

MAINE STATE LEGISLATURE

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AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE

SENATE

130TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT " B " to S.P. 644, L.D. 1828, "An Act Requiring a Contract for the Administration of the Department of Agriculture, Conservation and Forestry's Low-cost Spaying and Neutering Program"

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

Sec. 1. 7 MRSA §3910-B, sub-§1, as amended by PL 2009, c. 148, §3, is further amended to read:

1. Establishment. There is established the Companion Animal Sterilization Fund, an interest-bearing account, referred to in this section as "the fund." The fund receives money deposited by the Treasurer of State pursuant to Title 36, section 5284-A, revenues generated in accordance with this section, all revenue from the surcharges collected under section 3933, subsection 4, revenue received from surcharges in accordance with section 714, subsection 4 and any money contributed voluntarily to the fund. All money deposited in the fund and the earnings on that money remain in the fund to be used for the spaying or neutering of companion animals owned by persons meeting income limit standards and for the spaying or neutering of a feral cat regardless of a person's income and for the necessary direct administrative and personnel costs associated with the management of the fund and may not be deposited in the General Fund or any other fund except as specifically provided by law. The fund may not be charged for indirect costs under a departmental indirect cost allocation plan.

Sec. 2. 7 MRSA §3910-B, sub-§1-A, as enacted by PL 2007, c. 539, Pt. CCCC, §2, is amended to read:

1-A. ~~Option to contract for administration~~ Administration of the fund. The commissioner ~~may~~ shall contract the administration of the fund to a suitable animal welfare organization ~~or individual~~ selected through a competitive process. The contracting organization ~~or individual~~ shall administer the fund in accordance with procedures and eligibility standards established under subsection 2. The contracting organization ~~or individual~~ may not expend more than 15% of the fund annually for administrative costs.

ROFS

In the event that the commissioner cannot find a suitable animal welfare organization, the department shall administer the fund.

Sec. 3. 7 MRSA §3910-B, sub-§2, as enacted by PL 2003, c. 682, §4, is amended to read:

2. Subsidies; development of standards. The commissioner shall develop procedures and eligibility standards for the awarding of subsidies to low-income persons for the spaying or neutering of those persons' companion animals. Procedures and eligibility standards must be developed in consultation with veterinarians and representatives of humane societies and animal shelters. The commissioner shall develop procedures to pay a person, regardless of income, 100% of the cost of spaying or neutering a feral cat.

Sec. 4. 7 MRSA §3910-B, sub-§4, as enacted by PL 2007, c. 539, Pt. CCCC, §3, is repealed.

Sec. 5. Contract for administration of the Companion Animal Sterilization Fund; rules. The Commissioner of Agriculture, Conservation and Forestry shall, in consultation with the Animal Welfare Advisory Council established by the Maine Revised Statutes, Title 5, section 12004-I, subsection 2-C, issue a request for proposals no later than August 1, 2022 from animal welfare organizations to administer the Companion Animal Sterilization Fund created under Title 7, section 3910-B, referred to in this section as "the fund" and the department's low-income spay and neuter program known as the Help Fix ME program, referred to in this section as "the program." The initial contract with the administrator chosen under this section must be for 36 months. The commissioner shall select an administrator that:

1. Demonstrates a dedication to spay and neuter companion animals and feral cats and target low-income communities and populations to the extent possible;

2. Has the technical expertise to operate the program;

3. Commits to maintain the staff necessary to field telephone calls in a timely manner and to provide vouchers to program applicants within 7 business days of receipt of copayment and satisfactory proof of eligibility, except that copayment may not be required for the spaying and neutering of feral cats;

4. Will ensure the privacy of the information of program applicants; and

5. Commits to providing strong customer service when administering the fund and program.

Sec. 6. Evaluation of initial contract for administration of the Companion Animal Sterilization Fund. The Department of Agriculture, Conservation and Forestry shall conduct an evaluation of the initial 36-month contract entered into pursuant to this Act for the Companion Animal Sterilization Fund created under the Maine Revised Statutes, Title 7, section 3910-B. Criteria for the evaluation must include whether the administrator spent approximately 90% of the fund each fiscal year; increased and then maintained the number of areas in the State in which spay and neuter surgeries are performed under the low-income spay and neuter program, also known as the Help Fix ME program; increased and then maintained the number of veterinarians participating in the program; and decreased the amount of time between submission of a request for funds and

receipt of a voucher for sterilization services by an applicant. Upon completion of the evaluation and no later than January 1, 2026, the department shall submit a report to the joint standing committee of the Legislature having jurisdiction over animal welfare matters. The joint standing committee may submit a bill to the Second Regular Session of the 132nd Legislature relating to the subject matter of the report.

Sec. 7. Appropriations and allocations. The following appropriations and allocations are made.

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

Animal Welfare Fund 0946

Initiative: Allocation for Personal Services is increased in the Animal Welfare Fund and offset by a decrease in All Other allocation.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
Personal Services	\$0	\$27,083
All Other	\$0	(\$27,083)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0

Animal Welfare Fund 0946

Initiative: Allocation for Personal Services is decreased in the Companion Animal Sterilization Fund and offset by an increase in All Other allocation to allow a 36-month contract with an outside entity to administer the Companion Animal Sterilization Fund.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
Personal Services	\$0	(\$27,083)
All Other	\$0	\$27,083
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0

**AGRICULTURE, CONSERVATION AND
FORESTRY, DEPARTMENT OF
DEPARTMENT TOTALS**

	2021-22	2022-23
OTHER SPECIAL REVENUE FUNDS	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0

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

SUMMARY

The bill requires the Commissioner of Agriculture, Conservation and Forestry to contract for the administration of the Companion Animal Sterilization Fund, but requires the department to administer the fund if a suitable 3rd-party administrator cannot be found.

ROFS

COMMITTEE AMENDMENT "A" to S.P. 644, L.D. 1828 (S-428)

1 The amendment requires the commissioner to develop procedures to pay a person,
2 regardless of income, 100% of the cost for the spaying or neutering of a feral cat. The
3 amendment also specifies that a copayment may not be required for the spaying or
4 neutering of a feral cat.

5 The amendment requires the commissioner, in consultation with the Animal Welfare
6 Advisory Council, to issue a request for proposals no later than August 1, 2022 to contract
7 the administration of Companion Animal Sterilization Fund. The amendment requires that
8 the initial contract be for 36 months. The amendment requires the Department of
9 Agriculture, Conservation and Forestry to conduct an evaluation of the initial 36-month
10 contract and to submit a report to the joint standing committee of the Legislature having
11 jurisdiction over animal welfare matters no later than January 1, 2026. The joint standing
12 committee is required to submit a bill to the Second Regular Session of the 132nd
13 Legislature relating to the subject matter of the report. The amendment also adds an
14 appropriations and allocations section.

15 **FISCAL NOTE REQUIRED**

16 (See attached)

COMMITTEE AMENDMENT

**130th MAINE LEGISLATURE****LD 1828****LR 2247(02)****An Act Requiring a Contract for the Administration of the Department of Agriculture, Conservation and Forestry's Low-cost Spaying and Neutering Program****Fiscal Note for Bill as Amended by Committee Amendment "A" (S-428)****Committee: Agriculture, Conservation and Forestry****Fiscal Note Required: Yes**

Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Appropriations/Allocations				
Other Special Revenue Funds	\$0	\$0	\$0	\$0

Fiscal Detail and Notes

This bill directs the Department of Agriculture, Conservation and Forestry (ACF) to enter into a 36-month contract with an outside entity to administer the Companion Animal Sterilization Fund (CASF). The bill also requires ACF to develop procedures to pay 100% of the cost for spaying and neutering of feral cats and prohibits requiring a copayment for the spaying. ACF has indicated that transferring current staffing from the CASF to the Animal Welfare Fund (AWF) and eliminating existing contracted staffing will allow the cost of administering the contract to be absorbed within existing budgeted resources. The bill includes offsetting Personal Services and All Other allocations and deallocations of \$27,083 within the CASF and again within the AWF beginning in fiscal year 2022-23. The prohibition of a copayment will increase the cost of spaying and neutering feral cats. The department has indicated that CASF has sufficient resources available to accommodate this increase.