

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1239

H.P. 873

House of Representatives, March 27, 2013

An Act To Clarify, Streamline and Promote Fair Animal Welfare Laws

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative DAVIS of Sangerville. (BY REQUEST)

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

2 **Sec. 1. 7 MRSA §3906-B, sub-§12**, as enacted by PL 1995, c. 502, Pt. C, §12, is
3 repealed.

4 **Sec. 2. 7 MRSA §3906-B, sub-§17**, as enacted by PL 2009, c. 548, §2, is
5 repealed.

6 **Sec. 3. 7 MRSA §3906-C, sub-§1**, as amended by PL 2009, c. 333, §1, is further
7 amended to read:

8 **1. Membership.** The council consists of 14 members appointed by the Governor as
9 follows:

- 10 A. One member representing municipal interests;
- 11 B. One animal control officer;
- 12 C. One member representing licensed animal shelters;
- 13 D. One member representing licensed commercial boarding or training kennels;
- 14 E. One member representing licensed pet shops;
- 15 G. One member who is or has been a veterinarian licensed to practice in the State;
- 16 H. One member who owns a pet and represents the interests of the public in animal
17 welfare, generally;
- 18 I. One attorney with experience in animal welfare law;
- 19 J. One cooperative extension agent or specialist;
- 20 K. One member with expertise in equine care;
- 21 L. One member with expertise in livestock representing a statewide farming
22 organization;
- 23 M. One member representing a state-based animal advocacy group;
- 24 N. One member who holds a personal kennel license issued under section 3923-C;
25 and
- 26 O. One member representing licensed ~~breeding~~ commercial breeder kennels.

27 In making the appointment of the veterinarian member, the Governor shall consider
28 nominations made by the Maine Veterinary Medical Association. In making the
29 appointment of the person holding a personal kennel license issued under section 3923-C,
30 the Governor shall consider nominations made by state-based dog clubs.

31 **Sec. 4. 7 MRSA §3907, sub-§8**, as amended by PL 2009, c. 343, §3, is repealed.

32 **Sec. 5. 7 MRSA §3907, sub-§8-A**, as amended by PL 2011, c. 100, §1, is
33 repealed.

34 **Sec. 6. 7 MRSA §3907, sub-§§10-A and 10-B** are enacted to read:

1 **10-A. Commercial boarding or training kennel.** "Commercial boarding or
2 training kennel" means an establishment, other than an animal shelter or animal control
3 facility, used for boarding, holding, day care, overnight stays or training during which the
4 owner of an animal is not present, for a fee or consideration. "Commercial boarding or
5 training kennel" does not include a grooming facility holding dogs solely for the purpose
6 of grooming and not overnight boarding, an individual who temporarily, and not in the
7 normal course of business, boards or cares for animals of others or a licensed pet shop.

8 **10-B. Commercial breeder kennel.** "Commercial breeder kennel" means an
9 establishment where 5 or more adult female dogs or cats capable of breeding are kept and
10 more than 16 dogs or cats raised on the premises are sold to the public or for exchange to
11 wholesalers, brokers or pet shops in return for consideration in a 12-month period.
12 "Commercial breeder kennel" does not include a personal kennel licensed by a
13 municipality under section 3923-C when the dogs are kept primarily for hunting, show,
14 training, sledding, competition, field trials or exhibition.

15 **Sec. 7. 7 MRSA §3907, sub-§17,** as amended by PL 2011, c. 100, §4, is repealed.

16 **Sec. 8. 7 MRSA §3907, sub-§22-C** is enacted to read:

17 **22-C. Personal kennel.** "Personal kennel" means an establishment where 5 or more
18 dogs are kept under one ownership for breeding, hunting, show, training, field trials,
19 sledding, competition or exhibition purposes. Breeding of personally owned dogs may
20 take place for the purpose of improving the breed, exhibiting or use in sporting activity or
21 other personal reasons, except that selling, trading, bartering or distributing the breeding
22 from a personal kennel may be only to other breeders or individuals by private sale and
23 not to wholesalers, brokers or pet shops. A personal kennel may not sell, trade or barter a
24 dog not bred from its personally owned dogs. A dog temporarily housed at a personal
25 kennel in conjunction with an animal shelter or rescue registered with the department
26 may be sold, traded or bartered as long as the transfer is not made for the purpose of
27 making a profit.

28 **Sec. 9. 7 MRSA §3907, sub-§24-B** is enacted to read:

29 **24-B. Serious bodily injury.** "Serious bodily injury" means a bodily injury that
30 creates in a person a substantial risk of death or that causes serious, permanent
31 disfigurement or loss or substantial impairment of the function of any bodily member or
32 organ or extended convalescence necessary for recovery of physical health.

33 **Sec. 10. 7 MRSA §3914, first ¶,** as amended by PL 2007, c. 439, §7, is further
34 amended to read:

35 Animal shelters, ~~kennels, breeding~~ commercial breeder kennels, commercial boarding
36 or training kennels and pet shops engaged in buying or selling animals shall keep records
37 of the buyer and seller in each transaction for a 2-year period commencing at the time of
38 purchase or sale. The records must be open to inspection by the department or law
39 enforcement officers. ~~A person not in possession of a valid license for an animal shelter,~~
40 kennel, breeding kennel, boarding kennel or pet shop shall obtain a vendor's license under
41 section 4163 prior to selling, offering for sale or exchanging for value a cat or dog.

1 **Sec. 11. 7 MRSA §3923-C**, as amended by PL 2009, c. 403, §2, is further
2 amended to read:

3 **§3923-C. Personal kennel license**

4 **1. License necessary.** A person having 5 or more dogs for the purposes set forth in
5 section 3907, subsection ~~47~~ 22-C shall obtain a personal kennel license from the clerk of
6 the municipality where the dogs are kept, and that person is subject to rules adopted by
7 the department. The sex, registered number and description are not required for the dogs
8 covered by a personal kennel license. The license expires December 31st annually. The
9 personal kennel license permits the licensee or authorized agent to transport under control
10 and supervision the personal kennel dogs in or outside the State.

11 **2-A. License fees.** A personal kennel owner shall pay a fee of \$42 to the municipal
12 clerk for each license to keep dogs. A personal kennel license is needed only for dogs 6
13 months of age or older. A personal kennel owner may not keep more than 10 dogs per
14 personal kennel license. The clerk shall retain \$2 as a recording fee and forward \$10 to
15 the municipality's animal welfare account established pursuant to section 3945 and \$30 to
16 the Animal Welfare Fund.

17 **3. Form of license.** The personal kennel license must be issued in triplicate, the
18 original copy of which is given to the applicant and the remaining 2 copies retained by
19 the municipal clerk. A license covers a maximum of 10 dogs.

20 **4. Kennel tags.** Dogs covered by a personal kennel license must be furnished
21 suitable personal kennel tags and stickers that must be attached to the back of the
22 personal kennel tag indicating the year the personal kennel license is issued and bearing
23 other information as prescribed by the department and are not required to be individually
24 licensed.

25 **5. Kennel inspection and quarantine.** ~~Except for a kennel inspected by the~~
26 ~~department in accordance with chapter 723, an animal control officer must inspect~~
27 ~~annually a kennel prior to the municipality issuing a kennel license. In addition to the~~
28 ~~annual inspection required under this subsection~~ Upon a determination that probable
29 cause exists to believe that a personal kennel is being maintained in a manner deleterious
30 or threatening to the dogs in the personal kennel and the issuance of a warrant pursuant to
31 that determination, an animal control officer, at any reasonable time, escorted by the
32 personal kennel owner or the personal kennel owner's agent, may inspect the personal
33 kennel. Inspections must be conducted in accordance with the sanitation and health rules
34 established by the department for compliance with laws and rules. In conducting
35 inspections, an animal control officer must use measures established by the department
36 through rulemaking to prevent the spread of infectious and contagious diseases. Rules
37 adopted pursuant to this subsection are major substantive rules as defined in Title 5,
38 chapter 375, subchapter 2-A.

39 A veterinarian employed by the State or any licensed veterinarian may quarantine the
40 personal kennel in person or by registered mail and the quarantine must be maintained as
41 long as the veterinarian determines necessary. The decision and order for this quarantine

1 is not considered a licensing or an adjudicatory proceeding as defined by the Maine
2 Administrative Procedure Act.

3 **6. Late fees.** A late fee of \$25 in addition to the annual fee must be paid by a person
4 who fails to obtain a municipal personal kennel license by January 31st of each year as
5 required in this section. The late fee must be deposited in the municipality's animal
6 welfare account established pursuant to section 3945.

7 **Sec. 12. 7 MRSA §3931-A**, as amended by PL 2009, c. 403, §§3 to 6, is further
8 amended to read:

9 **§3931-A. Commercial breeder kennels**

10 **1. License necessary.** A person maintaining a breeding commercial breeder kennel,
11 as defined in section 3907, must obtain a commercial breeder kennel license from the
12 department and is subject to rules adopted by the department. The commercial breeder
13 kennel license expires 12 months after the date of issuance. An applicant for a breeding
14 commercial breeder kennel license shall state in the application the number of female
15 dogs or cats capable of breeding that are maintained at the breeding commercial breeder
16 kennel. The department shall issue a commercial breeder kennel license or a conditional
17 commercial breeder kennel license under subsection 6 in one of the 3 categories
18 described in paragraphs A, B and C and collect a fee in accordance with subsection 2.

19 A. A breeding commercial breeder kennel that maintains at least 5 but no more than
20 10 female dogs or cats capable of breeding is a Category 1 breeding commercial
21 breeder kennel.

22 B. A breeding commercial breeder kennel that maintains at least 11 but no more than
23 20 female dogs or cats capable of breeding is a Category 2 breeding commercial
24 breeder kennel.

25 C. A breeding commercial breeder kennel that maintains 21 or more female dogs or
26 cats capable of breeding is a Category 3 breeding commercial breeder kennel.

27 **2. Commercial breeder kennel license fees.** The commercial breeder kennel
28 license fee is \$75 for a Category 1 breeding commercial breeder kennel, \$100 for a
29 Category 2 breeding commercial breeder kennel and \$150 for a Category 3 breeding
30 commercial breeder kennel.

31 **5. License number requirements.** A breeding commercial breeder kennel shall
32 prominently display in any advertising the state-issued commercial breeder kennel license
33 number.

34 The breeding commercial breeder kennel shall provide its commercial breeder kennel
35 license number to a person purchasing or receiving an animal from the breeding
36 commercial breeder kennel.

37 **6. Conditional commercial breeder kennel license.** Upon receiving an application
38 for a breeding commercial breeder kennel that does not at the time of application hold a
39 valid commercial breeder kennel license under this section, the department shall issue a
40 conditional breeding commercial breeder kennel license. The conditional commercial

1 ~~breeder~~ breeder kennel license remains in effect until the ~~breeding~~ commercial breeder kennel
2 passes an inspection under section 3936. If a ~~breeding~~ commercial breeder kennel cannot
3 meet minimum standards within 6 months after the initial inspection, the conditional
4 ~~breeding~~ commercial breeder kennel license may be revoked or suspended by the
5 department pending an administrative proceeding held in accordance with Title 5, chapter
6 375, subchapter 5.

7 **Sec. 13. 7 MRSA §3932**, as amended by PL 2009, c. 343, §15, is further amended
8 to read:

9 **§3932. Commercial boarding or training kennels**

10 **1. License necessary.** A person maintaining a commercial boarding or training
11 kennel, as defined in section 3907, shall obtain a commercial boarding or training kennel
12 license from the department and is subject to rules adopted by the department. The
13 commercial boarding or training kennel license expires December 31st annually or in a
14 manner consistent with the license provisions of the Maine Administrative Procedure Act,
15 whichever is later.

16 **2. License fees.** The fee for a commercial boarding or training kennel license is \$75.

17 **4. Advertising.** A commercial boarding or training kennel shall prominently display
18 the state-issued commercial boarding or training kennel license number in any form of
19 print advertising.

20 The commercial boarding or training kennel license number must be provided to a person
21 boarding an animal at a commercial boarding or training kennel.

22 **5. Notice of fees and services.** A person maintaining a commercial boarding or
23 training kennel shall post upon the premises and provide upon request a written notice of
24 fees charged for boarding and for any other services offered at the commercial boarding
25 or training kennel. The notice must indicate the hours during which the owner of the
26 commercial boarding or training kennel or a person responsible to the owner of the
27 commercial boarding or training kennel is on the premises.

28 **Sec. 14. 7 MRSA §3935**, as amended by PL 2009, c. 343, §17, is further amended
29 to read:

30 **§3935. License prohibited**

31 The department may not issue a license to maintain a commercial boarding or
32 training kennel, ~~breeding~~ commercial breeder kennel, animal shelter or pet shop to a
33 person who, within the 10 years previous to the application for the license, has been
34 convicted of murder, a Class A or Class B offense, a violation under Title 17-A, chapter
35 9, 11, 12 or 13 or a criminal violation under Title 17, chapter 42 or under a criminal law
36 involving cruelty to animals that is no longer in effect or, within 10 years previous to the
37 application for the license, has been adjudicated of a civil violation for cruelty to animals
38 under chapter 739 or has been convicted or adjudicated in any other state, provincial or
39 federal court of a violation similar to those specified in this section.

1 **Sec. 15. 7 MRSA §3936**, as amended by PL 2009, c. 403, §7, is further amended
2 to read:

3 **§3936. Inspection and quarantine**

4 **1. Inspection and quarantine.** The commissioner, a state humane agent, a
5 veterinarian employed by the State or a licensed veterinarian at the direction of the
6 commissioner may, at any reasonable time, enter an animal shelter, ~~kennel~~, commercial
7 boarding or training kennel, ~~breeding commercial breeder~~ kennel or pet shop and make
8 examinations and conduct any recognized tests for the existence of contagious or
9 infectious diseases or conditions. If the animal shelter, ~~kennel~~, commercial boarding or
10 training kennel, ~~breeding commercial breeder~~ kennel or pet shop is also used for human
11 habitation, the person authorized to make examinations and conduct tests must be
12 escorted by the owner, or the owner's agent, of the animal shelter, ~~kennel~~, commercial
13 boarding or training kennel, ~~breeding commercial breeder~~ kennel or pet shop and the
14 examinations and tests may be made only in those portions of the premises used as an
15 animal shelter, ~~kennel~~, commercial boarding or training kennel, ~~breeding commercial~~
16 ~~breeder~~ kennel or pet shop. The commissioner may inspect animal shelters, ~~kennels~~,
17 commercial boarding or training kennels, ~~breeding commercial breeder~~ kennels and pet
18 shops in accordance with the sanitation and health rules established by the department
19 and for compliance with laws and rules, including licensing and permitting requirements,
20 of the Department of Inland Fisheries and Wildlife pertaining to wildlife importation and
21 possession. In conducting inspections, measures established by the department through
22 rulemaking must be used to prevent the spread of infectious and contagious diseases.
23 Rules adopted pursuant to this subsection are major substantive rules as defined in Title
24 5, chapter 375, subchapter 2-A. A veterinarian employed by the State or any licensed
25 veterinarian may quarantine the animal shelter, ~~kennel~~, commercial boarding or training
26 kennel, ~~breeding commercial breeder~~ kennel or pet shop, in person or by registered mail,
27 and the quarantine must be maintained as long as the department determines necessary.
28 The decision and order for this quarantine is not considered a licensing or an adjudicatory
29 proceeding as defined by the Maine Administrative Procedure Act. The commissioner
30 shall promptly notify the Department of Inland Fisheries and Wildlife of violations.

31 **2. Suspension of license.** The department may, in accordance with Title 5, chapter
32 375, subchapter 5, revoke or suspend a ~~kennel~~, commercial boarding or training kennel,
33 ~~breeding commercial breeder~~ kennel, animal shelter or pet shop license if a person
34 maintaining the ~~kennel~~, commercial boarding or training kennel, ~~breeding commercial~~
35 ~~breeder~~ kennel, animal shelter or pet shop violates any quarantine or maintains animals
36 contrary to the rules adopted by the department, fails to keep records required by the
37 department or violates any provision of the laws or rules of the Department of Inland
38 Fisheries and Wildlife pertaining to wildlife importation and possession.

39 **Sec. 16. 7 MRSA §3938**, as amended by PL 1993, c. 657, §36, is further amended
40 to read:

41 **§3938. Violation**

42 A person maintaining an animal shelter, commercial boarding or training kennel,
43 ~~breeding commercial breeder~~ kennel or pet shop without having obtained a license, or

1 after a license has been revoked or suspended, commits a civil violation for which a
2 ~~forfeiture~~ fine of not less than \$50 nor more than \$200 a day may be adjudged.

3 **Sec. 17. 7 MRSA §3938-A**, as enacted by PL 2007, c. 439, §22, is amended to
4 read:

5 **§3938-A. Minimum age of transfer for cats and dogs**

6 A person or an animal shelter, commercial boarding or training kennel, ~~breeding~~
7 commercial breeder kennel or pet shop that sells, gives away or otherwise transfers
8 ownership of a dog or cat before it has reached its 56th day of life commits a civil
9 violation for which a fine of not less than \$50 nor more than \$200 may be adjudged.

10 **Sec. 18. 7 MRSA §3944**, as amended by PL 1997, c. 690, §27, is further amended
11 to read:

12 **§3944. Issuance of personal kennel licenses**

13 Municipal clerks and dog recorders shall issue personal kennel licenses to personal
14 kennel owners or operators in accordance with section 3923-C.

15 **Sec. 19. 7 MRSA §3952, sub-§1-A**, as enacted by PL 2007, c. 170, §2, is
16 amended to read:

17 **1-A. Identification of dogs.** In addition to orders imposed under subsection 1, the
18 court may order that the owner or keeper of a dangerous dog:

19 A. Provide the animal control officer in the municipality where the dangerous dog is
20 kept with photographs and descriptions of ~~dogs kept by that owner or keeper~~ the
21 dangerous dog including the sex, breed, age and identifying markings of ~~each~~ the
22 dog; or

23 B. ~~Have dogs kept by that owner or keeper~~ Cause the dangerous dog to be
24 permanently identified by tattooing, microchip placement or other means directed by
25 the court; ~~or.~~

26 C. ~~Confine other dogs kept on the owner's or keeper's premises as provided in~~
27 subsection 1, paragraph A and subsection 8.

28 **Sec. 20. 7 MRSA §4015, sub-§1, ¶A**, as enacted by PL 1987, c. 383, §3, is
29 amended to read:

30 A. The ambient temperature ~~shall~~ must be compatible with the species, breed and
31 health of the animal.

32 **Sec. 21. 7 MRSA §4151, sub-§4-A**, as enacted by PL 2007, c. 702, §22, is
33 amended to read:

34 **4-A. Seller.** "Seller" means the owner or operator of a ~~breeding~~ commercial breeder
35 kennel as defined in section 3907, subsection ~~8-A~~ 10-B or the owner or operator of a pet
36 shop as defined in section 3907, subsection 23. "Seller" includes animal dealers required
37 to be licensed by the United States Department of Agriculture. "Seller" does not include

1 humane societies, nonprofit organizations performing the functions of humane societies
2 or animal shelters licensed in accordance with section 3932-A.

3 **Sec. 22. 7 MRSA §4152, sub-§1, ¶A**, as amended by PL 2009, c. 403, §9, is
4 further amended to read:

5 A. An animal history that includes:

6 (1) For sellers licensed with the United States Department of Agriculture, the
7 name, address and United States Department of Agriculture license number of the
8 breeder and any broker who has had possession of the animal. For sellers
9 licensed with the State, the name, address of the seller and the license number
10 issued under section 3931-A; or 3933 or 4163;

11 (2) The date of the animal's birth;

12 (3) The date the seller received the animal if the animal was not born on the
13 seller's premises;

14 (4) The breed, sex, color and identifying marks of the animal. If the breed is
15 unknown or mixed, that fact must be stated;

16 (5) The individual identifying tag, tattoo, microchip identification number or
17 collar number;

18 (6) For pure bred animals that are advertised as eligible for registration, the name
19 and registration number of the sire and dam and, if available, the litter number;
20 and

21 (7) A record of inoculations, internal or external parasite treatments, medication
22 or any veterinarian examination or treatment received by the animal while in the
23 possession of the seller;

24 **Sec. 23. 7 MRSA §4162, sub-§2**, as amended by PL 2009, c. 343, §24, is further
25 amended to read:

26 **2. Action against pet shops and commercial breeder kennels.** The department
27 may, in accordance with Title 5, chapter 375, subchapter 5, revoke or suspend the license
28 of a pet shop or ~~breeding~~ commercial breeder kennel that violates any provision of this
29 chapter or rules adopted under section 3906-B, subsection 10 to implement this chapter.

30 **Sec. 24. 7 MRSA §4163**, as amended by PL 2007, c. 702, §§36 and 37, is
31 repealed.

32 **Sec. 25. 17 MRSA §1011, sub-§8**, as enacted by PL 1987, c. 383, §4, is repealed.

33 **Sec. 26. 17 MRSA §1011, sub-§8-A**, as amended by PL 2011, c. 100, §17, is
34 repealed.

35 **Sec. 27. 17 MRSA §1011, sub-§§10-A and 10-B** are enacted to read:

36 **10-A. Commercial boarding or training kennel.** "Commercial boarding or
37 training kennel" means an establishment, other than an animal shelter or animal control

1 facility, used for boarding, holding, day care, overnight stays or training during which the
2 owner of an animal is not present, for a fee or consideration. "Commercial boarding or
3 training kennel" does not include a grooming facility holding dogs solely for the purpose
4 of grooming and not overnight boarding, an individual who temporarily, and not in the
5 normal course of business, boards or cares for animals of others or a licensed pet shop.

6 **10-B. Commercial breeder kennel.** "Commercial breeder kennel" means an
7 establishment where 5 or more adult female dogs or cats capable of breeding are kept and
8 more than 16 dogs or cats raised on the premises are sold to the public or for exchange to
9 wholesalers, brokers or pet shops in return for consideration in a 12-month period.
10 "Commercial breeder kennel" does not include a personal kennel licensed by a
11 municipality under Title 7, section 3923-C when the dogs are kept primarily for hunting,
12 show, training, sledding, competition, field trials or exhibition.

13 **Sec. 28. 17 MRSA §1011, sub-§15-A,** as enacted by PL 1991, c. 779, §45, is
14 amended to read:

15 **15-A. Humane society.** "Humane society" means a nonprofit group or organization
16 incorporated and operating in the State for the purpose of providing physical service
17 directly to abused and abandoned animals, improving the conditions of animals,
18 providing education concerning animals or fund-raising to promote animal welfare.

19 **Sec. 29. 17 MRSA §1011, sub-§17,** as amended by PL 2011, c. 100, §18, is
20 repealed.

21 **Sec. 30. 17 MRSA §1011, sub-§22-B** is enacted to read:

22 **22-B. Personal kennel.** "Personal kennel" means an establishment where 5 or more
23 dogs are kept under one ownership for breeding, hunting, show, training, field trials,
24 sledding, competition or exhibition purposes. Breeding of personally owned dogs may
25 take place for the purpose of improving the breed, exhibiting or use in sporting activity or
26 other personal reasons, except that selling, trading, bartering or distributing the breeding
27 from a personal kennel may be only to other breeders or individuals by private sale and
28 not to wholesalers, brokers or pet shops. A personal kennel may not sell, trade or barter a
29 dog not bred from its personally owned dogs. A dog temporarily housed at a personal
30 kennel in conjunction with an animal shelter or rescue registered with the department
31 may be sold, traded or bartered as long as the transfer is not made for the purpose of
32 making a profit.

33 **Sec. 31. 17 MRSA §1025, sub-§1, ¶A,** as enacted by PL 1987, c. 383, §4, is
34 amended to read:

35 A. Provide or supply dealers, commercial breeder kennels or laboratories with the
36 animal; or

37 **Sec. 32. 17 MRSA §1031, sub-§2, ¶A,** as enacted by PL 1987, c. 383, §4, is
38 amended to read:

1 A. The defendant's conduct conformed to accepted practices of animal husbandry or
2 veterinary practice or was a part of scientific research governed by accepted
3 standards;

4 **Sec. 33. 17 MRSA §1038**, as enacted by PL 2005, c. 422, §11, is amended to
5 read:

6 **§1038. Animals abandoned at animal care facilities**

7 Abandoning an animal at a veterinarian's office, commercial boarding or training
8 kennel, animal grooming facility or animal day-care facility is a Class D crime.

9 **1. Determination of abandonment.** There is a rebuttable presumption of
10 abandonment if an owner:

11 A. Places an animal in the custody of a licensed veterinarian for treatment, boarding
12 or other care, or in a commercial boarding or training kennel, animal grooming
13 facility or animal day-care facility for services offered by that facility; and

14 B. Fails to claim the animal within 10 days after written notice is sent in accordance
15 with subsection 2.

16 **2. Notice requirement.** Before any animal may be considered abandoned under this
17 section, a veterinarian's office, commercial boarding or training kennel, animal grooming
18 facility or animal day-care facility shall send written notice, by registered or certified
19 mail, return receipt requested, to the owner or keeper at the owner's or keeper's last
20 known address. Proof of attempted delivery constitutes sufficient notice.

21 **3. Ownership of abandoned animal.** When an owner or keeper fails to claim an
22 animal within 10 days of a notice being sent under subsection 2, the veterinarian, ~~kennel,~~
23 facility or individual who has custody and control of the animal is considered the owner
24 of the animal and shall arrange for its care, including, but not limited to, its adoption, sale
25 or placement with a licensed animal shelter.

26 **4. Financial obligation.** The disposal of an abandoned animal under this section
27 does not relieve the owner or keeper of the animal of any financial obligation, including,
28 but not limited to, costs incurred for veterinary treatment, boarding, grooming or other
29 care.

30 **5. Penalty.** In addition to the penalties provided in Title 17-A for a Class D crime,
31 the penalties in section 1031, subsection 3-B also apply.

32 **Sec. 34. 22 MRSA §1313-B, sub-§2**, as amended by PL 2007, c. 133, §3, is
33 further amended to read:

34 **2. Court authorization for removal.** When home quarantine procedures, as
35 described on the official notice of quarantine, have been violated, or in the case of a wolf
36 hybrid, when the owner fails to bring the animal to a veterinarian for euthanasia and
37 testing or to turn the animal over to authorities as required by rules established pursuant
38 to this chapter, an animal control officer, person acting in that capacity or law
39 enforcement officer shall apply to the District Court or Superior Court for authorization

1 to take possession of the animal for placement, at the owner's expense, in a veterinary
2 hospital, commercial boarding or training kennel or other suitable location for the
3 remainder of the quarantine period or, in the case of a wolf hybrid, removal for
4 euthanasia. At the end of the quarantine period for domestic animals, or if the animal
5 shows signs of rabies, the person in possession of the animal shall report to the court, and
6 the court shall either dissolve the possession order or order the animal euthanized and
7 tested for rabies.

8

SUMMARY

9 This bill repeals the definition of "intermittent agent" in the animal welfare laws. It
10 changes the definitions of "kennel," "boarding kennel" and "breeding kennel" to create 3
11 new kennel license designations: personal kennel license, commercial boarding or
12 training kennel license and commercial breeder kennel license. It also defines serious
13 bodily injury. The bill also makes the changes to the animal welfare laws necessary to
14 reflect the changes made in the defined terms. It removes the provision of law that
15 requires a person to obtain a vendor's license to sell a dog or cat.