

MAINE STATE LEGISLATURE

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Date: 5/29/19

L.D. 1230
(Filing No. H-380)

AGRICULTURE, CONSERVATION AND FORESTRY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 891, L.D. 1230, Bill, "An Act To Update the Civil Animal Welfare Laws"

Amend the bill by striking out all of sections 1 and 2 and inserting the following:

'Sec. 1. 7 MRSA §3922, sub-§4, as amended by PL 2007, c. 664, §11, is further amended to read:

4. **Service dogs.** If a service dog has not been previously registered or licensed by the municipal clerk to whom the application is being made, the clerk may not register the dog nor issue to its owner or keeper a license and tag that identifies the dog as a service dog unless the applicant presents written evidence to the municipal clerk that the dog meets the definition of "service dog." For the purpose of this subsection, "written evidence" means a service dog certification form approved by the department in consultation with the Maine Human Rights Commission.'

Amend the bill in section 4 in §3950-C in the last line (page 1, line 32 in L.D.) by striking out the following: "immune from liability for performing any acts or duties under this chapter" and inserting the following: 'not civilly liable to any party for authorization made in accordance with section 3950-B nor is any person performing euthanasia under that authorization civilly liable'

Amend the bill by striking out all of section 5 and inserting the following:

'Sec. 5. 7 MRSA §4011, sub-§1, ¶D, as amended by PL 1997, c. 456, §4, is further amended to read:

D. Injures, overworks, tortures, torments, abandons or cruelly beats or intentionally mutilates an animal; gives drugs, including but not limited to, a scheduled drug as defined in Title 17-A, section 1101, subsection 11, to an animal with an intent to harm or intoxicate the animal; gives poison or alcohol to an animal; or exposes a poison with intent that it be taken by an animal. The owner or occupant of property is privileged to use reasonable force to eject a trespassing animal!'

Amend the bill by striking out all of section 7.

COMMITTEE AMENDMENT

1 Amend the bill in section 8 in §4042 in subsection 2 in the 4th line (page 2, line 26 in
2 L.D.) by striking out the following: "After" and inserting the following: 'If ownership of
3 the stray livestock is not claimed by any person, after'

4 Amend the bill in section 8 in §4042 by inserting at the end a new paragraph to read:

5 'For purposes of this section, "livestock" does not include feral swine or domesticated
6 cervids.'

7 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
8 section number to read consecutively.

9 **SUMMARY**

10 This amendment retains the current law that provides that, if a service dog has not
11 been previously registered or licensed by a municipal clerk, the clerk may not register the
12 dog nor issue to its owner or keeper a license unless the applicant presents written
13 evidence to the municipal clerk that the dog meets the definition of "service dog." The
14 amendment removes the requirement that the municipal clerk issue to the dog's owner or
15 keeper a tag that identifies the dog as a service dog.

16 The amendment clarifies that a municipality, veterinarian, humane agent, animal
17 control officer or animal shelter is not civilly liable to any party for authorization of
18 euthanasia of severely sick or severely injured livestock if certain conditions are met nor
19 is any person performing euthanasia under that authorization.

20 The amendment adds the intent to harm or intoxicate the animal to the bill's addition
21 to the animal cruelty provisions of the violation of giving a scheduled drug to an animal.

22 The amendment strikes from the bill the provision that makes the violation of a court
23 order involving a civil animal welfare matter a Class D crime.

24 The amendment clarifies under the provision establishing municipal procedures for
25 the handling of stray livestock that "livestock" does not include feral swine or
26 domesticated cervids.

27 The fiscal note on the bill identifies certain requirements in the bill, which are
28 retained in the amendment, as a potential state mandate. In order to be a mandate
29 pursuant to the Constitution of Maine, a provision must require a local unit of
30 government to expand or modify its activities so as to necessitate additional expenditures
31 from local revenue. The committee finds the provisions identified as a potential state
32 mandate do not require a local unit government to expand or modify its activities in a
33 manner so as to necessitate additional expenditures from local revenue.

34 Under current law, pursuant to the Maine Revised Statutes, Title 7, section 3948,
35 subsection 3, municipalities are required to control domesticated animals that are a cause
36 of complaint in the community. Additionally, municipalities are required to control
37 animals that pose a threat to public health or safety. This section of law also provides that
38 a municipality may control undomesticated animals in matters no other department is
39 charged by law to regulate.

40 The bill repeals and amends certain provisions under Title 33, chapter 21 relating to
41 lost goods and stray beasts. The bill repeals the requirement that the finder of a stray

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beast, potentially a municipality, keep a stray beast for up to 6 months. The bill requires a municipality to follow certain procedures related to stray livestock, but a municipality is only required to retain custody for 10 days. The committee feels that this could potentially result in a savings for a municipality faced with this scenario.

FISCAL NOTE REQUIRED
(See attached)



129th MAINE LEGISLATURE

LD 1230

LR 1190(02)

An Act To Update the Civil Animal Welfare Laws

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-380)

Committee: Agriculture, Conservation and Forestry

Fiscal Note Required: Yes

Fiscal Note

Potential State Mandate - Unfunded

State Mandates

Required Activity

Municipalities will be required to follow certain procedures related to stray livestock, including: to seize, impound or restrain stray livestock, deliver livestock to a facility capable of containing them, arrange for safe confinement, retain custody for 10 days, provide food, shelter and medical care, take ownership after 10 days or convey ownership to an animal shelter.

Unit Affected

Municipality

Local Cost

Insignificant
limited scope

The required local activities in this bill may represent a state mandate pursuant to the Constitution of Maine. If the bill does require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue, the state mandate provisions of the Constitution of Maine require either: (1) General Fund appropriations be provided to fund at least 90% of any additional necessitated local costs of the mandate; or (2) a Mandate Preamble be added to the bill and two-thirds of the members of each House vote to exempt the mandate from the funding requirement. If the bill does represent a state mandate and neither one of these actions occurs, the local units of government will not be required to implement the mandated activities.

Fiscal Detail and Notes

While the bill imposes new procedures on municipalities that may add new costs, it also eliminates other procedures that were costly for municipalities. In particular, Title 33, §1057 required a finder, potentially a municipality, to keep a stray beast for 2 months before selling and up to 6 months if it did not sell it. This bill requires a holding period of only 10 days.