

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Protect Dogs Tied Outside**

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

**Sec. 1. 7 MRSA §4011, sub-§1, ¶E,** as amended by PL 1997, c. 456, §5, is further amended to read:

E. Deprives an animal that the person owns or possesses or keeps of necessary sustenance, necessary medical attention, proper shelter, protection from the weather or humanely clean conditions or fails to comply with the standards for shelter and tethering under section 4015, subsection 6 for dogs when tethering or chaining is the primary means of confinement;

**Sec. 2. 7 MRSA §4015, sub-§6,** as enacted by PL 2005, c. 340, §2, is amended to read:

**6. Dogs confined by tethering for long time periods.** In addition to the requirements of subsection 2, paragraph B, subparagraph (2), when tethering is the primary means of confinement for a dog, the standards for shelter and tethering are as follows:

A. A shelter must be provided that is fully enclosed except for a portal. A shelter must be of adequate space to allow the dog to stand easily, sit, lie, turn around and make all other normal movements in a comfortable and normal manner. The portal must be of a sufficient size to allow the dog unimpeded passage into and out of the structure. For dogs other than arctic breeds, the portal must be constructed in a manner that keeps wind and precipitation out of the interior. The shelter must have clean bedding material sufficient to retain the dog's normal body heat; and

B. The chain or tether must be attached to both the dog and the anchor using swivels or similar devices that prevent the chain or tether from becoming entangled or twisted. The chain or tether must be attached to a well-fitted collar or harness on the dog. For dogs other than arctic breeds, the chain or tether must be at least 5 times the length of the dog measured from the tip of its nose to the base of its tail. For arctic breeds, the chain or tether must be at least 2.5 times the length of the dog measured from the tip of its nose to the base of its tail;

C. A person may not tether, confine or restrain at any time a dog in a manner that would cause pain or injury or entanglement or in a manner that would render the dog incapable of reaching its shelter and water at all times and reaching its food as appropriate;

D. The weight or gauge of any chain or tether must be appropriate for the restrained dog and may not unduly burden the dog;

E. The tether must be attached to a properly fitting collar worn by the dog, with enough room between the collar and the dog's throat for 2 adult fingers to fit. The use of choke collars and pinch collars for chaining or tethering is prohibited. For the purposes of this section, "choke collar" means a length of chain or nylon rope with rings at either end so that the collar can be formed into a loop

around an animal's neck that adjusts tighter when pulled, and "pinch collar" means a series of chain links with open ends turned to the animal's neck so that when the collar is tightened it pinches the naturally loose skin around the animal's neck;

F. It is unlawful for any person to confine or tether a dog outdoors during periods of extreme weather marked by periods of unusually cold temperatures, except for arctic breeds. It is also unlawful for any person to confine or tether a dog outdoors during periods of extreme heat and during periods for which hurricane, tropical storm, winter storm or wind chill warnings have been issued;

G. A dog restrained by a chain or tether must have access to potable, clean and unfrozen water at all times and to suitable, edible and sufficient food as appropriate to ensure the health of the dog;

H. A dog must be removed from the tether or for at least 3 consecutive hours daily. During the period the dog is off the tether or chain, the dog may not be confined in any enclosure other than a fenced yard that provides the dog adequate space for exercise; and

I. A state veterinarian, humane agent, animal control officer or law enforcement officer shall issue a notice to comply or a correction warning to any owner or keeper who commits a violation of this subsection. If the violation endangers the health and safety of the dog, the dog is injured as a result of the violation or a notice to comply or a correction warning has been issued previously, a state veterinarian, humane agent, animal control officer or law enforcement officer shall proceed under the applicable provisions of Title 17, section 1021.

For the purposes of this subsection, "primary means of confinement" means the method used to confine a dog for periods of time that exceed 12 hours in a 24-hour period. For the purposes of this subsection, "arctic breeds" means Siberian Huskies, Alaskan Huskies, Alaskan Malamutes and other dogs with a double-layered coat and bred to live in an arctic climate.

**Sec. 3. 17 MRSA §1037, sub-§7,** as enacted by PL 2005, c. 340, §4, is amended to read:

**7. Dogs confined by tethering for long time periods.** In addition to the requirements of subsection 2, paragraph B, subparagraph (2), when tethering is the primary means of confinement for a dog, the standards for shelter and tethering are as follows:

A. A shelter must be provided that is fully enclosed except for a portal. A shelter must be of adequate space to allow the dog to stand easily, sit, lie, turn around, and make all other normal movements in a comfortable and normal manner. The portal must be of a sufficient size to allow the dog unimpeded passage into and out of the structure. For dogs other than arctic breeds, the portal must be constructed in a manner that keeps wind and precipitation out of the interior. The shelter must have clean bedding material sufficient to retain the dog's normal body heat; and

B. The chain or tether must be attached to both the dog and the anchor using swivels or similar devices that prevent the chain or tether from becoming entangled or twisted. The chain or tether must be attached to a well-fitted collar or harness on the dog. For dogs other than arctic breeds, the chain or tether must be at least 5 times the length of the dog measured from the tip of its nose to the base of its tail. For arctic breeds, the chain or tether must be:

(1) At least 2.5 times the length of the dog measured from the tip of its nose to the base of its tail if the anchor is stationary; or

(2) At least 1.5 times the length of the dog measured from the tip of its nose to the base of its tail if the anchor is a pivot point allowing a ~~360~~ 360 degree area of movement; and

C. A person may not tether, confine or restrain at any time a dog in a manner that would cause pain or injury or entanglement or in a manner that would render the dog incapable of reaching its shelter and water at all times and reaching its food as appropriate;

D. The weight or gauge of any chain or tether must be appropriate for the restrained dog and may not unduly burden the dog;

E. The tether must be attached to a properly fitting collar worn by the dog with enough room between the collar and the dog's throat for 2 adult fingers to fit. The use of choke collars and pinch collars for chaining or tethering is prohibited. For the purposes of this section, "choke collar" means a length of chain or nylon rope with rings at either end so that the collar can be formed into a loop around an animal's neck that adjusts tighter when pulled, and "pinch collar" means a series of chain links with open ends turned to the animal's neck so that when the collar is tightened it pinches the naturally loose skin around the animal's neck;

F. It is unlawful for any person to confine or tether a dog outdoors during periods of extreme weather marked by periods of unusually cold temperatures, except for arctic breeds. It is also unlawful for any person to confine or tether a dog outdoors during periods of extreme heat and during periods for which hurricane, tropical storm, winter storm or wind chill warnings have been issued;

G. A dog restrained by a chain or tether must have access to potable, clean and unfrozen water at all times and to suitable, edible and sufficient food as appropriate to ensure the health of the dog;

H. A dog must be removed from the tether or chain for at least 3 consecutive hours daily. During the period the dog is off the tether or chain, the dog may not be confined in any enclosure other than a fenced yard that provides the dog adequate space for exercise; and

I. A state veterinarian, humane agent, animal control officer or law enforcement officer shall issue a notice to comply or a correction warning to any owner or keeper who commits a violation of this subsection. If the violation endangers the health and safety of the dog, the dog is injured as a result of the violation or a notice to comply or a correction warning has been issued previously, a state veterinarian, humane agent, animal control officer or law enforcement officer shall proceed under the applicable provisions of section 1021.

For the purposes of this subsection, "primary means of confinement" means the method used to confine a dog for periods of time that exceed 12 hours in a 24-hour period. For the purposes of this subsection, "arctic breeds" means Siberian Huskies, Alaskan Huskies, Alaskan Malamutes and other dogs with a double-layered coat and bred to live in an arctic climate.

## SUMMARY

This bill amends the animal welfare laws as follows:

1. It prohibits the tethering, confining or restraining of a dog that would cause pain or injury or entanglement so that the dog is incapable of reaching its food, water and shelter;
2. It permits a state veterinarian, humane agent, animal control officer or law enforcement officer to issue a notice to comply or a correction warning to any owner or keeper who fails to comply with the animal welfare laws. If the violation endangers the health and safety of the dog or if the dog has been wounded as a result of the violation or if a prior warning has been issued, then the state veterinarian, humane agent, animal control officer or law enforcement officer shall proceed under the applicable provisions of the Maine Revised Statutes, Title 17, section 1021;
3. It specifies the weight and length permitted for chains or tethers and describes acceptable collars and fittings for collars and prohibits choke collars and pinch collars;
4. It prohibits the tethering of dogs outside during extreme weather conditions;
5. It requires that a dog be removed from a tether for at least 3 consecutive hours a day and have reasonable freedom to exercise;
6. It specifies that a dog shelter must allow a dog to easily stand, sit, lie and turn about in a comfortable manner; and
7. It specifies the area required for confined space to provide adequate exercise.