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REPORT TO COMMISSIONER OF
AGRICULTURE ROBERT SPEAR

FROM THE WORKING GROUP ON
ANIMAL WELFARE

March 15, 2001

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March 15, 2001

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Commissioner Robert W. Spear
State of Maine Department of Agriculture,
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Commissioner's Office
28 State House Station
Augusta, Maine 04333-0028

Re: Animal Welfare Advisory Group-Final Report

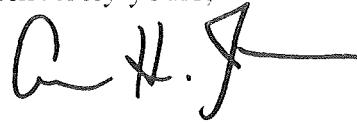
Dear Commissioner Spear,

On behalf of the twelve members of the Animal Welfare Advisory Group, I am today submitting to you the Group's unanimous final report for your review. The Group put in scores of hours investigating the problem, discussing possible solutions and finally compiling this report.

The Advisory Group stands firm and is united in its' belief that substantial revamping and restructuring of the Animal Welfare Program in Maine must occur. There are many serious problems with the way the program is administered and without the changes suggested, the already horrendous problems will only multiply.

I would be happy to meet with you to discuss the contents of the report and a plan of action. I look forward to hearing from you.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'A.H.J.' followed by a long horizontal flourish.

Anne H. Jordan, Chair
Animal Welfare
Advisory Group

INTRODUCTION

During the summer and fall of 2000, the Maine State Legislature's Joint Standing Committee on Agriculture, Conservation and Forestry, held one public hearing and two work sessions to receive testimony and information concerning the animal welfare system in Maine. The hearings were called because of the number of public complaints and outcry concerning the lack of effective enforcement of Maine's animal welfare laws.

The Committee heard hours of testimony from Department of Agriculture, Food and Rural Resources employees, representatives of a variety of animal welfare groups, individuals employed in the field of animal welfare and rescue and private citizens. Members of the Committee received various exhibits and suggestions were discussed.

As a result of the public hearings, Commissioner Robert Spear of the Department of Agriculture appointed a twelve-person committee to conduct an investigation into the State of Animal Welfare in Maine. The Committee was charged with issuing a report outlining its findings and suggestions for both short term and long-term solutions and effective change.

The Committee first met in December of 2000. The members included the following individuals:

- ❖ Deb Clark-Maine Federation of Humane Societies
- ❖ Cindy Dunton-Animal Control Officer-Newburgh, Maine
- ❖ Dr. Jeffrey Fay-Maine Veterinary Medical Association
- ❖ Robert Fisk-Maine Friends of Animals

- ❖ Geoffrey Herman- Maine Municipal Association
- ❖ Donald Harper- Maine Animal Control Association.
- ❖ Anne Jordan Esq.- Maine State Society for the Protection of Animals
- ❖ Paul Murphy- Chair, Animal Welfare Advisory Committee
- ❖ Jon Olson- Maine Farm Bureau
- ❖ Rep. Wendy Pieh- Joint Standing Committee on Agriculture
- ❖ Hillary Twining-Humane Society of the United States
- ❖ Donna Lamb-University of Maine Cooperative Extension.

The Committee met eight times for over twenty-six hours as a group. Individual members and sub-committees put in countless additional hours researching, discussing and drafting possible solutions for committee consideration. Current employees of the Department of Agriculture Animal Welfare program, including the Director, Full and Part Time Humane Agents, Clerks and the Director of the Education and Training program, were invited to attend and testify, (or submit written comments in lieu of personal appearances) on a confidential basis, concerning the positive and negative aspects of the program. Witnesses were also asked to submit their suggestions for ways to improve the Animal Welfare laws in Maine.

Other individuals who offered testimony or suggestions were former employees of the Department, representatives from the Maine Animal Control Officers Association and the Maine Prosecutors Association and various committee members who have had first hand experiences with Maine's animal welfare system. Research concerning other animal welfare programs and laws across the United States was conducted in an effort to compile the most up to date and complete information available. Current Maine Law was also reviewed.

FINDINGS

Overall, the Committee finds that Maine has adequate and strong animal welfare laws. While there is always room for improvement, the problem here is not the existing laws but the lack of appropriate administration and uniform enforcement.

The Committee finds that there is a substantial problem with the way the Animal Welfare Program is administered in Maine. While there has been a tremendous effort by some individual Humane Agents and Animal Control Officers, the lack of consistent enforcement, training and standards often makes it difficult, if not impossible, for there to be effective enforcement across the State. Often times Humane Agents and ACO's find their hands tied due to lack of standards, appropriate education, constantly shifting and changing directives and lack of consistency. In particular, the testimony and evidence gathered demonstrates that there are significant problems in the following areas:

1. A total lack of written policies and procedures concerning the reporting, investigation and prosecution of animal welfare cases.
2. A total lack of consistency in Department directives and enforcement.
3. A significant problem with establishing, compiling, monitoring and updating the database concerning animal welfare complaints and investigations due to failure of the Department to require the timely filing of investigative reports.
4. A lack of any policy concerning the monitoring of complaints, appropriate responses and follow up concerning initial complaints.
5. A lack of leadership in animal welfare law enforcement.
6. A lack of significant, meaningful, appropriate and timely training, both in the classroom and in the field, for full and part-time State Humane agents.
7. A lack of meaningful, consistent standards for local animal control officers and local law enforcement officials as it relates to their roles and

responsibilities in investigating and handling animal welfare complaints and interaction with the Department.

8. A feeling by members of the Public that complaints are not being reviewed in a timely fashion or taken seriously.
9. A problem with failure to pursue funding and collection of fees that support the program.
10. A failure to establish or implement an effective well-monitored system for members of the public to report animal Welfare Emergencies during non-business hours.
11. A failure to establish or maintain consistent standards for the taking of and handling of complaints concerning animal welfare matters.
12. A failure to develop and establish uniform investigative, reporting and report writing standards so that the reports submitted are legally sufficient for acceptance by local district attorneys for civil or criminal prosecutions.
13. A failure to provide sufficient and timely continuing legal and field education programs to ACO's after they are initially trained.
14. A failure on the part of leadership to be fully informed of and conversant with Maine's Animal Welfare, Criminal Code, Criminal History Records and Administrative Procedure laws.
15. A lack of knowledge of and/or misunderstanding of the rules, regulations and procedures concerning Maine's Court system.
16. An attitude that animal welfare is not a high priority and is not given the appropriate attention required by statute and by the general public.
17. A need to revamp, make independent and strengthen the role of the Animal Welfare Advisory Committee.
18. A need to insure that all Animal Control Officers possess a minimum level of literacy skills needed to properly perform their jobs.

RECOMMENDATIONS

It is the unanimous recommendation of the Committee that the animal welfare program in Maine be reorganized and revamped. The Committee views this as an emergency situation and strongly recommends to the Commissioner that the changes set forth below be implemented as soon as possible. The Committee suggests that emergency legislation is warranted to secure the necessary funding and procedures needed to fully and properly implement the program. The Committee makes the following suggestions:

1. Animal Welfare should be immediately removed from the supervision of the Director of the Division of Animal Health and Industry.
2. Animal Welfare should be established as a separate Division that reports directly to the Commissioner of Agriculture, Food and Rural Resources.
3. As evidenced by the attached job descriptions, it is recommended that the Animal Welfare Division be composed as follows:
 - A. Chief Humane Agent-Reports directly to the Commissioner
 - B. Deputy Chief Humane Agent
Either the Chief or the Deputy should be a licensed Veterinarian.
 - C. 7 Full time District Humane Agents-each assigned to a specific Prosecutorial District (See Exhibit B)
 - D. 1 Clerk Typist III/Officer Manager
 - E. 1 Computer/Information specialist.

The proposed job descriptions outline the tasks and responsibilities for each position are attached as Exhibit A. The Committee strongly urges the Commissioner to immediately start the process for filling the positions of Chief

Humane Agent and Deputy Chief Humane Agent. He should enlist any interested members of the Committee in the screening and hiring process.

4. The Committee strongly suggests that at a *minimum* all Humane Agents enroll in and successfully complete the 100- hour in service training program administered at the Maine Criminal Justice Academy or a similar course that is recognized and approved by the Maine Criminal Justice Academy.
5. Once agents complete the 100- hour course, they should be required to attend substantive, meaningful and appropriate additional education and training on an annual basis. This training should encompass hands on field training with large, small and exotic animals as well as classroom training in areas such as legal issues, investigative techniques, animal health and welfare, report writing, and the handling of sick, injured, drugged or abandoned animals of all types.
6. The Chief Humane Agent should immediately undertake the supervision and drafting of consistent, legal and appropriate written standards and procedures for the handling of all animal welfare complaints during regular business hours from the time of the initial call until the case is completed. Included in this, should be requirements for prompt dispatch, timely response, submission of written reports on a timely and periodic basis while the case is pending, the establishment of a “tickler system” to track the progress of each case and the submission, on a timely basis, of a final written report for each and every complaint, court case and inspection or licensing of a facility. These requirements should apply whether or not the complaint was substantiated or unsubstantiated or remedial, educational or court action was taken.

7. The Chief Humane Agent shall draft written procedures for and implement a consistent, effective and appropriate method for the reporting of animal welfare emergencies and prompt response to the same during non-business hours. This would include uniform methods and procedures for 24/7 duty coverage, receiving and recording complaints by name, address, town and animal type, the cross referencing of complaints based on certain data and methods of response. The Chief Humane agent should be responsible for ensuring that once the system is in place, it is followed and is working efficiently and effectively.
8. In order to strengthen and improve the program for certifying Animal Control Officers the following changes should be implemented:
 - a. Require all Animal Control Officers take and pass the ALERT test currently administered to all applicants to the Maine Criminal Justice Academy. This requirement would ensure that at a minimum all certified Animal Control Officers in Maine would have the minimum level of literacy skills needed to perform their job.
 - b. Require the Department to offer annual training courses for Animal Control Officers including training in areas such as animal handling and care, legal and courtroom issues, animal health, investigative techniques and report writing.
9. The Animal Welfare Advisory Council should be established. This Council would replace the current Animal Welfare Advisory Committee. The standards and procedures for that group are attached as Exhibit B.
10. The Chief Humane Agent, or his or her designee, should establish a working relationship with members of the Maine Prosecutors Association in order to promote a closer working relationship, implement efficient and effective policies and procedures for screening of potential civil and criminal cases. The Chief Humane Agent should work with prosecutors to establish written standards for

investigation and reports of animal cruelty matters so that in the circumstance where prosecution is appropriate, cases are referred and handled efficiently and effectively in accordance with Maine law.

11. All employees of the Animal Welfare Division should be trained in Animal Welfare law, pertinent portions of the Maine Criminal Code, the Freedom of Information Act and the Criminal History Records Information Act. Annual training in this area, as well as training concerning the changes in Animal Welfare laws should occur.
12. The Department should design and implement a system that permits public comment and suggestions for improving animal welfare in Maine. The Animal Welfare Advisory Council may best accomplish this.
13. The Department should seek appropriations and set aside sufficient funds to provide annual and continuing education and training in the field of animal welfare for all employees as well as the annual training for Animal Control Officers previously discussed above. The Department should also seek appropriate funds to supply each employee with the necessary technology, such as cell phones and computers, to effectively and appropriately perform his or her duties.
14. The Chief Humane Agent shall specifically assign each of the Full Time Agents to a specific Prosecutorial District. The purpose of this recommendation is to effectively coordinate criminal and civil prosecution of animal cruelty violations, the handling and processing of search warrants and the effective and appropriate implementation of civil *ex parte* motions and orders as appropriate.

15. The Commissioner of Agriculture is encouraged to submit regular status reports to the Joint Standing Committee on Agriculture, Conservation and Forestry regarding progress made on this report

FUNDING OF THE PROGRAM

Currently, dog-licensing fees fund the Animal Welfare Program. The Committee's investigation revealed that revenues collected in fiscal year 2000 was significantly less, (approximately \$200,000) than that collected in 1994. It appears that the reason for such a decrease is not due to the decrease in the number of licensed dogs in Maine but rather it is due to a failure to properly follow through on collections of fees from various towns across Maine as well as a lack of licensing enforcement.

The Committee does not believe that funding should come solely from dog licensing fees. The system is antiquated, inconsistent and unfairly places the burden of paying for all animal welfare programs on dog owners alone.

The Committee also recognizes that there is currently a large projected budget deficit in Maine and that the availability of new funds from the General Fund is highly unlikely.

The Committee has devised a plan for the funding of the Animal Welfare Division that will provide more than sufficient funds to support the new proposal, will reduce the administrative burden on cities and towns and will allow for a more centralized, efficient manner of collection and accountability. The structure proposed would more than adequately fund the Division thus eliminating the need for a Fiscal Note.

The system will also allow the Animal Welfare Division to better track Maine's animal population and provide a centralized data base that will assist local law enforcement agencies and animal shelters in identifying lost or stray animals and reuniting them with their owners. This funding method is based on statistics from a Study of the American Veterinary Medical Association on animal Populations in Maine and New England. A copy of a portion of that study is attached as Exhibit C. Thus, the committee makes the following recommendations.

1. Repeal the current dog licensing law.
2. Repeal the law dealing with dog warrants.
3. In its place, implement a fee imposed on all rabies shots given to dogs, cats, equine and ferrets in Maine. The licensed veterinarian who administers the shot shall collect the three-dollar/shot fee and remit it to the State on a monthly basis. Reports can be submitted either via the US Mail or electronically.
4. Of the three dollars, one dollar shall be kept by the Vet for his or her administrative costs. Two shall be remitted to the Department of Agriculture, Conservation and Forestry. The Chief Humane Agent, working in consultation with The Commissioner, shall devise and establish a budget using these funds that will adequately and appropriately fund the Animal Welfare Program. The Department shall also establish a formula whereby a portion of the funds submitted to the Department shall be remitted to the Town(s) where

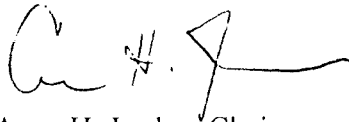
an owner resides, to be used for local animal welfare enforcement programs.

5. To effectively implement this program, the Department will need to devise and implement a centralized system for assigning rabies shot licensing numbers and certificates and distributing them to veterinarians across the state.
6. The Department will also need to establish a centralized database that can be accessed by local law enforcement agencies and licensed animal shelters. This database can then be used to track animal owners by rabies tag numbers.
7. The Department, in conjunction with the Maine Veterinary Medical Association, will need to devise and deliver to licensed veterinarians and their staffs an educational session outlining the program and procedures.

CONCLUSION

The Animal Welfare Advisory Working group has found serious and long-term problems with the manner in which the Animal Welfare Program is administered. The program must be removed from the Division of Animal Health and Industry and be significantly restructured and revamped. Fast, effective and efficient methods and programs must be implemented so that no more animals suffer needlessly because of the failure of the Department to act.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. H. Jordan', with a long horizontal flourish extending to the right.

Anne H. Jordan, Chair
Animal Welfare Advisory Working Group

EXHIBITS

EXHIBIT A

ANIMAL WELFARE PROGRAM: PROPOSED JOB RESPONSIBILITIES

- I. CHIEF HUMANE AGENT (1)
- II. DEPUTY CHIEF HUMANE AGENT (1)
- III. DISTRICT HUMANE AGENTS (7)
- IV. CLERK TYPIST III/Office Manager (1)
- V. COMPUTER-INFORMATION MANAGEMENT SPECIALIST

Given the problems with the Animal Welfare Program that have become apparent through legislative hearings and work sessions, as well as the testimony heard by this Working Group, our committee believes that it is extremely important to establish a full-time leadership position dedicated specifically to the Animal Welfare Program. This person would oversee the Deputy Humane Agent as well as the 7 District Humane Agents and would be responsible for developing cohesive, proactive, and effective policies regarding the enforcement of animal welfare laws throughout the state.

We see the need for a veterinarian in the department who can assist humane agents in assessing animal cruelty, neglect, and abuse, who can provide expert testimony in a court of law, and who can perform specific veterinary procedures such as collecting blood samples at pulling contests. We are concerned that hiring a state vet on a per diem, "as needed" basis would not provide the Animal Welfare Program with enough continuity or cohesion. A staff person with a veterinary medical degree would also augment and reinforce the general credibility of the program.

However, we also see the need for a hands-on director or supervisor who has a clear understanding of the fieldwork required of the state's humane agents, as well as

experience in law enforcement and detailed knowledge of Maine's animal welfare laws.

We believe that a veterinarian should occupy the role of *either* the Chief Humane Agent or the Deputy Chief Humane Agent. If the proposal to create a comprehensive rabies vaccination program to fund the Animal Welfare Program goes into effect, we think that it would be appropriate for someone with a veterinary background to oversee this program.

Our committee feels that, while changes at the top are important and necessary, it is the work of the humane agents that serves as the bread and butter of the Animal Welfare Program. As such, they need to receive improved support and training and their ranks need to be augmented. One of the most effective ways to do this would be to raise the part-time humane agents to full-time positions. By proposing a total of seven full-time agents, as well as the Deputy Chief Humane Agent who will act in both an Agent and supervisory capacity, our aim is to assign one humane agent to each of the eight prosecutorial districts in Maine. This approach will provide agents with the opportunity to establish ongoing working relationships with the District Attorney and Assistant District Attorneys in their assigned district.

The State of Maine is divided into eight Prosecutorial Districts as follows:

- (1) York County- Mike Cantara - D.A.
- (2) Cumberland County-Stephanie Anderson-D.A.
- (3) Androscoggin, Franklin, and Oxford Counties-Norman Croteau-D.A.
- (4) Kennebec & Somerset Counties-David Crook-D.A.
- (5) Penobscot & Piscataquis Counties-Chris Almy-D.A.
- (6) Knox, Sagadahoc, Lincoln, & Waldo Counties- Geoffrey Rushlau-D.A.

(7) Hancock & Washington Counties-Mike Povich-D.A.

(8) Aroostook-Neale Adams-D.A.

SALARIES

The Committee acknowledges that salary recommendations for the Chief Humane Agent, Deputy Chief Humane Agent, District Humane Agents, Clerk Typist III/Office Manager and Information/Computer Specialist must conform to the state government's employee classification system. The Committee believes that the Chief Humane Agent should receive a salary comparable to that of the current Director of Animal Health and Industry and that the Humane Agents should receive a salary or hourly wage comparable to the current District Humane Agents, provided that all humane agents become full-time. In addition, we believe the current hourly wage for the Clerk Typist III position, should be increased to the equivalent of a paralegal/office manager given the true range of responsibilities encompassed by this position (e.g. dispatcher, liaison with the public and other departments/agencies, etc.)

The job descriptions, skills, responsibilities, and requirements for positions listed as: I, II, & III, have been compiled from a variety of sources. The job description and responsibilities for Clerk Typist III/Office Manager and Computer Information Specialist should be adopted from other similar positions in State Government.

CHIEF HUMANE AGENT

- (a) It shall be the duty of the Chief Humane Agent to see that all applicable laws are being enforced in regards to the Animal Welfare Program. The Chief Humane Agent shall answer directly to the Commissioner.

- (b) It shall be the duty of the Chief to see that proper and adequate training is provided for all Humane Agents as well as Animal Control Officers and to make sure certification and re-certification standards are adhered to.
- (c) The Chief shall propose legislative changes that will have a positive effect on the animals and people of the State of Maine.
- (d) The Chief shall work with State agencies in order to improve the efficacy of the Animal Welfare Program in regards to enforcement and education.
- (e) A monthly report of activities shall be submitted to the Commissioner.
- (f) The Chief shall be certified and meet the training requirements in 25 MRSA, 2804-B, and in service law enforcement training requirements in 25 MRSA ss2804-E. The Chief shall retain all proper certifications and any other requirements as required by the Commissioner or MCJA.
- (g) The Chief shall have a minimum of 10 years combination of training, education, and experience in animal care and law enforcement.
- (h) The Chief Humane Agent shall be responsible for drafting and implementing a uniform system of standards, procedures and policies for the Division and shall see that the policies are followed and enforced.

DEPUTY CHIEF HUMANE AGENT

- (a) The Deputy Chief shall serve as one of the District Humane Agents and in addition to his/her regular duties as outlined under District Agents, shall serve as the second in command and shall have the authority to act in that capacity. It shall be the responsibility of the Deputy Chief to help and assist all District

Humane Agents throughout the State. The responsibility of all District Humane Agents shall fall under the Deputy Chief unless otherwise specified by the Chief.

- (b) It shall be the responsibility of the Deputy Chief to maintain certification and re-certification in all areas as required by law.
- (c) The Deputy Chief shall have a minimum of 5 years combination of training, education, and experience in animal care and law enforcement.
- (d) The Deputy Chief Humane Agent shall assist the Chief Humane Agent in drafting necessary policies, educational programs and other documents or projects or programs assigned to him or her by the Chief Humane Agent.
- (e) The Deputy Chief Humane Agent shall be a graduate of the 100-hour pre-service course offered by the Maine Criminal Justice Academy or an equivalent course approved by the Maine Criminal Justice Academy.
- (f) The Deputy Chief Humane Agent shall meet all the requirements of a District Humane Agent.

DISTRICT HUMANE AGENT

Description: This field service work involves investigating and prosecuting animal abuse and cruelty, inspecting animal facilities, and monitoring events involving animals. Responsibilities include but are not limited to the enforcement of all applicable laws pertaining to Animal Welfare in the district assigned to that humane agent. It shall be the responsibility of the District Humane Agent to assist and help in any way possible, any local Animal Control Officer, Animal Law Enforcement

Officer, Sheriff, Police Department, State Police, or other enforcement agency that may need assistance in matters relating to animal welfare issues. Work duties and assignments shall come from the Chief or Deputy Chief.

(1) This is a full time 40-hour workweek, although humane agents may be called to duty at any time by the appropriate authority. Each District Humane Agent should anticipate that there will be times when he or she will be required to work outside the normally scheduled work week and will, on a rotating basis, be required to be on call during non-business hours to respond to animal welfare emergencies cases.

(2) Individuals will fill out daily worksheets, which will be submitted directly to Animal Welfare for logging, and in addition, shall submit a monthly report to the Chief Humane Agent.

(3) District Humane Agents shall investigate any and all complaints from his/her district and shall file complete reports on each incident. A copy of all dispatches and reports shall go to the central office and shall be logged into and maintained as part of the Division's centralized database and record keeping system. .

(4) District Humane Agents shall enforce any and all applicable laws when necessary to deter the problem of repeat offenders.

(5) District Humane Agents shall inspect pet shops, kennels, shelters, fairs, circuses, concerts, and other places where animals are kept in order to ensure compliance with state laws, rules, regulations, and requirements.

(6) District Humane Agents shall assist and direct, when necessary, local Animal Control Officers or municipalities who have requested assistance in matters beyond

their capacity. They shall also work with and assist any local or state agencies that require assistance in this particular field.

(7) District Humane Agents shall have full knowledge and understanding of the Animal Welfare Laws and be able to interpret and explain the rules and regulations of these laws to other individuals or agencies.

(8) District Humane Agents shall write reports of any and all investigations, inspections, and other duties assigned, and shall keep a daily activity log in order to provide information and documentation. These sheets shall be submitted to the Augusta office on a regular basis as directed by the Chief Humane Agent.

(9) District Humane Agents shall be able to effectively testify in court when necessary.

(10) District Humane Agents shall speak before groups, when available, in order to explain animal welfare laws, rules, and regulations and to perform in a manner that promotes good public relations.

(11) District Humane Agents shall assist, when necessary, in the training of any individuals in his/her district in the enforcement of the applicable Animal Welfare Laws.

Entry Level Knowledge, Skills, and Abilities Required: Applicants will be screened for these through documentation of previous experience, recommendations from colleagues and supervisors, interviews, oral and/or written performance, and other evaluations:

Each Agent shall have a combination of background and experience in the following areas:

- Knowledge of the care, handling, maintenance, and treatment of animals, including livestock.
- The ability to handle animals safely and humanely.
- The ability to communicate effectively both orally and in writing.
- The ability to meet enforcement problems with firmness and tact.
- The ability to deal effectively and courteously with the public.
- The ability to testify in a court of law.
- The ability to interpret, explain, and enforce the Animal Welfare Laws, rules, regulations, policies, and procedures.
- Knowledge of Maine Animal Welfare Laws and all applicable laws.
- Knowledge of first aid techniques and practices for animals.
- Knowledge of investigation methods and techniques.
- Knowledge of public speaking.
- Knowledge of how to apply Animal Welfare Laws to field situations.
- Ability to assist any official in the District who may need guidance or direction.
- Ability to prepare court cases and all necessary documents.
- Ability to train others.

Minimum Qualifications:

...A four-year combination of training, education, and experience in law enforcement, as well as familiarity with animal care and maintenance, including livestock.

Certification Requirements:

All District Humane Agents must attend and successfully complete the pre-service law enforcement training requirements as stated in Title 25 MRSA Section 2804-B, and must successfully pass the training and certification for Animal Control Officers as stated in Title 7 MRSA Section 3906-B subsection 4. It shall be the responsibility of the Agent to maintain his/her certification in all areas specified.

EXHIBIT B

ANIMAL WELFARE ADVISORY COUNCIL

Commissioner Spear, in conjunction with the Chief Humane Agent, should draft legislation that establishes The Animal Welfare Advisory Council. The legislation should repeal the legislation establishing the Animal Welfare Advisory Committee and replace it with the Advisory Council. The council would be comprised of the following members:

1. One member who is a Certified Maine Animal Control Officer
2. One member who is a prosecuting attorney with experience in handling animal welfare cases.
3. A licensed veterinarian from the Maine Veterinarian Association
4. One member who represent the Maine Federation of Humane Societies
5. One member from the Maine State Society for the Protection of Animals
6. A member from The Humane Society of America
7. A representative from the Membership of the Maine Municipal Association
8. Two members that are employed full time in an animal related field-one licensed Maine kennel owner and one licensed Maine pet shop owner
9. One member from the membership of the Maine Farm Bureau
10. One member of the general public
11. One member from the Maine Friends of Animals.

Additionally, The Commissioner of Agriculture or his designee shall serve on the committee in a non-voting ex officio manner.

Members on the Advisory Council shall be nominated by the Governor and approved by vote of the Joint Standing Committee on Agriculture, Forestry and Conservation. Each group named above should be strongly encouraged to submit names of prospective members to the Governor for his or her review.

The Advisory Council should be required to meet at least six times per year, should elect, from among its membership its chair, vice-chair and sub-committee

members. It should set its agenda, call for public input, be authorized to conduct or require Department employees to conduct research in animal Welfare matters and establish and hold public hearings to allow members of the public to testify when necessary to address animal welfare matters and concerns. It should make written proposals for changes to the Joint Standing Committee on Agriculture and be authorized, under Title 5, to draft proposed rules and regulations and proposed legislation.

The Advisory Council should also be given the power to require The Commissioner or his designee to submit timely, regular reports on animal welfare matters, draft, revise and implement written policies and procedures for the Department, compel their attendance at Council meetings and appear before the Legislature as requested. The Council should participate in the development of the training programs required of all animal welfare employees and ACO's.

The legislation establishing this council should require the Advisory Council to make annual written reports to the Joint Standing Committee on Agriculture that sets forth, in detail, the status of Animal Welfare in Maine each year. As part of this, the Council should be given the authority to compel the Department to provide to the Council, in detailed form but in such a manner as to comply with the confidentiality statutes, a report outlining the number of animal welfare complaints received, investigated and prosecuted or closed out.

Finally, the Advisory council should have the authority to hire individuals to conduct research necessary to compile the information needed to carry out its mission.

EXHIBIT C

US PET OWNERSHIP AND DEMOGRAPHICS SOURCEBOOK
CENTER FOR INFORMATION MANAGEMENT
AMERICAN VETERINARY MEDICAL ASSOCIATION

U.S. PET

OWNERSHIP & DEMOGRAPHICS SOURCEBOOK



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American Veterinary Medical Association**

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PREFACE

Pets are an important part of American society. In fact, more than 58 million households in the United States have a dog, cat, bird, or other companion animal as a member of their family. Pets are popular because, through the human-animal bond, they provide companionship, joy, unconditional love, a sense of safety, and often, service.

The *U.S. Pet Ownership and Demographics Sourcebook* summarizes statistical data about pet ownership, the demographics of households that own pets, the use of veterinarians, and expenditures for veterinary medical services. Data on registration of dog and cat breeds were also provided. Simple formulas, derived from ownership statistics, are provided to assist in the estimation of the population of pets in a community or local area.

The statistics reported here were the result of a national survey conducted by the American Veterinary Medical Association. Survey forms were sent to 80,000 randomly selected households. Nearly 60,000 individuals (75%) completed and returned the survey form.

The report was divided into five chapters that detailed: (1) population of pets, (2) breeds of pets, (3) demographics of pet ownership, (4) profiles of pet-owning households, and (5) use of and expenditures for veterinary medical services. The appendices provide information about study methodology, statistical inference, and organizational resources. A final section on formulas provides readers with the means to estimate the number of pet-owning households or the size of the pet population in their community.

Statistical research was conducted the Center for Information Management of the American Veterinary Medical Association. The *U.S. Pet Ownership and Demographics Sourcebook* is one element of the Center for Information Management's strategy to develop and integrate the best information possible on the companion animal population and the market for companion animal services.

The continuation of this research and publication of this report required the commitment and support of the American Veterinary Medical Association's Executive Board, staff, and members. Their confidence in, and support of the Center for Information Management make this research possible.

A special thank you is given to Mr. Brad Gehrke, MS, Research Analyst in the Center for Information Management. Mr. Gehrke conducted the statistical research and prepared the research findings for this publication.

The AVMA also thanks Mr. Tom Dent from the Cat Fanciers' Association and Mr. John Mandeville from The American Kennel Club who provided the breed registration information provided in Chapter 2.

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pet populations in 1987 and 1991, fish were not explicitly listed on the survey document. The reported rate of fish ownership was 2.8% in both periods. Review of these results and comparison with independent results indicate that the rate of fish ownership was most likely under reported in 1987 and 1991. That is, respondents appeared to be less likely to report fish ownership when fish were not specifically listed on the survey document.

However, it should not be assumed that all rates of ownership for specialty and exotic pets have been systematically under reported. There is evidence to suggest otherwise. When collecting 1996 data, ferrets and rabbits were explicitly listed on the questionnaire for the first time. However, these two species did not exhibit a substantial increase in the reported rate of ownership that was evident in the reported rate of fish ownership. In fact, the rate of reported ferret ownership decreased.

Table 1-3. United States pet ownership - the number of specialty and exotic pet-owning households and population estimates, December 31, 1991 and 1996.

Type of Pet	Number of pets per Household		Number of households (1,000)		Population of pets (1,000)	
	1991	1996	1991	1996	1991	1996
Fish*	9.05	8.92	2,652	6,228	23,997	55,554
Ferrets*	1.45	2.00	189	395	275	791
Rabbits*	3.22	2.63	1,420	1,878	4,574	4,940
Hamsters	1.39	1.86	947	1,008	1,316	1,876
Guinea Pigs	1.77	1.87	473	583	838	1,091
Gerbils	2.18	2.76	284	277	619	764
Other Rodents	2.31	2.42	379	435	875	1,053
Turtles	1.87	1.78	379	534	708	950
Snakes	3.88	4.14	189	217	735	900
Lizards	1.66	1.55	189	455	314	705
Other Reptiles	2.97	2.75	95	336	281	924
Other Birds (pigeons and poultry)	13.78	13.16	379	336	5,220	4,423
Livestock	7.12	11.61	473	524	3,371	6,083
All Others	3.37	3.26	189	376	638	1,225

* Fish, Ferrets, and Rabbits were specifically listed on the 1996 survey, but were not listed in 1991.

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Table 1-6. United States dog ownership - the percentage and number of dog-owning households and dog population estimates by state and region, December 31.

State or Region	Households that owned a dog				Dog population	
	1991 (%)	1996 (%)	1991 (1,000s)	1996 (1,000s)	1991 (1,000s)	1996 (1,000s)
Total United States	36.5	31.6	34,565	31,228	52,539	52,922
New England	27.5	24.0	1,377	1,239	2,094	1,825
Connecticut	28.0	25.2	350	319	532	498
Maine	32.0	26.9	151	132	229	196
Massachusetts	25.2	22.5	575	529	873	757
New Hampshire	33.5	25.5	139	112	212	148
Rhode Island	25.9	22.6	99	88	151	127
Vermont	28.5	25.8	29	59	93	109
Middle Atlantic	29.3	24.0	4,142	3,502	6,297	5,152
New Jersey	28.0	23.1	793	682	1,205	954
New York	26.9	21.9	1,809	1,511	2,749	2,222
Pennsylvania	33.1	27.7	1,511	1,309	2,296	1,976
East North Central	35.6	30.0	5,640	4,986	8,574	7,903
Illinois	34.8	28.3	1,482	1,263	2,253	2,059
Indiana	37.0	33.6	775	753	1,178	1,182
Michigan	37.2	30.2	1,291	1,097	1,962	1,678
Ohio	36.4	30.4	1,509	1,321	2,294	2,166
Wisconsin	31.6	28.2	584	553	887	818
West North Central	37.0	33.1	2,525	2,364	3,838	3,852
Iowa	35.3	31.6	381	354	579	538
Kansas	40.8	34.8	391	349	595	572
Minnesota	32.6	28.5	545	506	829	758
Missouri	40.4	36.9	803	769	1,221	1,368
Nebraska	41.8	35.2	255	224	388	365
North Dakota	33.1	27.6	81	69	123	106
South Dakota	30.6	34.3	80	94	122	145
South Atlantic	35.6	31.7	5,960	5,760	9,059	10,027
Delaware	36.0	31.2	90	85	137	134
District of Columbia	13.2	6.9	33	17	51	27
Florida	30.8	28.2	1,602	1,594	2,435	2,758
Georgia	40.5	35.8	973	958	1,479	1,677
Maryland	31.9	26.6	567	505	861	758
North Carolina	39.4	36.9	1,006	1,025	1,529	1,865
South Carolina	41.2	35.8	526	497	799	928
Virginia	34.6	31.3	804	792	1,222	1,346
West Virginia	48.0	39.3	336	287	510	534

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Table 1-9. United States cat ownership - the percentage and number of cat-owning households and cat population estimates by state and region, December 31.

State or Region	Households that owned a cat				Cat population	
	1991 (%)	1996 (%)	1991 (1,000s)	1996 (1,000s)	1991 (1,000s)	1996 (1,000s)
Total United States	30.9	27.3	29,219	27,007	56,977	59,084
New England	35.8	29.9	1,796	1,542	3,503	3,150
Connecticut	35.1	30.1	439	381	855	789
Maine	44.0	39.0	208	192	405	414
Massachusetts	34.4	26.5	785	622	1,531	1,269
New Hampshire	36.3	36.1	151	159	295	295
Rhode Island	30.4	24.4	116	95	227	191
Vermont	46.9	41.1	100	94	196	190
Middle Atlantic	27.0	23.5	3,820	3,428	7,449	6,705
New Jersey	25.5	21.7	724	640	1,412	1,178
New York	27.6	23.6	1,858	1,631	3,622	3,213
Pennsylvania	27.2	24.5	1,239	1,157	2,416	2,314
East North Central	28.5	24.9	4,503	4,136	8,781	9,045
Illinois	26.5	23.0	1,129	1,025	2,202	2,224
Indiana	31.4	26.0	658	583	1,284	1,358
Michigan	30.1	24.6	1,042	894	2,033	1,878
Ohio	29.4	26.8	1,218	1,162	2,374	2,533
Wisconsin	24.5	24.1	452	472	881	1,052
West North Central	31.0	28.3	2,116	2,017	4,126	5,213
Iowa	29.8	31.5	321	353	626	946
Kansas	34.6	28.7	332	288	647	817
Minnesota	28.8	24.4	481	433	937	1,018
Missouri	30.6	29.2	608	608	1,186	1,375
Nebraska	35.5	29.2	217	186	422	549
North Dakota	35.0	30.7	85	77	167	271
South Dakota	27.6	26.5	73	73	142	237
South Atlantic	28.4	26.1	4,760	4,744	9,281	10,117
Delaware	29.7	27.5	74	75	145	183
District of Columbia	21.7	9.2	55	23	107	41
Florida	25.1	24.8	1,308	1,401	2,550	2,984
Georgia	31.3	28.2	751	755	1,464	1,564
Maryland	28.2	25.0	501	474	977	944
North Carolina	26.3	26.0	671	721	1,307	1,572
South Carolina	31.7	28.6	405	396	789	855
Virginia	32.3	26.1	751	660	1,465	1,479
West Virginia	34.7	32.5	242	238	472	494

Table 1-15. United States horse ownership - the percentage and number of horse-owning households and horse population estimates by region, December 31, 1991 and 1996.

Region	Households That Owned a Horse				Horse Population	
	1991 (%)	1996 (%)	1991 (1,000s)	1996 (1,000s)	1991 (1,000s)	1996 (1,000s)
Total United States	2.0	1.5	1,925	1,492	4,890	3,992
New England	1.1	0.8	55	41	139	95
Middle Atlantic	0.8	0.6	116	93	295	216
East North Central	1.4	1.3	228	208	580	555
West North Central	2.8	2.1	190	150	483	379
South Atlantic	1.8	1.2	307	224	781	606
East South Central	2.6	2.1	146	127	371	406
West South Central	3.3	2.3	326	243	827	615
Mountain	4.4	2.8	222	163	564	445
Pacific	2.3	1.7	321	244	815	676

Between 1991 and 1996, the rate of horse ownership did not change equally across the country. The largest decrease was in the Mountain region where horse ownership decreased from 4.4% to 2.8% of all households. The smallest decrease was in the East North Central region where horse ownership decreased from 1.4% to 1.3% of all households.

The number of households that owned horses decreased in all regions. The greatest decrease was again in the Mountain region where 222,000 households owned horses in 1991, but only 163,000 households owned horses in 1996, a decrease of 36.2%. Nationally, the number of households that owned horses decreased by 22.5%, between 1991 and 1996.

The horse population decreased by 18.4% nationally. The decrease was evident in all regions except the East South Central region where the horse population increased by 9.4%. Horse populations decreased from a 4.3% in the East North Central region to a 31.6% in New England.

APPENDIX C

Formulas to Estimate Pet Numbers

Most communities do not have data on the number of households that own dogs, cats, birds, or horses, nor do they have data on the numbers of these pets in their communities. The following formulas can be used to estimate the number of pet-owning households and pet populations in your community.

These formulas will give you a rough approximation of the number of pet-owning households and pet populations. These formulas assume that the demographics and rates of pet ownership in your community are similar to national, state, and regional demographics and rates of pet ownership. However, because these formulas use sample survey data, they should not be considered 100% accurate.

To use the formulas on these pages you need to know the total number of households in the community that you are estimating for. If you only know the population of the community, you can estimate the number of households by dividing the population of the community by the average number of members per household. In 1996, the U.S. Census Bureau estimated that there were 2.65 members per household.

Estimate the Number of Pet-owning Households

To estimate the number of pet-owning households in your community, multiply the total number of households in your community by the percentage of households that owned pets (Figure 1-1; Table 1-1 or 1-2). For dogs and cats you may replace the national percentage with the percentage for the state in which the community is located (Table 1-6 or 1-9). For birds and horses you may replace the national percentage with the percentage for the region in which the community is located (Table 1-12 or 1-15).

The demographics of the state or region may be more similar to the demographics of your community, but, as indicated above (statistical inference, Appendix A), the state and regional estimates have a greater degree of statistical error associated with them than the national estimates. Therefore, without additional analysis, it is undetermined whether an estimate for the number of pet-owning households in your community will be more accurate by using the national estimates, regional estimates, or state estimates.

Formulas for estimating the number of pet-owning households using national percentages:

All Pets:

Number of pet-owning households = $0.589 \times$ total number of households

Dogs:

Number of dog-owning households = $0.316 \times$ total number of households

Cats:

Number of cat-owning households = $0.273 \times$ total number of households

Birds:

Number of bird-owning households = $0.046 \times$ total number of households

Horses:

Number of horse-owning households = $0.015 \times$ total number of households

Estimate the Number of Pets

There are two alternative methods to estimate the number of pets in your community. You can multiply the total number of households in your community by a factor determined by the multiplying the percentage of households that own pets by the number of pets owned per household. Alternatively, you can multiply the number of pet-owning households determined above by the number of pets owned per household (Table 1-1 or 1-2).

As with the number of households, state or regional values may be substituted for the national values if desired. (The number of dogs, cats, birds, or horses per household for states or regions can be determined by dividing the total population of the state or region by the total number of pet-owning households in

FISCAL IMPACT OF FLOOR AMENDMENT

1. Revenue to municipal animal welfare accounts increases with a corresponding loss to state Animal Welfare Fund by:

- \$6.50 for every dog capable of producing young
- \$1.00 for every dog incapable of producing young
- \$15.00 for every kennel licensed by the municipality (does not include breeding or boarding kennels)

Note: The dog fees and kennel fees do not increase, however, the entire fee stays with the town.

2. Revenue is deposited into the state Animal Welfare Fund as follows:

\$3 for each state rabies vaccination certificate furnished to veterinarians. Certificates provided at no cost for low cost rabies clinics. Commissioner may establish criteria for issuing certificates at no cost to veterinarians immunizing animals at licensed shelters.

Fees for licenses for breeding kennels, pet shops, boarding kennels, animal shelters and research institutions are increased as proposed in the original bill and continue to be deposited in the state Animal Welfare Fund. The increase in revenue per license issued is as follows:

- \$25 for breeding kennels
- \$25 for boarding kennels
- \$80 for animal shelters
- \$50 for pet shops
- \$150 for research institutions