

# MAINE STATE LEGISLATURE

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SM6  
RONS

L.D. 335

Date: 6/3/15

Majority

(Filing No. H-275)

AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
127TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 229, L.D. 335, Bill, "An Act To Prohibit the Sale of Dogs and Cats in Pet Shops"

Amend the bill by striking out the title and substituting the following:

'An Act To Restrict the Sale of Dogs and Cats in Pet Shops'

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

'Sec. 1. 7 MRSA §4164 is enacted to read:

§4164. Restriction of sale in pet shops

1. Restriction of sale in pet shops. Except as provided in subsection 2, a pet shop may not sell, deliver, offer for sale, barter, auction or otherwise dispose of a cat or dog.

2. Exceptions. The provisions of subsection 1 do not apply to a pet shop if the pet shop:

A. Attests in writing that the cat or dog comes from a public or private charitable nonprofit animal shelter, humane society or animal rescue organization. For purposes of this paragraph, "humane society" has the same meaning as in Title 17, section 1011, subsection 15-A;

B. Is offering a cat or dog owned by an entity in paragraph A for purposes of adoption of the cat or dog by a member of the public; or

C. Has been licensed in accordance with section 3933 continuously since June 1, 2015 under the same ownership and in the same location, as long as the pet shop attests in writing that the cat or dog comes from one of the following sources:

(1) A source authorized pursuant to an exception in paragraph A or B; or

(2) A breeder based in any state that, on the date the pet store received the cat or dog:

COMMITTEE AMENDMENT

- 1                    (a) Meets the minimum standards established pursuant to rules adopted
- 2                    under section 3906-B as certified by the commissioner; and
- 3                    (b) Holds a Class A license issued by the United States Department of
- 4                    Agriculture pursuant to the federal Animal Welfare Act, 7 United States
- 5                    Code, Section 2131 et seq. that has not been suspended at any time during the
- 6                    past 5 years and has not received from the United States Department of
- 7                    Agriculture, as indicated on any inspection report issued in connection with
- 8                    the Class A license during the prior 2 years:
  - 9                    (i) A citation for a direct violation;
  - 10                   (ii) Three or more distinct citations or a repeat citation for indirect
  - 11                   violations that directly pertain to the health and welfare of animals and
  - 12                   that are not administrative in nature; or
  - 13                   (iii) A repeat citation for failure to provide inspectors access to property
  - 14                   or records.
- 15                    3. Attestation of compliance. The written attestations required under subsection 2,
- 16                    paragraphs A and C must be provided to a buyer with the record required under section
- 17                    3933, subsection 3 and must be provided to the buyer with the statement of consumer
- 18                    rights required under section 4160.
- 19                    4. Penalties. A person who violates this section commits a civil violation for which
- 20                    a fine of \$500 must be adjudged and is subject to the penalties under section 4162,
- 21                    subsection 2.
- 22                    5. Preemption. Nothing in this section preempts or limits the authority of any
- 23                    county, municipality or other unit of local government to adopt ordinances that are more
- 24                    stringent than the provisions set forth in this section.'

**SUMMARY**

26                    This amendment, which is the majority report, replaces the bill. It creates a process  
27                    whereby pet shops are required to attest in writing as to the origin of a cat or dog, which  
28                    may come only from a public or private charitable nonprofit animal shelter, humane  
29                    society or animal rescue organization. It provides an exception for existing pet shops,  
30                    who may also sell or otherwise dispose of a cat or dog from a breeder if the breeder meets  
31                    certain conditions and the existing pet shop attests to the origin in writing. Additionally,  
32                    it reduces the penalty for a violation from \$2,500 to \$500.

**FISCAL NOTE REQUIRED**  
**(See attached)**



Approved: 05/28/15 *MRC*

# 127th MAINE LEGISLATURE

LD 335

LR 841(02)

An Act To Prohibit the Sale of Dogs and Cats in Pet Shops

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-275)

Committee: Agriculture, Conservation and Forestry

Fiscal Note Required: Yes

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## Fiscal Note

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

### Correctional and Judicial Impact Statements

Increases the number of civil violations.

The collection of additional fines may also increase General Fund revenue by minor amounts.