

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND THIRTEEN

H.P. 334 - L.D. 484

An Act To Revise the Animal Welfare Laws

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

**Sec. 1. 7 MRSA §3907, sub-§1-A**, as amended by PL 1993, c. 657, §1, is repealed.

**Sec. 2. 7 MRSA §3907, sub-§1-B** is enacted to read:

**1-B. Abandoned animal.** "Abandoned animal" means an animal that has been deserted by its owner or keeper, excluding animals that are part of a population control effort.

**Sec. 3. 7 MRSA §3907, sub-§12-F** is enacted to read:

**12-F. Dog licensing agent.** "Dog licensing agent" means a veterinarian office or animal shelter that licenses dogs for a municipality.

**Sec. 4. 7 MRSA §3907, sub-§15-C** is enacted to read:

**15-C. Humanely trap.** "Humanely trap" means to trap an animal using traps and trapping methods that are designed to avoid injury to animals to the greatest extent practicable for animal control or animal rescue purposes.

**Sec. 5. 7 MRSA §3907, sub-§23-B** is enacted to read:

**23-B. Population control effort.** "Population control effort" means the activities, programs and projects aimed at reducing the number of cats and dogs without homes, including, but not limited to, the trapping, neutering and vaccinating of feral cats, the trapping of cats for impoundment at an animal shelter and spaying or neutering services for abandoned animals and stray dogs and cats.

**Sec. 6. 7 MRSA §3907, sub-§25-B** is enacted to read:

**25-B. Small animal.** "Small animal" means a bird, reptile or amphibian or a small mammal, other than a cat or dog, commonly kept as a household pet and that is an unrestricted species designated by the Commissioner of Inland Fisheries and Wildlife in rules adopted pursuant to Title 12, chapter 915.

**Sec. 7. 7 MRSA §3919**, as enacted by PL 2001, c. 363, §3, is amended to read:

**§3919. Seizure of stray cats and small animals**

**1. Definition.** For the purposes of this chapter, a "stray cat" means a cat on the premises of a person other than the owner of the cat, without the consent of the owner or occupant of the premises, on a public street or on other public property, except under the physical control of the owner.

**2. Seizure by animal control officer.** An animal control officer or person acting in that capacity may seize or humanely trap a stray cat or small animal and deliver it to an animal shelter as provided for in section 3919-A or section 3919-E or to the owner, if the owner is known. If ownership can not be established, such a cat or small animal may be handled as a homeless cat or small animal for the purpose of acceptance and disposition by an animal shelter.

**3. Person finding stray cat.** A person finding a stray cat or small animal and not knowing the owner or residence of the cat or small animal may take that cat or small animal to the animal shelter designated by the municipality in which the cat or small animal was found.

**Sec. 8. 7 MRSA §3919-E** is enacted to read:

**§3919-E. Disposition of small animals**

**1. Small animals.** When an animal shelter accepts a small animal under section 3919 and the animal does not have identification, the animal shelter shall hold that small animal for not less than 48 hours. After the expiration of the 48-hour period, the animal shelter may treat the small animal as homeless and may:

A. Offer the small animal for adoption, sell the small animal, give away the small animal or transfer the small animal to an appropriate facility or rescue group that can provide for that specific type of small animal; or

B. Otherwise dispose of the small animal humanely in accordance with Title 17, chapter 42, subchapter 4.

An animal shelter may not sell or give any small animal to a research facility.

**2. Exceptions.** A small animal that is subject to permit requirements of the Department of Inland Fisheries and Wildlife under Title 12, chapter 915 may not be adopted or have its ownership transferred without the permission of the Department of Inland Fisheries and Wildlife.

**Sec. 9. 7 MRSA §3922, sub-§1, ¶C**, as amended by PL 2003, c. 405, §11, is further amended to read:

C. From a ~~veterinary licensing agent in accordance with~~ person authorized to issue licenses under section 3923-F; or

**Sec. 10. 7 MRSA §3923-A**, as amended by PL 2009, c. 548, §3, is further amended to read:

**§3923-A. License and recording fees**

Except as provided in subsection 3 and section 3923-C, a dog owner or keeper obtaining a license from a municipal clerk, dog licensing agent or dog recorder shall pay the license and recording fees established in this section. For purposes of this section, "dog licensing agent" means an animal shelter or a veterinarian pursuant to section 3923-F.

**1. Dogs capable of producing young.** A dog owner or keeper shall pay a fee of \$11 to the municipal clerk or dog licensing agent for each dog 6 months of age or older and capable of producing young. A dog is considered capable of producing young unless certification under subsection 2 is provided.

The municipal clerk or dog licensing agent shall retain a \$1 recording fee and pay the remaining \$10 to the department for deposit in the Animal Welfare Fund.

**2. Dogs incapable of producing young.** A dog owner shall pay a fee of \$6 to the municipal clerk ~~or to a veterinary~~ dog licensing agent for each dog 6 months of age or older and incapable of producing young. A dog is considered incapable of producing young when the owner provides the following:

- A. A written certificate issued by a veterinarian stating that the veterinarian has neutered the dog;
- B. A written certificate issued by a veterinarian stating that the veterinarian has examined the dog and determined that the dog is incapable of producing young; or
- C. A previous license stating that the dog is incapable of producing young.

The municipal clerk or dog licensing agent shall retain a \$1 recording fee, deposit \$2 in the municipality's animal welfare account established in accordance with section 3945 and pay the remaining \$3 to the department for deposit in the Animal Welfare Fund.

**3. Exemption from fees.** A municipal clerk or a ~~veterinary~~ dog licensing agent shall issue a license upon application and without payment of a license fee required under this section for:

- A. A service dog owned or kept by a person with a physical or mental disability;
- D. A trained search and rescue dog recognized by the Department of Inland Fisheries and Wildlife or by the statewide association of search and rescue that cooperates with the Department of Inland Fisheries and Wildlife in developing standards for search and rescue or such a dog awaiting training; and
- E. A dog certified by the State and used for law enforcement purposes.

**4. Late fees.** An owner or keeper required to license a dog under section 3922, subsection 1 or section 3923-C, subsection 1 and applying for a license for that dog after January 31st shall pay to the municipal clerk, dog licensing agent or dog recorder a late fee of \$25 in addition to the annual license fee paid in accordance with subsection 1 or 2 and section 3923-C, subsection 1. The clerk, dog licensing agent or dog recorder shall deposit all late fees collected under this subsection into the municipality's animal welfare account established in accordance with section 3945.

**Sec. 11. 7 MRSA §3923-B, sub-§1**, as amended by PL 2007, c. 439, §16, is further amended to read:

**1. Tags.** The municipal clerk or dog licensing agent shall provide with each new license issued under section 3923-A a tag indicating the year the license is issued and bearing other information prescribed by the department. The owner or keeper shall make sure that the tag is securely attached to a collar of leather, metal or material of comparable strength and that the collar is worn at all times by the dog for which the license was issued, except as provided in subsection 3.

If the tag is lost or the owner has moved to a different municipality, the owner or keeper of the dog shall obtain a new license and tag. The municipal clerk or dog licensing agent shall issue another license and tag upon presentation of the original license and payment of \$1. The clerk or agent shall retain the \$1 for a recording fee.

**Sec. 12. 7 MRSA §3923-F**, as amended by PL 2009, c. 343, §14, is further amended to read:

**§3923-F. Veterinarian or animal shelter serving as dog licensing agent**

The commissioner may authorize an animal shelter licensed in accordance with chapter 723 and a veterinarian licensed in accordance with Title 32, chapter 71-A to issue dog licenses under section 3923-A. The commissioner shall adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The rules must provide a process for identifying animal shelters and veterinarians who are willing to serve as dog licensing agents for distributing license blanks, tags and stickers, and for the collection, distribution and deposit of license fees into the appropriate state accounts. ~~The animal shelters and veterinarians shall retain a recording fee of \$3 and pay the remaining fee to the department for deposit in the Animal Welfare Fund.~~

**Sec. 13. 7 MRSA §3932, sub-§6** is enacted to read:

**6. Conditional boarding kennel license.** Upon receiving a license application for a boarding kennel that does not at the time of application hold a valid license under this section, the department shall issue a conditional boarding kennel license to an applicant who pays the required fees and is not prohibited from obtaining a license under section 3935. The conditional license remains in effect until the boarding kennel meets the requirements for a license under section 3936. If a boarding kennel passes an inspection under section 3936 and meets all other conditions of licensure, the conditional license must be changed to a standard license. If a boarding kennel cannot meet minimum

standards within 6 months after the initial inspection, the conditional license may be revoked or suspended by the department pending an administrative proceeding held in accordance with Title 5, chapter 375, subchapter 5.

**Sec. 14. 7 MRSA §3932-A, sub-§4** is enacted to read:

**4. Conditional animal shelter license.** Upon receiving a license application for an animal shelter that does not at the time of application hold a valid license under this section, the department shall issue a conditional animal shelter license to an applicant who pays the required fees and is not prohibited from obtaining a license under section 3935. The conditional license remains in effect until the animal shelter meets the requirements for a license under section 3936. If the animal shelter passes an inspection under section 3936 and meets all other conditions of licensure, the conditional license must be changed to a standard license. If an animal shelter cannot meet minimum standards within 6 months after the initial inspection, the conditional license may be revoked or suspended by the department pending an administrative proceeding held in accordance with Title 5, chapter 375, subchapter 5.

**Sec. 15. 7 MRSA §4011, sub-§1, ¶G,** as amended by PL 2003, c. 414, Pt. B, §14 and affected by c. 614, §9, is further amended to read:

G. Hunts, traps or sells for the purpose of hunting any animal, except as permitted pursuant to chapter 202-A and Title 12, Part 13, and excluding humane trapping of animals for population control efforts or animal control pursuant to this Part;

**Sec. 16. 17 MRSA §1031, sub-§1, ¶G,** as amended by PL 2003, c. 452, Pt. I, §13 and affected by Pt. X, §2, is further amended to read:

G. Hunts, traps or sells for the purpose of hunting any animal, except as permitted pursuant to Title 7, chapter 202-A and Title 12, Part 13, and excluding humane trapping of animals for population control efforts or animal control under Title 7, Part 9. Violation of this paragraph is a Class D crime;