke
26 or suspend the license of a pet shop or breeding kennel that violates any provision of this
27 chapter or rules adopted under section 3906-B, subsection 10 to implement this chapter.'

28 Amend the bill in section 25 in subsection 17 in the 3rd line (page 8, line 25 in L.D.)
29 by inserting after the following: "sledding" the following: '1'

30 Amend the bill by striking out all of section 26 and inserting the following:

31 '**Sec. 26. 17 MRSA §1037, sub-§7**, as enacted by PL 2005, c. 340, §4, is
32 amended to read:

33 7. **Dogs confined by tethering for long time periods.** In addition to the
34 requirements of subsection 2, paragraph B, subparagraph (2), when tethering is the
35 primary means of confinement for a dog, the standards for shelter and tethering are as
36 follows:

37 A. A shelter must be provided that is fully enclosed except for a portal. The portal
38 must be of a sufficient size to allow the dog unimpeded passage into and out of the
39 structure. For dogs other than arctic breeds, the portal must be constructed ~~in a~~
40 manner that keeps with a baffle or other means of keeping wind and precipitation out
41 of the interior. The shelter must ~~have~~ be constructed of materials with a thermal

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resistance factor of 0.9 or greater and must contain clean bedding material sufficient to retain the dog's normal body heat; and

B. The chain or tether must be attached to both the dog and the anchor using swivels or similar devices that prevent the chain or tether from becoming entangled or twisted. The chain or tether must be attached to a well-fitted collar or harness on the dog. For dogs other than arctic breeds dogs kept as sled dogs or dogs used in competition, the chain or tether must be at least 5 times the length of the dog measured from the tip of its nose to the base of its tail. For arctic breeds dogs kept as sled dogs or dogs used in competition, the chain or tether must be:

(1) At least 2.5 times the length of the dog measured from the tip of its nose to the base of its tail if the anchor is stationary; or

(2) At least 1.5 times the length of the dog measured from the tip of its nose to the base of its tail if the anchor is a pivot point allowing a 360° area of movement.

For the purposes of this subsection, "primary means of confinement" means the method used to confine a dog for periods of time that exceed 12 hours in a 24-hour period. For the purposes of this subsection, "arctic breeds" means Siberian Huskies, Alaskan Huskies, Alaskan Malamutes and other dogs with a double-layered coat and bred to live in an arctic climate and "dogs kept as sled dogs or dogs used in competition" means dogs regularly and consistently used in training or participation in competitive or recreational sled dog activities or other competition canine events.'

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

SUMMARY

This amendment removes the section of the bill that expanded membership on the Animal Welfare Advisory Council. It also removes language that included day care facilities for companion animals in the definition of "boarding kennel" and the requirement that a person operating a wolf hybrid kennel maintain records for 10 years. It removes the requirement that the Department of Agriculture, Food and Rural Resources must approve an animal shelter's adoption policy for the shelter to be eligible for reimbursement.

It clarifies that only humane agents and state veterinarians who have received training and certification from the Maine Criminal Justice Academy are authorized to serve civil process or represent the Department of Agriculture, Food and Rural Resources in District Court. It revises the shelter and tethering requirements for dogs used in competition to mirror the requirements for dogs kept as sled dogs. It clarifies that the process for the Commissioner of Agriculture, Food and Rural Resources to revoke or suspend licenses must be in accordance with the Maine Administrative Procedure Act.

FISCAL NOTE REQUIRED

(See attached)



124th MAINE LEGISLATURE

LD 1103

LR 455(02)

An Act To Amend the Animal Welfare Laws

Fiscal Note for Bill as Amended by Committee Amendment "A"
Committee: Agriculture, Conservation and Forestry

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor cost increase - Other Special Revenue Funds
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Increases number of Class E crimes; increases correctional and judicial costs.
The collection of additional fines may also increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

Additional costs to the Departments of Agriculture, Food and Rural Resources and Public Safety can be absorbed within existing budgeted resources.