

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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**Legislative Document**

**No. 1286**

S.P. 467

In Senate, March 31, 2009

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**An Act To Amend State Dog Licensing Laws**

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

Handwritten signature of Joy J. O'Brien in cursive.

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator NASS of York.  
Cosponsored by Senators: GERZOFKY of Cumberland, NUTTING of Androscoggin,  
SHERMAN of Aroostook, Representatives: CRAY of Palmyra, MILLER of Somerville, PIEH  
of Bremen, SMITH of Monmouth.

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

2 Sec. 1. 7 MRSA §3906-B, sub-§3, as enacted by PL 1991, c. 779, §9, is repealed.

3 Sec. 2. 7 MRSA §3907, sub-§28, as enacted by PL 1987, c. 383, §3, is amended  
4 to read:

5 28. **Warrant.** "Warrant" means an order of municipal officers directing a police  
6 officer, constable, sheriff or animal control officer to enter a complaint and summons  
7 against the owners or keepers of ~~unlicensed~~ unvaccinated dogs following notice of and  
8 noncompliance with a violation of law.

9 Sec. 3. 7 MRSA §3911, as amended by PL 1999, c. 254, §3, is further amended to  
10 read:

11 **§3911. Dogs at large**

12 It is unlawful for any dog, ~~licensed or unlicensed~~, to be at large, except when used for  
13 hunting. The owner or keeper of any dog found at large is subject to the penalties  
14 provided in this chapter.

15 Sec. 4. 7 MRSA §3913, sub-§3, ¶C, as amended by PL 1991, c. 779, §22, is  
16 further amended to read:

17 C. If the owner claims the dog within the 6-day period, the owner may have and  
18 receive the dog upon payment of all department-approved fees as provided in  
19 subsection 2-A, the municipal impoundment fee and actual fees incurred for food,  
20 shelter, veterinary care and any other fees required by this chapter for each day that  
21 the dog has been sheltered, ~~provided that the dog is licensed in accordance with~~  
22 ~~chapter 721.~~

23 Sec. 5. 7 MRSA §3913, sub-§4, ¶A, as amended by PL 2007, c. 439, §6, is  
24 further amended to read:

25 A. Except as provided in section 3938-A, sell or give away the dog, but not to a  
26 research facility, ~~if a license is first obtained in accordance with chapter 721; or~~

27 Sec. 6. 7 MRSA §3916, sub-§1-A, as amended by PL 2007, c. 439, §8, is further  
28 amended to read:

29 1-A. **Required for dogs.** A person owning or keeping a dog shall, within 30 days  
30 after the dog attains the age of 6 months, cause the dog to be vaccinated against rabies  
31 and shall have booster vaccinations administered periodically in accordance with rules  
32 adopted by the Commissioner of Health and Human Services ~~under section 3922,~~  
33 ~~subsection 3~~ except that the requirement of immunization may be waived by the  
34 municipal clerk under conditions set forth by the Commissioner of Health and Human  
35 Services. A wolf hybrid is required to be vaccinated in accordance with this subsection.  
36 The procedure prescribed under Title 22, chapter 251, subchapter 5 for a wolf hybrid  
37 suspected of having rabies does not change based on proof that the wolf hybrid has  
38 received a rabies vaccination.

1           **Sec. 7. 7 MRSA §3916, sub-§2-A**, as enacted by PL 2007, c. 119, §1, is amended  
2 to read:

3           **2-A. Notice to department.** A veterinarian who issues a certificate of rabies  
4 vaccination for a dog pursuant to subsection 2 shall, within 30 days of issuing the  
5 certificate, forward by mail, e-mail or ~~fax~~ facsimile transmission a copy of that certificate  
6 to the department. The department shall send a copy of the certificate by mail, e-mail or  
7 ~~fax~~ facsimile transmission to the clerk of the municipality in which the owner resides. If  
8 ~~the owner resides in the unorganized territory, the department shall send a copy of the~~  
9 ~~certificate to the dog recorder in that unorganized territory or, in the absence of a duly~~  
10 ~~authorized dog recorder, to the dog recorder in the nearest municipality or unorganized~~  
11 ~~territory in the same county in which the owner resides.~~ The department may shall retain  
12 a copy or electronic record of the rabies certificate. The department may accumulate  
13 certificates received and distribute them periodically to the appropriate municipalities ~~and~~  
14 ~~dog recorders.~~ Distributions must be made no fewer than ~~4~~ 2 times a year.

15           **Sec. 8. 7 MRSA §3916-A** is enacted to read:

16           **§3916-A. Animal welfare surcharge**

17           A distributor that sells a rabies vaccine to a person for use in this State shall pay a \$5  
18 surcharge per dose sold in accordance with rules adopted by the commissioner. The  
19 distributor shall forward the surcharge to the commissioner on a quarterly basis in  
20 accordance with rules adopted by the commissioner for deposit into the Animal Welfare  
21 Fund established under section 3906-B, subsection 2.

22           For the purpose of this section, "dose" means the average amount of rabies vaccine  
23 required to vaccinate a dog as determined by rule. The commissioner shall adopt rules to  
24 implement this section. Rules adopted pursuant to this section are routine technical rules  
25 as defined in Title 5, chapter 375, subchapter 2-A.

26           **Sec. 9. 7 MRSA §3921**, as amended by PL 1997, c. 690, §13, is repealed.

27           **Sec. 10. 7 MRSA §3922**, as amended by PL 2007, c. 664, §11, is repealed.

28           **Sec. 11. 7 MRSA §3923-A**, as amended by PL 2007, c. 664, §12, is repealed.

29           **Sec. 12. 7 MRSA §3923-B, sub-§1**, as amended by PL 2007, c. 439, §16, is  
30 repealed.

31           **Sec. 13. 7 MRSA §3923-B, sub-§3**, as amended by PL 1999, c. 254, §6, is  
32 further amended to read:

33           **3. Exceptions.** A dog is not required to wear a tag when on the premises of the  
34 owner or off the premises of the owner while hunting, in training or in an exhibition.  
35 When a dog is hunting, in training or in an exhibition, its owner or keeper shall produce  
36 proof of licensure ~~and proof of rabies immunization~~ within 24 hours upon request by a  
37 humane agent, animal control officer or law enforcement officer, including a game  
38 warden.

1           **Sec. 14. 7 MRSA §3923-C, sub-§2-A**, as amended by PL 2003, c. 405, §14, is  
2 further amended to read:

3           **2-A. License fees.** A kennel owner shall pay a fee of ~~\$42~~ \$21 to the municipal clerk  
4 for each license to keep dogs. A license is needed only for dogs 6 months of age or older.  
5 A kennel owner may not keep more than 10 dogs per license. The clerk shall ~~retain \$2 \$1~~  
6 as a recording fee and forward ~~\$10~~ \$5 to the municipality's animal welfare account  
7 established pursuant to section 3945 and ~~\$30~~ \$15 to the Animal Welfare Fund.

8           **Sec. 15. 7 MRSA §3923-C, sub-§4**, as amended by PL 1997, c. 690, §20, is  
9 further amended to read:

10           **4. Kennel tags.** Dogs covered by a kennel license must be furnished suitable kennel  
11 tags and stickers that must be attached to the back of the tag indicating the year the  
12 license is issued and bearing other information as prescribed by the department ~~and are~~  
13 ~~not required to be individually licensed.~~

14           **Sec. 16. 7 MRSA §3923-D**, as amended by PL 1997, c. 690, §22, is repealed.

15           **Sec. 17. 7 MRSA §3923-E**, as enacted by PL 1993, c. 657, §27, is amended to  
16 read:

17           **§3923-E. Monthly report**

18           Municipal clerks ~~or dog recorders~~ shall receive the license fees in accordance with  
19 ~~sections 3923-A and~~ section 3923-C, pay them to the department and make a monthly  
20 report to the department on a department-approved form of all ~~licenses issued and fees~~  
21 received.

22           **Sec. 18. 7 MRSA §3923-F**, as enacted by PL 2001, c. 422, §10, is repealed.

23           **Sec. 19. 7 MRSA §3923-G**, as amended by PL 2007, c. 439, §17, is repealed.

24           **Sec. 20. 7 MRSA §3924**, as amended by PL 1997, c. 690, §23, is repealed.

25           **Sec. 21. 7 MRSA §3939**, as enacted by PL 1993, c. 657, §37, is amended to read:

26           **§3939. Dog facility licenses**

27           Nothing in this chapter may be construed to exempt a licensed facilities facility from  
28 the license requirements of chapter 721.

29           **Sec. 22. 7 MRSA §3942**, as amended by PL 2003, c. 405, §20, is repealed.

30           **Sec. 23. 7 MRSA §3943**, as amended by PL 2003, c. 405, §21, is repealed.

31           **Sec. 24. 7 MRSA §3944**, as amended by PL 1997, c. 690, §27, is further amended  
32 to read:



1 vaccines in this State and deposited in the Animal Welfare Fund. The commissioner is  
2 directed to adopt rules to implement the animal welfare surcharge as established in the  
3 Maine Revised Statutes, Title 7, section 3916-A. The certificate of rabies vaccination  
4 acts as a license. This bill also reduces the kennel license fee from \$42 to \$21.