



# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 103

H.P. 69

House of Representatives, January 13, 2021

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### An Act To Improve the Animal Welfare Laws

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Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 204.

Received by the Clerk of the House on January 11, 2021. Referred to the Committee on Agriculture, Conservation and Forestry pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative PLUECKER of Warren.

1       **Be it enacted by the People of the State of Maine as follows:**

2       **Sec. 1. 7 MRSA §3906-B, sub-§12**, as enacted by PL 1995, c. 502, Pt. C, §12, is  
3 repealed.

4       **Sec. 2. 7 MRSA §3906-B, sub-§12-A** is enacted to read:

5       **12-A. Right to call and designate assistance.** The commissioner may employ a  
6 person considered necessary to assist in a response to a natural or man-made disaster  
7 affecting animals. A person called and employed for assistance shall proceed to help  
8 resolve the natural or man-made disaster as directed by the commissioner or the  
9 commissioner's designee.

10       A. A person considered necessary to assist in a response must receive compensation  
11 for services at the prevailing rate in the State, except that animal control officers,  
12 veterinarians, animal shelter staff or other groups used outside the State may receive  
13 pay at their usual rates. Equipment may be provided by individuals or groups during a  
14 response. Equipment used in a response must, upon application, be compensated for  
15 at an amount fixed by the state in which the response occurred. A person responding  
16 under this subsection may be provided with subsistence pay during the response.

17       B. The commissioner or the commissioner's designee shall promptly prepare a report  
18 of the commissioner's or the designee's investigation of the response detailing the cause  
19 of the natural or man-made disaster and recommendations for future prevention and  
20 response. The commissioner or the commissioner's designee shall prepare and include  
21 in the report a detailed statement of expenses incurred immediately after the natural or  
22 man-made disaster on forms provided by the department.

23       All requests for reimbursement must be presented to the commissioner or the  
24 commissioner's designee within 60 days after demobilization or become void. The  
25 commissioner or the commissioner's designee may extend the time as long as a  
26 preliminary report has been made.

27       The commissioner or the commissioner's designee shall examine all invoices presented  
28 to the State for reimbursement or direct payment. After items not qualifying for  
29 reimbursement have been deducted, the commissioner or the commissioner's designee  
30 shall approve the remaining items for payment.

31       **Sec. 3. 7 MRSA §3906-C, sub-§1, ¶E**, as amended by PL 1995, c. 502, Pt. C, §13,  
32 is further amended to read:

33       E. One member representing licensed pet shops or pet food suppliers;

34       **Sec. 4. 7 MRSA §3906-C, sub-§1, ¶I**, as enacted by PL 2001, c. 399, §3, is  
35 amended to read:

36       I. One attorney with experience in animal welfare law or the state court system;

37       **Sec. 5. 7 MRSA §3907, sub-§22-C** is enacted to read:

38       **22-C. Pet food supplier.** "Pet food supplier" means any retail location located in the  
39 State that sells feeding supplies for pets or livestock.

40       **Sec. 6. 7 MRSA §3916, sub-§1-A**, as amended by PL 2007, c. 439, §8, is repealed  
41 and the following enacted in its place:

1       **1-A. Required for dogs.** Except as provided in subsection 4, an owner or keeper of a  
2       dog over 3 months of age shall have that dog vaccinated against rabies. The rabies vaccine  
3       must be administered by a licensed veterinarian or under the supervision of a licensed  
4       veterinarian. Upon receiving an initial vaccination, a dog is considered protected for one  
5       year and an owner or keeper of that dog shall get a booster vaccination for that dog one  
6       year after the initial vaccination and subsequent booster vaccinations at intervals that do  
7       not exceed the intervals recommended by a national association of state public health  
8       veterinarians for the type of vaccine administered. A wolf hybrid is required to be  
9       vaccinated in accordance with this subsection. The procedure prescribed under Title 22,  
10       chapter 251, subchapter 5 for a wolf hybrid suspected of having rabies does not change  
11       based on proof that the wolf hybrid has received a rabies vaccination.

12       **Sec. 7. 7 MRSA §3923-G, sub-§6,** as enacted by PL 2011, c. 100, §12, is amended  
13       to read:

14       **6. Exclusion of wolf hybrids, dangerous dogs and nuisance dogs.** This section does  
15       not apply to the licensing of a wolf hybrid, a dangerous dog or a nuisance dog. A person  
16       owning a wolf hybrid, a dangerous dog or a nuisance dog shall obtain a license from the  
17       municipal clerk or the dog recorder for the municipality, plantation or unorganized territory  
18       in which the person owning the wolf hybrid, the dangerous dog or the nuisance dog resides.

19       **Sec. 8. 7 MRSA §3950-A, sub-§2,** as amended by PL 2009, c. 343, §22, is further  
20       amended to read:

21       **2. Penalty.** A person who violates subsection 1 commits a civil violation for which a  
22       fine of not less than \$50 and not more than \$500 and costs may be adjudged and, for an  
23       animal control officer, revocation of that person's certification as an animal control officer  
24       may be imposed.

25       **Sec. 9. 17 MRSA §1011, sub-§2-A** is enacted to read:

26       **2-A. Animal care facility.** "Animal care facility" includes but it not limited to  
27       veterinarians' offices, boarding kennels, equine facilities, animal grooming facilities,  
28       animal shelters and animal day care facilities.

29       **Sec. 10. 17 MRSA §1011, sub-§8,** as enacted by PL 1987, c. 383, §4, is amended  
30       to read:

31       **8. Boarding kennel.** "Boarding kennel" means any place, building, tract of land,  
32       abode or vehicle in or on which privately owned ~~dogs or other pets, or both,~~ animals are  
33       kept for their owners in return for a fee.

34       **Sec. 11. 17 MRSA §1038, first ¶,** as enacted by PL 2005, c. 422, §11, is amended  
35       to read:

36       Abandoning an animal at ~~a veterinarian's office, boarding kennel, animal grooming~~  
37       ~~facility or animal day care facility~~ an animal care facility is a Class D crime.

38       **Sec. 12. 17 MRSA §1038, sub-§1, ¶A,** as enacted by PL 2005, c. 422, §11, is  
39       amended to read:

40       A. Places an animal in the custody of ~~a licensed veterinarian for treatment, boarding~~  
41       ~~or other care, or in a boarding kennel, animal grooming facility or animal day care~~  
42       ~~facility~~ an animal care facility for services offered by that facility; and

**Sec. 13. 17 MRSA §1038, sub-§2**, as enacted by PL 2005, c. 422, §11, is amended to read:

**2. Notice requirement.** Before any animal may be considered abandoned under this section, ~~a veterinarian's office, boarding kennel, animal grooming facility or animal day-care facility~~ an animal care facility shall send written notice, by registered or certified mail, return receipt requested, to the owner or keeper at the owner's or keeper's last known address. Proof of attempted delivery constitutes sufficient notice.

**Sec. 14. 17 MRSA §1038, sub-§3**, as enacted by PL 2005, c. 422, §11, is amended to read:

**3. Ownership of abandoned animal.** When an owner or keeper fails to claim an animal within 10 days of a notice being sent under subsection 2, the ~~veterinarian, kennel, animal care~~ facility or individual who has custody and control of the animal is considered the owner of the animal and shall arrange for its care, including, but not limited to, its adoption, sale or placement with a licensed animal shelter.

## SUMMARY

This bill amends the laws pertaining to agriculture and animals to allow the Commissioner of Agriculture, Conservation and Forestry to employ any person considered necessary to assist in any response to a natural or man-made disaster affecting animals both in the State and outside the State and provides for such a person's compensation. It also establishes reporting requirements regarding such a disaster response. It allows the Animal Welfare Advisory Council to have as a member a person who is a pet food supplier and an attorney with experience in the state court system. It changes the rabies vaccination requirement to provide that an owner or keeper of a dog over 3 months of age must have the dog vaccinated. It adds dangerous dogs and nuisance dogs to those animals that are excluded from obtaining dog licenses through the Internet licensing project. It provides for the revocation of animal control officer certification if the officer refuses or intentionally fails to perform the officer's statutory duties. It amends animal welfare laws to define "animal care facility" and to provide that the definition of "boarding kennel" applies to all privately owned animals that are kept for a fee.