

MAINE STATE LEGISLATURE

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AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1125, L.D. 1587, Bill, "An Act To Amend the Animal Welfare Laws"

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, actions to increase funds available to both the State and municipalities charged with administering and enforcing the animal welfare and dog licensing laws will benefit administration and enforcement of those laws; and

Whereas, Public Law 2009, chapter 343, section 13 inadvertently reduced anticipated revenue to municipalities from the collection of late fees for dog licensing; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Amend the bill by inserting before section 1 the following:

'Sec. 1. 7 MRSA §3906-B, sub-§16, as amended by PL 2005, c. 281, §4, is further amended to read:

16. Animal welfare auxiliary fund. The commissioner may accept gifts, donations, bequests, endowments, grants and matching funds from any private or public source for the purposes of ensuring the humane and proper treatment of animals and enhancing the administration and enforcement of this Part and Title 17, chapter 42. The commissioner shall deposit all funds accepted for these purposes and all proceeds from sales authorized under subsection 17 into a separate, nonlapsing account known as the animal welfare auxiliary fund. All gifts, donations, bequests, endowments, grants, proceeds and matching funds received must be used for the benefit of and accomplishment of the

COMMITTEE AMENDMENT

1 objectives in this Part and Title 17, chapter 42 and any gift, donation, bequest,
2 endowment, grant or matching funds accepted with a stipulated purpose may be used only
3 for that purpose.

4 All money deposited in the animal welfare auxiliary fund in accordance with section
5 1820-A, subsection 4 must be used for investigating alleged cases of mistreatment or
6 abuse of equines and enhancing enforcement of this Part and Title 17, chapter 42 as these
7 laws pertain to equines.'

8 Amend the bill by inserting after section 1 the following:

9 'Sec. 2. 7 MRSA §3923-A, sub-§4, as amended by PL 2009, c. 343, §13, is
10 further amended to read:

11 4. **Late fees.** An owner or keeper required to license a dog under section 3922,
12 subsection 1 or section 3923-C, subsection 1 and applying for a license for that dog after
13 January 31st shall pay to the municipal clerk or dog recorder a late fee of ~~\$15~~ \$25 in
14 addition to the annual license fee paid in accordance with subsection 1 or 2 and section
15 3923-C, subsection 1. The clerk or dog recorder shall deposit all late fees collected under
16 this subsection into the municipality's animal welfare account established in accordance
17 with section 3945.'

18 Amend the bill in section 2 in subsection 1-A in the 2nd line (page 1, line 9 in L.D.)
19 by inserting after the following: "another or" the following: 'unattended'

20 Amend the bill by striking out all of section 3 and inserting the following:

21 'Sec. 3. 7 MRSA §4041, sub-§4, as amended by PL 1999, c. 254, §15, is further
22 amended to read:

23 4. **Fine.** A ~~forfeiture~~ fine of not less than \$50 nor more than \$500 must be adjudged
24 for a civil violation under subsection 3. In addition, the court may as part of the
25 sentencing include an order of restitution for costs incurred in removing and controlling
26 the animal. When appropriate, the court may order restitution to the property owner
27 based on damage done and financial loss. Any restitution ordered and paid must be
28 deducted from the amount of any judgment awarded in a civil action brought by the
29 owner against the offender based on the same facts. When an owner or keeper violates
30 this section 3 or more times within a 90-day period, the court shall order restitution of all
31 costs incurred by the department in assisting an animal control officer or law enforcement
32 officer responding to a violation of this section.'

33 Amend the bill by adding before the summary the following:

34 '**Emergency clause.** In view of the emergency cited in the preamble, this
35 legislation takes effect when approved.'

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

38 SUMMARY

39 This amendment adds an emergency preamble and emergency clause to the bill. This
40 amendment changes the late fee for dog licenses from \$15 to \$25. Provisions requiring a

COMMITTEE AMENDMENT "A" to H.P. 1125, L.D. 1587

1 municipal warrant and a \$25 late fee for dogs not licensed by January 30th were repealed
2 by Public Law 2009, chapter 343, section 13 without the intended corresponding increase
3 in the late fee without a warrant. This amendment also clarifies means by which the
4 Department of Agriculture, Food, and Rural Resources can recover costs incurred while
5 assisting a municipality or law enforcement officer in responding to a violation of animal
6 trespass laws. The amendment also clarifies that the animal trespass provision applies to
7 animals that are unattended on a public road.

FISCAL NOTE REQUIRED
(See Attached)



124th MAINE LEGISLATURE

LD 1587

LR 2214(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 revenue increase - Other Special Revenue Funds

Fiscal Detail and Notes

This legislation would result in a minor increase in revenue to the Department of Agriculture, Food and Rural Resources not requiring any change to the budget.