

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 491

H.P. 384

House of Representatives, February 10, 2011

**An Act To Require All Kennels Engaged in Breeding To Be
Licensed and Inspected by the State**

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative TIMBERLAKE of Turner. (BY REQUEST)

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 2009, c. 403, §1, 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, sledding,~~
10 ~~competition, field trials or exhibition purposes and not more than 16 dogs are offered for~~
11 ~~sale, sold or exchanged for value within a 12-month period.~~

12 **Sec. 2. 7 MRSA §3907, sub-§17**, as amended by PL 2009, c. 343, §4, is further
13 amended to read:

14 **17. Kennel.** "Kennel" means a location where 5 or more dogs or wolf hybrids over 6
15 months old are kept in a single location under one ownership for breeding, hunting, show,
16 training, field trials, sledding, competition or exhibition purposes. ~~The sale or exchange~~
17 ~~of one litter of puppies within a 12-month period alone does not constitute the operation~~
18 ~~of a kennel.~~

19 **Sec. 3. 7 MRSA §3923-C, sub-§1**, as amended by PL 2003, c. 536, §4, is further
20 amended to read:

21 **1. License necessary.** ~~A~~ Except as provided in subsection 7, a person having 5 or
22 more dogs for the purposes set forth in maintaining a kennel as defined in section 3907,
23 subsection 17 shall obtain a kennel license from the clerk of the municipality where the
24 dogs are kept and that person is subject to rules adopted by the department. The sex,
25 registered number and description are not required for the dogs covered by a kennel
26 license. The license expires December 31st annually. The kennel license permits the
27 licensee or authorized agent to transport under control and supervision the kennel dogs in
28 or outside the State.

29 **Sec. 4. 7 MRSA §3923-C, sub-§7** is enacted to read:

30 **7. Exception.** This section does not apply to a person maintaining a breeding
31 kennel licensed under section 3931-A.

32 **Sec. 5. 7 MRSA §4163, first ¶**, as amended by PL 2007, c. 702, §36, is further
33 amended to read:

34 A person may not advertise for sale, sell or exchange for value more than one cat or
35 dog under the age of 6 months in a 12-month period unless that person has a valid animal
36 shelter, ~~kennel~~, breeding kennel or pet shop license or a valid vendor's license issued
37 under this section.

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SUMMARY

This bill amends the definitions of "breeding kennel" and "kennel" in the animal welfare laws. It requires a person keeping 5 or more dogs, wolf hybrids or cats that are capable of breeding to obtain a license as a breeding kennel from the Department of Agriculture, Food and Rural Resources. It clarifies that a person maintaining a licensed breeding kennel is not required to obtain a municipal kennel license and is not subject to inspection by an animal control officer. It requires a person with a municipal kennel license to obtain a vendor's license to sell more than one dog or cat per year.