

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 484

H.P. 334

House of Representatives, February 14, 2013

An Act To Revise the Animal Welfare Laws

Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 204.

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative GIFFORD of Lincoln.
Cosponsored by Senator BOYLE of Cumberland and
Representatives: BLACK of Wilton, JONES of Freedom, NOON of Sanford, Senator:
SHERMAN of Aroostook.

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

2 **Sec. 1. 7 MRSA §3907, sub-§1-A**, as amended by PL 1993, c. 657, §1, is
3 repealed.

4 **Sec. 2. 7 MRSA §3907, sub-§1-B** is enacted to read:

5 **1-B. Abandoned animal.** "Abandoned animal" means an animal that has been
6 deserted by its owner or keeper, excluding animals that are part of a population control
7 effort.

8 **Sec. 3. 7 MRSA §3907, sub-§12-F** is enacted to read:

9 **12-F. Dog licensing agent.** "Dog licensing agent" means a veterinarian office or
10 animal shelter that licenses dogs for a municipality.

11 **Sec. 4. 7 MRSA §3907, sub-§15-C** is enacted to read:

12 **15-C. Humanely trap.** "Humanely trap" means to trap an animal using traps and
13 trapping methods that are designed to avoid injury to animals to the greatest extent
14 practicable for animal control or animal rescue purposes.

15 **Sec. 5. 7 MRSA §3907, sub-§23-B** is enacted to read:

16 **23-B. Population control effort.** "Population control effort" means the activities,
17 programs and projects aimed at reducing the number of cats and dogs without homes,
18 including, but not limited to, the trapping, neutering, vaccinating and returning to the wild
19 of feral cats, the trapping of cats for impoundment at an animal shelter and spaying or
20 neutering services for abandoned animals and stray dogs and cats.

21 **Sec. 6. 7 MRSA §3907, sub-§25-B** is enacted to read:

22 **25-B. Small animal.** "Small animal" means a bird, reptile or amphibian or a small
23 mammal, other than a cat or dog, commonly kept as a household pet and that is an
24 unrestricted species designated by the Commissioner of Inland Fisheries and Wildlife in
25 rules adopted pursuant to Title 12, chapter 915.

26 **Sec. 7. 7 MRSA §3919**, as enacted by PL 2001, c. 363, §3, is amended to read:

27 **§3919. Seizure of stray cats and small animals**

28 **1. Definition.** For the purposes of this chapter, a "stray cat" means a cat on the
29 premises of a person other than the owner of the cat, without the consent of the owner or
30 occupant of the premises, on a public street or on other public property, except under the
31 physical control of the owner.

32 **2. Seizure by animal control officer.** An animal control officer or person acting in
33 that capacity may seize or humanely trap a stray cat or small animal and deliver it to an
34 animal shelter as provided for in section 3919-A or section 3919-E or to the owner, if the
35 owner is known. If ownership can not be established, such a cat or small animal may be

1 handled as a homeless cat or small animal for the purpose of acceptance and disposition
2 by an animal shelter.

3 **3. Person finding stray cat.** A person finding a stray cat or small animal and not
4 knowing the owner or residence of the cat or small animal may take that cat or small
5 animal to the animal shelter designated by the municipality in which the cat or small
6 animal was found.

7 **Sec. 8. 7 MRSA §3919-E** is enacted to read:

8 **§3919-E. Disposition of small animals**

9 **1. Small animals.** When an animal shelter accepts a small animal under section
10 3919 and the animal does not have identification, the animal shelter shall hold that small
11 animal for not less than 48 hours. After the expiration of the 48-hour period, the animal
12 shelter may treat the small animal as homeless and may:

13 A. Offer the small animal for adoption, sell the small animal, give away the small
14 animal or transfer the small animal to an appropriate facility or rescue group that can
15 provide for that specific type of small animal; or

16 B. Otherwise dispose of the small animal humanely in accordance with Title 17,
17 chapter 42, subchapter 4.

18 An animal shelter may not sell or give any small animal to a research facility.

19 **2. Exceptions.** A small animal that is subject to permit requirements of the
20 Department of Inland Fisheries and Wildlife under Title 12, chapter 915 may not be
21 adopted or have its ownership transferred without the permission of the Department of
22 Inland Fisheries and Wildlife.

23 **Sec. 9. 7 MRSA §3922, sub-§1, ¶C**, as amended by PL 2003, c. 405, §11, is
24 further amended to read:

25 C. From a ~~veterinary licensing agent in accordance with~~ person authorized to issue
26 licenses under section 3923-F; or

27 **Sec. 10. 7 MRSA §3923-A**, as amended by PL 2009, c. 548, §3, is further
28 amended to read:

29 **§3923-A. License and recording fees**

30 Except as provided in subsection 3 and section 3923-C, a dog owner or keeper
31 obtaining a license from a municipal clerk, dog licensing agent or dog recorder shall pay
32 the license and recording fees established in this section. For purposes of this section,
33 "dog licensing agent" means an animal shelter or a veterinarian pursuant to section
34 3923-F.

35 **1. Dogs capable of producing young.** A dog owner or keeper shall pay a fee of \$11
36 to the municipal clerk or dog licensing agent for each dog 6 months of age or older and

1 capable of producing young. A dog is considered capable of producing young unless
2 certification under subsection 2 is provided.

3 The municipal clerk or dog licensing agent shall retain a \$1 recording fee and pay the
4 remaining \$10 to the department for deposit in the Animal Welfare Fund.

5 **2. Dogs incapable of producing young.** A dog owner shall pay a fee of \$6 to the
6 municipal clerk or ~~to a veterinary~~ dog licensing agent for each dog 6 months of age or
7 older and incapable of producing young. A dog is considered incapable of producing
8 young when the owner provides the following:

9 A. A written certificate issued by a veterinarian stating that the veterinarian has
10 neutered the dog;

11 B. A written certificate issued by a veterinarian stating that the veterinarian has
12 examined the dog and determined that the dog is incapable of producing young; or

13 C. A previous license stating that the dog is incapable of producing young.

14 The municipal clerk or dog licensing agent shall retain a \$1 recording fee, deposit \$2 in
15 the municipality's animal welfare account established in accordance with section 3945
16 and pay the remaining \$3 to the department for deposit in the Animal Welfare Fund.

17 **3. Exemption from fees.** A municipal clerk or a ~~veterinary~~ dog licensing agent shall
18 issue a license upon application and without payment of a license fee required under this
19 section for:

20 A. A service dog owned or kept by a person with a physical or mental disability;

21 D. A trained search and rescue dog recognized by the Department of Inland Fisheries
22 and Wildlife or by the statewide association of search and rescue that cooperates with
23 the Department of Inland Fisheries and Wildlife in developing standards for search
24 and rescue or such a dog awaiting training; and

25 E. A dog certified by the State and used for law enforcement purposes.

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

33 **Sec. 11. 7 MRSA §3923-B, sub-§1,** as amended by PL 2007, c. 439, §16, is
34 further amended to read:

35 **1. Tags.** The municipal clerk or dog licensing agent shall provide with each new
36 license issued under section 3923-A a tag indicating the year the license is issued and
37 bearing other information prescribed by the department. The owner or keeper shall make
38 sure that the tag is securely attached to a collar of leather, metal or material of
39 comparable strength and that the collar is worn at all times by the dog for which the
40 license was issued, except as provided in subsection 3.

1 If the tag is lost or the owner has moved to a different municipality, the owner or keeper
2 of the dog shall obtain a new license and tag. The municipal clerk or dog licensing agent
3 shall issue another license and tag upon presentation of the original license and payment
4 of \$1. The clerk or agent shall retain the \$1 for a recording fee.

5 **Sec. 12. 7 MRSA §3923-F**, as amended by PL 2009, c. 343, §14, is further
6 amended to read:

7 **§3923-F. Veterinarian or animal shelter serving as dog licensing agent**

8 The commissioner may authorize an animal shelter licensed in accordance with
9 chapter 723 and a veterinarian licensed in accordance with Title 32, chapter 71-A to issue
10 dog licenses under section 3923-A. The commissioner shall adopt rules to implement this
11 section. Rules adopted pursuant to this section are routine technical rules as defined in
12 Title 5, chapter 375, subchapter 2-A. The rules must provide a process for identifying
13 animal shelters and veterinarians who are willing to serve as dog licensing agents for
14 distributing license blanks, tags and stickers, and for the collection, distribution and
15 deposit of license fees into the appropriate state accounts. ~~The animal shelters and
16 veterinarians shall retain a recording fee of \$3 and pay the remaining fee to the
17 department for deposit in the Animal Welfare Fund.~~

18 **Sec. 13. 7 MRSA §3932, sub-§6** is enacted to read:

19 **6. Conditional boarding kennel license.** Upon receiving a license application for a
20 boarding kennel that does not at the time of application hold a valid license under this
21 section, the department shall issue a conditional boarding kennel license to an applicant
22 who pays the required fees and is not prohibited from obtaining a license under section
23 3935. The conditional license remains in effect until the boarding kennel meets the
24 requirements for a license under section 3936. If a boarding kennel passes an inspection
25 under section 3936 and meets all other conditions of licensure, the conditional license
26 must be changed to a standard license. If a boarding kennel cannot meet minimum
27 standards within 6 months after the initial inspection, the conditional license may be
28 revoked or suspended by the department pending an administrative proceeding held in
29 accordance with Title 5, chapter 375, subchapter 5.

30 **Sec. 14. 7 MRSA §3932-A, sub-§4** is enacted to read:

31 **4. Conditional animal shelter license.** Upon receiving a license application for an
32 animal shelter that does not at the time of application hold a valid license under this
33 section, the department shall issue a conditional animal shelter license to an applicant
34 who pays the required fees and is not prohibited from obtaining a license under section
35 3935. The conditional license remains in effect until the animal shelter meets the
36 requirements for a license under section 3936. If the animal shelter passes an inspection
37 under section 3936 and meets all other conditions of licensure, the conditional license
38 must be changed to a standard license. If an animal shelter cannot meet minimum
39 standards within 6 months after the initial inspection, the conditional license may be
40 revoked or suspended by the department pending an administrative proceeding held in
41 accordance with Title 5, chapter 375, subchapter 5.

