

MAINE STATE LEGISLATURE

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L D 595

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Date 6/5/23

(Filing No S-175)

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AGRICULTURE, CONSERVATION AND FORESTRY

4

Reproduced and distributed under the direction of the Secretary of the Senate

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STATE OF MAINE

6

SENATE

7

131ST LEGISLATURE

8

FIRST SPECIAL SESSION

9

COMMITTEE AMENDMENT "A" to S P 263, L D 595, "An Act to Require Major Substantive Rulemaking for the Companion Animal Sterilization Fund"

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

12

'An Act to Establish the Companion Animal Sterilization Program in the Maine Revised Statutes'

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14

Amend the bill by inserting after the title and before the enacting clause the following

15

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies, and

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Whereas, Public Law 2021, chapter 523 directed the Department of Agriculture, Conservation and Forestry to contract administration of the Companion Animal Sterilization Fund to a suitable animal welfare organization and, to date, no request for proposals has been issued, and

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Whereas, this legislation establishes the Companion Animal Sterilization Program within the Department of Agriculture, Conservation and Forestry to encourage eligible pet owners and keepers to sterilize their cats and dogs and to help cover the cost of those sterilizations, and

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Whereas, sterilization of cats and dogs, particularly feral cats in rural areas of the State, can reduce potential overpopulation concerns, which can burden local communities and animal welfare organizations, and

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Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety, now, therefore,'

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

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'Sec. 1. 7 MRSA §3907, sub-§9-B is enacted to read

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1 **9-B. Cat.** "Cat" means a member of the genus and species known as *Felis catus*
2 **Sec. 2. 7 MRSA §3910-B**, as amended by PL 2021, c 523, §§1 to 4, is further
3 amended to read

4 **§3910-B. Companion Animal Sterilization Fund**

5 **1. Establishment.** There is established the Companion Animal Sterilization Fund, an
6 interest-bearing account and nonlapsing fund in the department, referred to in this section
7 as "the fund " The fund receives money deposited by the Treasurer of State pursuant to
8 Title 36, section 5284-A, revenues generated in accordance with this section, all revenue
9 from the surcharges collected under section 3933, subsection 4, revenue received from
10 surcharges in accordance with section 714, subsection 4 and any money contributed
11 voluntarily to the fund All money deposited in the fund and the earnings on that money
12 remain in the fund to be used for the ~~spaying or neutering of companion animals owned by~~
13 ~~persons meeting income limit standards and for the spaying or neutering of a feral cat~~
14 ~~regardless of a person's income~~ program established under section 3910-C and for the
15 necessary direct administrative and personnel costs of the department and the administrator
16 as provided under subsection 1-A associated with ~~the management of the fund~~
17 implementing and overseeing that program, and may not be deposited in the General Fund
18 or any other fund except as specifically provided by law The fund may not be charged for
19 indirect costs under a departmental indirect cost allocation plan As used in this section,
20 "administrator," "overpopulation," "program," "sterilization" and "veterinary provider"
21 have the same meanings as in section 3910-C, subsection 1

22 **1-A. Administration of the fund.** ~~The commissioner shall contract the administration~~
23 ~~of the fund to a suitable animal welfare organization selected through a competitive~~
24 ~~process The contracting organization shall administer the fund The administrator~~
25 administers the fund in accordance with subsection 5 and procedures and eligibility
26 standards established under ~~subsection 2~~ section 3910-C The ~~contracting organization~~
27 administrator may not expend more than 15% of the fund annually for administrative costs
28 In the event that the commissioner cannot find a suitable animal welfare organization, the
29 department shall administer the fund-

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

37 **3. Fund-raising.** The commissioner or the commissioner's authorized agent may
38 provide for the creation, reproduction, sale, licensing and distribution and other disposal of
39 any art or other products for the purpose of generating revenues for the fund All money
40 generated from the sale of these items must be deposited into the fund

41 **5. Distribution of funds.** Money in the fund must be distributed for the purposes of
42 the program in accordance with this subsection

1 A The administrator shall determine if there is an overpopulation of cats or dogs and
2 apportion available funds between sterilization for cats and dogs according to the need
3 to control overpopulation of cats or dogs

4 B If one species under paragraph A is overpopulated, but not the other, then no more
5 than 10% of the fund annually may be expended for sterilization for the species that is
6 not overpopulated

7 C If there is no overpopulation of either species under paragraph A, funds must be
8 expended according to requests for assistance with sterilization costs from eligible
9 program applicants and participating veterinary providers with priority given to
10 geographic areas with the greatest need for program services

11 **Sec. 3. 7 MRS §3910-C** is enacted to read

12 **§3910-C. Companion Animal Sterilization Program**

13 **1. Definitions** As used in this section, unless the context otherwise indicates, the
14 following terms have the following meanings

15 A "Administrator" means the entity that administers the program as provided in
16 subsection 7

17 B "Fund" means the Companion Animal Sterilization Fund under section 3910-B

18 C "Neuter" means to castrate a male animal by removing the animal's testicles or to
19 sterilize a male animal by a nonsurgical method approved by the federal Food and Drug
20 Administration

21 D "Overpopulation" means a surplus of cats or dogs when compared to demand for
22 ownership by humans as determined by the commissioner by rule

23 E "Program" means the Companion Animal Sterilization Program established under
24 subsection 2

25 F "Spay" means to sterilize a female animal by removing the animal's ovaries or to
26 sterilize a female animal by a nonsurgical method approved by the federal Food and
27 Drug Administration

28 G "Spay or neuter event" means an event scheduled by a veterinary provider,
29 including, but not limited to, a mobile clinic, a pop-up clinic or a clinic in a fixed
30 location, during which 10 or more sterilizations are provided per day for program
31 participants

32 H "Sterilization" means the spaying or neutering of a companion animal, a stray
33 animal or a feral cat

34 I "Veterinary provider" means a person licensed to practice veterinary medicine under
35 Title 32, section 4861 or an animal welfare organization that has at least one licensed
36 veterinarian on staff and regularly provides companion animal sterilization services to
37 the public

38 **2. Establishment.** The Companion Animal Sterilization Program is established within
39 the department to provide sterilization services in order to reduce

40 A Stray and unwanted cats and dogs,

41 B Cat and dog euthanasia rates,

ROS

COMMITTEE AMENDMENT "A" to S P 263, L D 595 (S-175)

- 1 C Dog bites,
- 2 D Feral cats,
- 3 E Threats to public health and safety from rabies and other zoonotic diseases,
- 4 F Costs associated with community and state animal control, and
- 5 G Areas lacking access to veterinary care
- 6 **3. Eligibility. A person is eligible to have a companion animal, a stray animal or a**
- 7 **feral cat sterilized under the program if the person is**
- 8 A At least 18 years of age and not declared as a dependent by another person for tax
- 9 purposes,
- 10 B A resident of the State,
- 11 C The owner of the companion animal or the keeper of the stray animal or feral cat to
- 12 be sterilized, and
- 13 D One of the following
- 14 (1) The owner of the companion animal or the keeper of the stray animal to be
- 15 sterilized and has a household income less than 133% of the federal poverty level,
- 16 except that, if money is available in the fund, the department may by rule increase
- 17 the household income limit for the purposes of eligibility up to 150% of the federal
- 18 poverty level,
- 19 (2) The owner of the companion animal or the keeper of the stray animal to be
- 20 sterilized participates in an income-based governmental public assistance program
- 21 as determined by the department by rule, or
- 22 (3) The keeper of a feral cat, regardless of income
- 23 A person determined eligible under this subsection may be issued a voucher for sterilization
- 24 services under this subsection
- 25 **4. Copayment. A person who meets the eligibility requirements under subsection 3**
- 26 **and who receives services under the program shall submit to the administrator or the**
- 27 **veterinary provider, whichever is applicable, a copayment determined by the department**
- 28 **unless the animal that is spayed or neutered is a feral cat. The department shall determine**
- 29 **the copayment on an annual basis. The administrator may waive the copayment if the**
- 30 **administrator determines that the copayment creates a financial hardship for the person**
- 31 **5. Veterinary provider participation and payment. On an annual basis, a veterinary**
- 32 **provider that wishes to receive payments for sterilization services under the program shall**
- 33 **sign an agreement with the department on a form provided by the department. Under the**
- 34 **agreement, the veterinary provider agrees to fees that may be charged for sterilization**
- 35 **services, as established by the department, and all other program conditions and elects the**
- 36 **manner of payment under the program in accordance with this subsection. The agreement**
- 37 **must specify that the program only provides payments for the specific services covered**
- 38 **under the program pursuant to subsection 6.**
- 39 A veterinary provider may elect one of the following ways in which to receive payments
- 40 under the program

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A A veterinary provider may elect to receive prepayments for sterilizations in accordance with this paragraph by filing an application with the administrator requesting funding for sterilizations that the provider commits to perform in the 6-month period following the application's approval. The administrator shall provide prepayments to the veterinary provider in a single installment or in multiple installments. If the administrator provides multiple installments, any installment after the first installment must be conditioned upon the veterinary provider's provision of at least 75% of the sterilizations prepaid by the first installment and the availability of funding. A veterinary provider shall collect the copayments established under subsection 4 and provide an accounting to the administrator. The administrator may supply to the veterinary provider vouchers that allow the provider to verify in-clinic eligibility of clients.

B A veterinary provider may elect to receive reimbursements for individual sterilizations by submitting an invoice to the administrator for the sterilization performed for a person issued a voucher by the administrator. The veterinary provider shall submit the invoice with the associated voucher after performing the sterilization.

6 Voucher reimbursement rate. The department shall establish by rule voucher reimbursement rates under the program in consultation with a statewide association of veterinarians. The reimbursement rates must cover the cost of the presterilization examination, the sterilization and a rabies vaccination. The reimbursement rate may cover additional procedures approved by the department, including feline viral rhinotracheitis, feline calicivirus and feline panleukopenia vaccinations, distemper, hepatitis, parainfluenza and parvovirus vaccinations, and flea and tick treatment and may cover pain management and a device that prevents the cat or dog from reaching the surgical site. The owner of a companion animal or keeper of a stray animal or feral cat is responsible for the payment of any additional procedures administered by the veterinary provider that are not covered by the program.

7. Program administration. The department through a competitive selection process shall contract with a suitable animal welfare organization to administer the program. The administrator must have adequate resources and staff, or plans for adding sufficient staff, to administer the program, as determined by rule by the department. Other than the payment of administrative costs under section 3910-B, subsection 1-A, the administrator may not have any direct or indirect pecuniary interest in or receive or be eligible to receive, directly or indirectly, any benefit that may arise from a contract with the State under this section. In the event that the department is unable to contract with a suitable animal welfare organization, the department is the administrator. The administrator shall

A Issue a unique identifying code to a person who is determined to be eligible under subsection 3. The code must indicate the type of animal that is eligible for sterilization under the program.

B Issue a group of vouchers to a veterinary provider to be used at a spay or neuter event for persons determined eligible in accordance with subsection 3. Vouchers under this paragraph are valid for no more than 120 days from the date of issuance unless extended by the administrator.

C Maintain a phone line and a voice mail system and ensure that calls and messages are returned within 10 business days.

COMMITTEE AMENDMENT

- 1 D Procure veterinary provider participation agreements under subsection 5 and
- 2 maintain relationships with veterinary providers,
- 3 E Maintain a list of participating veterinary providers,
- 4 F Except as provided under subsection 5, paragraph A, verify individual owner or
- 5 keeper eligibility for the program,
- 6 G Establish a process for spay or neuter events that ensures that participating
- 7 veterinary providers are verifying owner or keeper eligibility for the program,
- 8 H Dispense payment to veterinary providers in a timely manner once an application
- 9 for payment is approved or an invoice for services is received and verified,
- 10 I Collect and review progress reports from veterinary providers, including, but not
- 11 limited to, specific vouchers redeemed, fund expenditures, money remaining in the
- 12 fund, changes needed for additional funding installments pursuant to subsection 5,
- 13 paragraph A and accounting for copayments under subsection 4 paid directly to
- 14 veterinary providers, and
- 15 J Report quarterly to the commissioner on program progress including reconciliation
- 16 of all funding, vouchers issued and redeemed, participating veterinary providers'
- 17 progress, number of funding applications, number and type of sterilizations performed,
- 18 geographic distribution of owners and keepers participating in the program, funds
- 19 dispersed and fund balance

20 **8 Rules.** The department shall adopt rules necessary to implement this section
 21 Notwithstanding Title 5, section 8071, subsection 2, rules adopted under this subsection
 22 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A

23 **Sec. 4. Appropriations and allocations.** The following appropriations and
 24 allocations are made

25 **AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**
 26 **Animal Welfare Fund 0946**

27 Initiative Provides funding for one part-time Senior Planner position and associated costs

| 28 OTHER SPECIAL REVENUE FUNDS | 2023-24 | 2024-25 |
|--|----------------|----------------|
| 29 POSITIONS - LEGISLATIVE COUNT | 0 500 | 0 500 |
| 30 Personal Services | \$24,109 | \$25,435 |
| 31 All Other | \$5,230 | \$5,230 |

| | | |
|--|----------|----------|
| 32 | | |
| 33 OTHER SPECIAL REVENUE FUNDS TOTAL | \$29,339 | \$30,665 |

34 **DACF Administration 0401**

35 Initiative Provides funding for the technology management costs associated with a
 36 position

| 37 GENERAL FUND | 2023-24 | 2024-25 |
|---------------------------------|----------------|----------------|
| 38 All Other | \$3,292 | \$3,292 |
| 39 | | |
| 40 GENERAL FUND TOTAL | \$3,292 | \$3,292 |

41



131st MAINE LEGISLATURE

LD 595

LR 2260(02)

An Act to Require Major Substantive Rulemaking for the Companion Animal Sterilization Fund

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-175)
 Committee: Agriculture, Conservation and Forestry
 Fiscal Note Required: Yes

Fiscal Note

| | FY 2023-24 | FY 2024-25 | Projections FY 2025-26 | Projections FY 2026-27 |
|-----------------------------------|------------|------------|---------------------------|---------------------------|
| Net Cost (Savings) | | | | |
| General Fund | \$3,292 | \$3,292 | \$3,292 | \$3,292 |
| Appropriations/Allocations | | | | |
| General Fund | \$3,292 | \$3,292 | \$3,292 | \$3,292 |
| Other Special Revenue Funds | \$29,924 | \$31,251 | \$32,794 | \$33,860 |

Fiscal Detail and Notes

This bill codifies in statute the companion animal sterilization program, which is currently established in the Department of Agriculture, Conservation and Forestry (ACF) rules. The bill adds personnel costs to the allowable expenditures of the Companion Animal Sterilization Fund, an Other Special Revenue Funds account within the ACF. The bill includes allocations to ACF of \$29,924 beginning in fiscal year 2023-24 for one part-time Senior Planner position and associated costs to assist in managing the companion animal sterilization program with a third-party administrator. The bill also includes General Fund appropriations of \$3,292 to ACF beginning in fiscal year 2023-24 for technology management costs related to the position.