

MAINE STATE LEGISLATURE

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L.D. 11

Date: 4-28-11

(Filing No. S- 50)

AGRICULTURE, CONSERVATION AND FORESTRY

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**STATE OF MAINE
SENATE
125TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 26, L.D. 11, Bill, "An Act To Regulate the Keeping of Wolf Hybrids"

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting the following:

Sec. 1. 7 MRSA §3907, sub-§8-A, as amended by PL 2009, c. 403, §1, is further amended to read:

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

Sec. 2. 7 MRSA §3907, sub-§12-C, as enacted by PL 1997, c. 690, §5, is amended to read:

12-C. Dog. "Dog" means a member of the genus and species known as *canis familiaris*, except that in chapters 720, 721, 725, 727, 729 and 739 "dog" means a member of the genus and species known as *canis familiaris* or any canine, regardless of generation, resulting from the interbreeding of a member of *canis familiaris* with a wolf hybrid ~~as defined in subsection 30~~.

Sec. 3. 7 MRSA §3907, sub-§12-D, as amended by PL 2007, c. 702, §4, is further amended to read:

12-D. Dangerous dog. "Dangerous dog" means a dog or wolf hybrid that bites an individual or a domesticated animal who is not trespassing on the dog or wolf hybrid owner's or keeper's premises at the time of the bite or a dog or wolf hybrid that causes a reasonable and prudent person who is not on the dog or wolf hybrid owner's or keeper's premises and is acting in a reasonable and nonaggressive manner to fear imminent bodily

COMMITTEE AMENDMENT

Bill

1 injury by assaulting or threatening to assault that individual or individual's domestic
2 animal. "Dangerous dog" does not include a dog certified by the State and used for law
3 enforcement use. "Dangerous dog" does not include a dog or wolf hybrid that bites or
4 threatens to assault an individual who is on the dog or wolf hybrid owner's or keeper's
5 premises if the dog or wolf hybrid has no prior history of assault and was provoked by the
6 individual immediately prior to the bite or threatened assault.

7 For the purposes of this definition, "dog or wolf hybrid owner's or keeper's premises"
8 means the residence or residences, including buildings and land and motor vehicles,
9 belonging to the owner or keeper of the dog or wolf hybrid.

10 Sec. 4. 7 MRSA §3907, sub-§17, as amended by PL 2009, c. 343, §4, is further
11 amended to read:

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

16 Sec. 5. 7 MRSA §3911-A, as enacted by PL 2001, c. 129, §1, is amended to read:

17 **§3911-A. Abandonment of wolf hybrid**

18 A person who abandons a wolf hybrid licensed under section 3922 commits a civil
19 violation for which a forfeiture fine not to exceed \$1,000 may be adjudged. A person
20 who abandons a wolf hybrid not licensed under section 3922 commits a civil violation for
21 which a fine of \$1,000 must be adjudged and may also be subject to a penalty under Title
22 12, section 12153. For the purposes of this section "abandon" means to desert. For
23 enforcement purposes a wolf hybrid is abandoned if the animal is found a distance of
24 more than 5 miles from the premises of the owner and is not under the control of any
25 person.

26 Sec. 6. 7 MRSA §3911-B is enacted to read:

27 **§3911-B. Disposition of wolf hybrid at large**

28 The owner or keeper of a wolf hybrid found at large commits a civil violation. An
29 animal control officer or person acting in that capacity shall seize, impound or restrain a
30 wolf hybrid found at large and proceed under this section.

31 1. **Owner of wolf hybrid located.** If a wolf hybrid at large is licensed under section
32 3922, subsection 3-B or its owner can otherwise be identified and located, an animal
33 control officer or person acting in that capacity shall take the wolf hybrid to its owner and
34 issue citations for violations of this Part.

35 2. **Unable to locate owner.** If an animal at large is permanently identified as a wolf
36 hybrid in accordance with section 3921-A but the owner of record cannot be located, an
37 animal control officer or person acting in that capacity shall take the wolf hybrid to the
38 animal shelter designated by the respective municipality in which the wolf hybrid was
39 found.

40 An animal shelter that accepts a wolf hybrid under this subsection is entitled to receive
41 from the department the sum of \$4 a day for the period for which food and shelter are

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1 furnished, not to exceed 6 days. The animal shelter's responsibilities and the procedure
2 for filing claims and calculating fees established under section 3913, subsection 3 apply
3 to wolf hybrids accepted under this subsection. Upon expiration of the 6-day period,
4 ownership of the wolf hybrid is vested in the animal shelter. The animal shelter shall:

5 A. Transfer ownership of the wolf hybrid to a person holding a permit to possess
6 wildlife under Title 12, section 12152 and authorized to accept wolf hybrids in
7 compliance with rules adopted under Title 12, section 12160, subsection 2;

8 B. Transfer ownership of the wolf hybrid to a person who operates an animal refuge
9 in another state and is licensed to accept wolf hybrids; or

10 C. After keeping the wolf hybrid for 8 days, euthanize the wolf hybrid humanely in
11 accordance with Title 17, chapter 42, subchapter 4.

12 **3. Owner unknown.** If an animal suspected of being a wolf hybrid is found at large
13 and that animal is not licensed under section 3922 and does not bear any identification of
14 the owner, an animal control officer or person acting in that capacity shall notify the
15 Department of Inland Fisheries and Wildlife and request assistance in the capture and
16 disposition of the animal under Title 12, section 12160.

17 **4. Euthanasia for severely sick, severely injured or extremely vicious wolf**
18 **hybrid.** Notwithstanding subsections 1, 2 and 3, a humane agent, an animal control
19 officer or an animal shelter within the State may authorize in writing immediate
20 euthanasia of a severely sick, severely injured or extremely vicious wolf hybrid upon
21 determining that the following conditions are met:

22 A. The clerk, dog recorder or animal control officer of the respective municipality
23 where the wolf hybrid was found has been notified of the animal's presence and the
24 owner of the wolf hybrid, if known, has been notified; and

25 B. A veterinarian states in writing that the wolf hybrid's recovery from its injury or
26 illness, given reasonable time and reasonable care, is doubtful or that the wolf hybrid
27 presents a danger to the public.

28 Notwithstanding paragraphs A and B, a veterinarian may authorize immediate euthanasia
29 if, in the veterinarian's judgment, the wolf hybrid is severely injured or sick and has no
30 possibility of recovery.

31 **5. Immunity from civil liability.** A veterinarian, a humane agent, an animal control
32 officer or an animal shelter is not civilly liable to any party for authorization made in
33 accordance with subsection 4 nor is any person performing euthanasia under that
34 authorization.

35 **Sec. 7. 7 MRSA §3914,** as amended by PL 2007, c. 439, §7, is further amended by
36 adding at the end a new paragraph to read:

37 A wolf hybrid may not be sold or exchanged for value. Ownership of a wolf hybrid
38 may be transferred only in accordance with section 3911-B or section 3921-B, subsection
39 3.

40 **Sec. 8. 7 MRSA §3919-B, sub-§3,** as enacted by PL 2003, c. 405, §9, is amended
41 to read:

1 **3. Transfer of ownership; disposition of pet.** If an owner fails to arrange for
2 release of a pet in accordance with subsection 2 within 10 days of the pet's acceptance by
3 the shelter, ownership of the pet is vested with the animal shelter upon expiration of the
4 10-day period and the animal shelter may:

5 A. ~~Offer~~ Except for a wolf hybrid, offer the pet for adoption or sell or give away the
6 pet; or

7 B. Dispose of the pet humanely in accordance with Title 17, chapter 42, subchapter
8 4.

9 An animal shelter may not sell or give a pet to a research facility. An animal shelter may
10 not sell, give away or offer for adoption a wolf hybrid. Ownership of a wolf hybrid may
11 be transferred only in accordance with section 3921-B, subsection 3.

12 **Sec. 9. 7 MRSA §3921-A**, as enacted by PL 2001, c. 129, §2, is amended to read:

13 **§3921-A. Permanent identification of wolf hybrids**

14 The commissioner shall adopt rules to establish methods of identifying wolf hybrids
15 through tattooing, the placement of a microchip under the animal's skin or any other
16 method determined by the commissioner as adequately providing a permanent means of
17 identification on the body of the animal. Rules adopted pursuant to this section are
18 routine technical rules as defined in Title 5, chapter 375, subchapter H-A 2-A. A person
19 may not own or keep a wolf hybrid under section 3921-B, subsection 2 or under Title 12,
20 section 12152 unless the animal has identification in compliance with the rules adopted
21 under this section.

22 **Sec. 10. 7 MRSA §3921-B** is enacted to read:

23 **§3921-B. Prohibition on keeping a wolf hybrid; exception**

24 **1. Prohibition.** Except as provided in subsection 2, a person may not keep a wolf
25 hybrid in the State unless that person holds a valid permit to possess wildlife in captivity
26 issued by the Department of Inland Fisheries and Wildlife under Title 12, section 12152.

27 **2. Exception.** A person keeping a wolf hybrid as a pet and in compliance with all
28 applicable provisions in this Part on June 1, 2011 may continue to keep that wolf hybrid
29 as long as the following conditions are met:

30 A. The wolf hybrid has been spayed or neutered; and

31 B. The owner continues to license the wolf hybrid in accordance with section 3922,
32 subsection 3-B.

33 **3. Restrictions on transfer.** A person keeping a wolf hybrid under subsection 2
34 may transfer ownership of the wolf hybrid to a person:

35 A. Holding a permit to possess wildlife under Title 12, section 12152 and authorized
36 to accept wolf hybrids in compliance with rules adopted under Title 12, section
37 12160, subsection 2;

38 B. Who operates an animal refuge in another state that is licensed to accept wolf
39 hybrids; or

1 C. Who has had direct contact with the wolf hybrid, is familiar with the wolf hybrid's
2 behavior and has been advised of the reporting requirement under subsection 4 and
3 licensing laws under section 3922.

4 A person transferring ownership of a wolf hybrid under this subsection shall within 10
5 days of the transfer notify the department and provide the name and address of the person
6 accepting the transfer.

7 4. Duty to report death. The owner of a wolf hybrid kept under subsection 2 shall
8 notify the department of the wolf hybrid's death on a form prescribed by the department
9 within 30 days of the wolf hybrid's death.

10 5. Violation. A person who violates this section commits a civil violation for which
11 a fine of \$2,500 may be adjudged.

12 **Sec. 11.** 7 MRSA §3922, sub-§3-B, as enacted by PL 2001, c. 129, §3, is
13 amended to read:

14 **3-B. Proof of permanent identification and other restrictions on licensing a wolf**
15 **hybrid.** A municipal clerk may not issue a license for a wolf hybrid until the applicant
16 has filed with the clerk proof that ~~the wolf hybrid has been permanently identified in~~
17 ~~accordance with section 3921-A.~~

18 A. The wolf hybrid has been permanently identified in accordance with section
19 3921-A;

20 B. The wolf hybrid has been spayed or neutered; and

21 C. The wolf hybrid was licensed in this State in 2011 by:

22 (1) June 1, 2011 if the wolf hybrid was 6 months old or older on June 1, 2011; or

23 (2) December 31, 2011 if the wolf hybrid was less than 6 months old on June 1,
24 2011.

25 **Sec. 12.** 7 MRSA §3923-G, sub-§6 is enacted to read:

26 6. Exclusion of wolf hybrids. This section does not apply to the licensing of a wolf
27 hybrid. A person owning a wolf hybrid shall obtain a license from the municipal clerk or
28 the dog recorder for the municipality, plantation or unorganized territory in which the
29 person owning the wolf hybrid resides.

30 **Sec. 13.** 7 MRSA §3931-B, as enacted by PL 2001, c. 129, §4, is repealed.

31 **Sec. 14.** 7 MRSA §4151, sub-§1, as enacted by PL 1995, c. 589, §1, is amended
32 to read:

33 **1. Animal.** "Animal" means a dog, wholly ~~or in part~~ of the species canis familiaris,
34 or a cat, wholly or in part of the species felis domesticus.

35 **Sec. 15.** 7 MRSA §4153, as amended by PL 2007, c. 702, §24, is further amended
36 by adding at the end a new paragraph to read:

37 A seller may not sell a wolf hybrid.

38 **Sec. 16.** 12 MRSA §12160 is enacted to read:

1 **§12160. Disposition of wolf hybrids**

2 **1. Determination of species.** The department shall respond to requests under Title
3 7, section 3911-B, subsection 3 for assistance in capturing and disposing of an animal
4 suspected of being a wolf hybrid. The department may presume that the animal is a wolf
5 hybrid if:

6 A. Licensure as a dog under Title 7, section 3922 cannot be confirmed;

7 B. The animal bears no identification indicating ownership; and

8 C. The animal has distinct wolflike characteristics.

9 The department may pursue genetic testing to determine if the animal is a wolf or wolf
10 hybrid.

11 **2. Rulemaking.** The department shall adopt rules establishing procedures for
12 disposing of animals determined to be wolf hybrids under subsection 1. For the purposes
13 of this section, "disposing" includes, but is not limited to, transferring the animal to a
14 person holding a permit under section 12152 or euthanasia in accordance with Title 17,
15 chapter 42, subchapter 4. Rules adopted under this subsection are routine technical rules
16 as defined in Title 5, chapter 375, subchapter 2-A.

17 **Sec. 17. 17 MRSA §1011, sub-§8-A,** as amended by PL 2009, c. 403, §11, is
18 further amended to read:

19 **8-A. Breeding kennel.** "Breeding kennel" means a location where 5 or more adult
20 ~~dogs, wolf hybrids~~ or cats capable of breeding are kept and some or all of the offspring
21 are offered for sale, sold or exchanged for value or a location where more than 16 dogs or
22 cats raised on the premises are sold to the public in a 12-month period. "Breeding kennel"
23 does not include a kennel licensed by a municipality under Title 7, section 3923-C when
24 the dogs are kept primarily for hunting, show, training, sledding, competition, field trials
25 or exhibition purposes and not more than 16 dogs are offered for sale, sold or exchanged
26 for value within a 12-month period.

27 **Sec. 18. 17 MRSA §1011, sub-§17,** as amended by PL 2009, c. 343, §25, is
28 further amended to read:

29 **17. Kennel.** "Kennel" means 5 or more dogs ~~or wolf hybrids~~ kept in a single
30 location under one ownership for breeding, hunting, show, training, field trials, sledding,
31 competition or exhibition purposes. The sale or exchange of one litter of puppies within a
32 12-month period alone does not constitute the operation of a kennel.

33 **Sec. 19. Department of Inland Fisheries and Wildlife to require a permit**
34 **to possess wolf hybrids.** The Commissioner of Inland Fisheries and Wildlife shall
35 amend rules adopted under the Maine Revised Statutes, Title 12, section 12152 to require
36 a permit for the importation and possession of wolf hybrids as defined in Title 7, section
37 3907, subsection 30. The commissioner shall establish confinement standards in rule that
38 prevent escape of a wolf hybrid and restrict unauthorized humans from having contact
39 with a wolf hybrid kept under a permit. The rule must recognize the exception for wolf
40 hybrids kept as pets under Title 7, section 3921-B, subsection 2. Rules adopted under this
41 section must be in effect no later than July 1, 2012.

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Sec. 20. Department of Agriculture, Food and Rural Resources to assist in identifying wolf hybrids kept as pets. The Commissioner of Agriculture, Food, and Rural Resources shall periodically update the Commissioner of Inland Fisheries and Wildlife on the number and location of wolf hybrids licensed under the Maine Revised Statutes, Title 7, section 3922, subsection 3-B. Upon determining that all of the wolf hybrids kept as pets under that provision have died, the commissioner, in consultation with the Commissioner of Inland Fisheries and Wildlife, shall submit a bill to repeal the exception under Title 7, section 3921-B, subsection 2 and clarify that a permit issued by the Department of Inland Fisheries and Wildlife is required to keep any wolf hybrid in captivity.

Sec. 21. Transition provisions. The following transition provisions apply.

1. The Companion Animal Sterilization Fund established under the Maine Revised Statutes, Title 7, section 3910-B may be used for the spaying and neutering of wolf hybrids until February 1, 2012.

2. Until July 1, 2012, a person operating a facility licensed as an animal shelter under Title 7, section 3932-A and functioning as a refuge exclusively for wolf hybrids on April 1, 2011 may:

A. Accept wolf hybrids from other animal shelters licensed under Title 7, section 3932-A; and

B. Accept ownership of a wolf hybrid directly from an owner when the wolf hybrid was living with its owner in this State in 2011.

3. A person operating a facility licensed as an animal shelter under Title 7, section 3932-A and functioning as a refuge exclusively for wolf hybrids on April 1, 2011 must obtain a permit to possess wildlife under Title 12, section 12152 no later than December 31, 2012 to continue keeping wolf hybrids.'

SUMMARY

This amendment replaces the bill. It prohibits the keeping of a wolf hybrid without a permit for keeping wildlife in captivity issued by the Department of Inland Fisheries and Wildlife. It provides an exception to the prohibition for wolf hybrids that are kept as pets and licensed under the dog licensing statutes in 2011. It enacts provisions for the disposition of wolf hybrids that are found at large. A shelter that accepts a wolf hybrid that is not claimed by its owner within 6 days may transfer ownership to a person holding a permit to possess wildlife in captivity or a person who operates a licensed animal refuge outside the State or after 8 days may have the animal euthanized.

It directs the Commissioner of Inland Fisheries and Wildlife to adopt rules to regulate the importation and possession of wolf hybrids and establish confinement standards to protect the public. It directs the Commissioner of Agriculture, Food and Rural Resources to update the Commissioner of Inland Fisheries and Wildlife on the status of wolf hybrids kept as pets and to submit a bill to update statutory provisions pertaining to the keeping of wolf hybrids when all animals kept as pets under these provisions are deceased.

It amends the definition of "dog" to distinguish between dogs and wolf hybrids under certain chapters of the animal welfare laws while continuing to include wolf hybrids in

1 the definition of "dog" in others. It allows a licensed animal shelter that is functioning as
2 a wolf hybrid refuge in this State to continue to accept wolf hybrids from within the State
3 until July 1, 2012. The facility must obtain a permit to possess wildlife from the
4 Department of Inland Fisheries and Wildlife by December 31, 2012.

5 **FISCAL NOTE REQUIRED**

6
7 **(See attached)**
8



Approved: 04/08/11 *MAC*

125th MAINE LEGISLATURE

LD 11

LR 170(02)

An Act To Regulate the Keeping of Wolf Hybrids

Fiscal Note for Bill as Amended by Committee Amendment "A" S-50
Committee: Agriculture, Conservation and Forestry
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Establishes new civil violations.

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 Inland Fisheries and Wildlife associated with this legislation can be absorbed with existing staff and within existing budgeted resources.