

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 850

S.P. 253

In Senate, March 3, 2011

### An Act To Improve the Enforcement of Laws Protecting Dogs

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

*Joseph G. Carleton Jr.*

JOSEPH G. CARLETON, JR.  
Secretary of the Senate

Presented by Senator GERZOFKY of Cumberland. (BY REQUEST)

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

2 **Sec. 1. 7 MRSA §3945**, as amended by PL 2001, c. 617, §8, is further amended to  
3 read:

4 **§3945. Use of license fees and court fines retained by municipalities**

5 Except for the \$1 recording fee pursuant to section 3942 retained by the municipal  
6 clerk, all fees, including vendor's license fees received under section 4163, subsection 1,  
7 and court fines retained by municipalities must be kept in a separate account and must be  
8 used for the salaries and costs of animal control, enforcement of licensing laws, care of  
9 stray animals that are injured or abandoned and the support of one or more approved  
10 animal shelters. Any money not expended for these purposes in a municipality's fiscal  
11 year does not lapse, but must be carried over to the next fiscal year.

12 **Sec. 2. 7 MRSA §3947, first ¶**, as amended by PL 2009, c. 343, §20, is further  
13 amended to read:

14 Each municipality shall appoint one or more animal control officers whose duties are  
15 enforcement of sections 3911, 3912, 3916, 3921, 3924, 3948, 3950, 3950-A, 3952 ~~and~~,  
16 4041, 4163 and Title 17, section 1023, responding to reports of animals suspected of  
17 having rabies in accordance with Title 22, sections 1313 and 1313-A and any other duties  
18 to control animals as the municipality may require. A municipality may appoint an  
19 employee of an animal shelter as an animal control officer as long as the person meets the  
20 qualifications and training requirements of this section.

21 **Sec. 3. 7 MRSA §4015, sub-§6, ¶A**, as amended by PL 2007, c. 439, §28, is  
22 further amended to read:

23 A. A shelter must be provided that is fully enclosed except for a portal. The portal  
24 must be of a sufficient size to allow the dog unimpeded passage into and out of the  
25 structure but may not exceed by more than 3 inches the width and height of the  
26 largest dog using the shelter. For dogs other than arctic breeds, the portal must be  
27 constructed with a baffle or other means of keeping wind and precipitation out of the  
28 interior. The shelter must be constructed of materials with a thermal resistance factor  
29 of 0.9 or greater and must contain clean bedding material sufficient to retain the dog's  
30 normal body heat; and

31 **Sec. 4. 7 MRSA §4019**, as enacted by PL 2007, c. 702, §20, is amended to read:

32 **§4019. Removal from unattended motor vehicle**

33 **1. Removal authorized.** A ~~law enforcement officer, humane agent or animal~~  
34 ~~control officer~~ person may take all steps that are reasonably necessary to remove an  
35 animal from a motor vehicle if the animal's safety, health or well-being appears to be in  
36 immediate danger from heat, cold or lack of adequate ventilation and the conditions could  
37 reasonably be expected to cause extreme suffering or death.

1           **2. Notice required.** A ~~law enforcement officer, humane agent or animal control~~  
2 ~~officer~~ person who removes an animal in accordance with subsection 1 shall, in a secure  
3 and conspicuous location on or within the motor vehicle, leave written notice bearing the  
4 ~~officer's or agent's~~ person's name ~~and office~~ and the address of the location where the  
5 animal may be claimed. The owner may claim the animal only after payment of all  
6 charges that have accrued for the maintenance, care, medical treatment and impoundment  
7 of the animal.

8           A person who removes an animal in accordance with subsection 1 and who is not a law  
9 enforcement officer, humane agent or animal control officer shall take the animal to the  
10 nearest law enforcement office or animal shelter.

11           **3. Immunity.** A ~~law enforcement officer, humane agent or animal control officer~~  
12 ~~person~~ who removes an animal from a motor vehicle pursuant to subsection 1 is immune  
13 from criminal or civil liability that might otherwise result from the removal.

14           **Sec. 5. 7 MRSA §4163, sub-§1,** as amended by PL 2007, c. 702, §37, is further  
15 amended to read:

16           **1. Vendor's license; fee.** A person may apply for a vendor's license by completing  
17 and submitting to the ~~department~~ clerk for the municipality in which the vendor resides  
18 an application form provided by the department. Upon receipt of a completed application,  
19 the ~~department~~ municipal clerk shall issue a vendor's license and an identifying license  
20 number that is valid for a period of 90 days from the date of issuance. A person is  
21 entitled to one vendor's license in a 12-month period at no charge. A fee of \$25 must be  
22 submitted with each additional application for a vendor's license within a 12-month  
23 period. The municipal clerk shall deposit all vendor's fees into the account kept pursuant  
24 to section 3945.

25           **Sec. 6. 7 MRSA §4163, sub-§3,** as enacted by PL 2007, c. 439, §34, is amended  
26 to read:

27           **3. Violation.** A person who fails to comply with this section commits a civil  
28 violation for which a fine of not less than ~~\$50~~ \$100 nor more than ~~\$200~~ \$500 may be  
29 adjudged, none of which may be suspended.

30           **Sec. 7. 17 MRSA §1037, sub-§7, ¶A,** as amended by PL 2009, c. 343, §26, is  
31 further amended to read:

32           A. A shelter must be provided that is fully enclosed except for a portal. The portal  
33 must be of a sufficient size to allow the dog unimpeded passage into and out of the  
34 structure but may not exceed by more than 3 inches the width and height of the  
35 largest dog using the shelter. For dogs other than arctic breeds, the portal must be  
36 constructed with a baffle or other means of keeping wind and precipitation out of the  
37 interior. The shelter must be constructed of materials with a thermal resistance factor  
38 of 0.9 or greater and must contain clean bedding material sufficient to retain the dog's  
39 normal body heat; and

40           **Sec. 8. 29-A MRSA §2087, sub-§2,** as reallocated by RR 1999, c. 1, §40, is  
41 amended to read:

