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H.P. 69

House of Representatives, January 13, 2021

An Act To Improve the Animal Welfare Laws

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.

R(+ 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 3	Sec. 1. 7 MRSA §3906-B, sub-§12, as enacted by PL 1995, c. 502, Pt. C, §12, is repealed.
4	Sec. 2. 7 MRSA §3906-B, sub-§12-A is enacted to read:
5 6 7 8 9	12-A. Right to call and designate assistance. The commissioner may employ a person considered necessary to assist in a response to a natural or man-made disaster affecting animals. A person called and employed for assistance shall proceed to help resolve the natural or man-made disaster as directed by the commissioner or the commissioner's designee.
10 11 12 13 14 15 16	A. A person considered necessary to assist in a response must receive compensation for services at the prevailing rate in the State, except that animal control officers, veterinarians, animal shelter staff or other groups used outside the State may receive pay at their usual rates. Equipment may be provided by individuals or groups during a response. Equipment used in a response must, upon application, be compensated for at an amount fixed by the state in which the response occurred. A person responding under this subsection may be provided with subsistence pay during the response.
17 18 19 20 21 22	B. The commissioner or the commissioner's designee shall promptly prepare a report of the commissioner's or the designee's investigation of the response detailing the cause of the natural or man-made disaster and recommendations for future prevention and response. The commissioner or the commissioner's designee shall prepare and include in the report a detailed statement of expenses incurred immediately after the natural or man-made disaster on forms provided by the department.
23 24 25 26	All requests for reimbursement must be presented to the commissioner or the commissioner's designee within 60 days after demobilization or become void. The commissioner or the commissioner's designee may extend the time as long as a preliminary report has been made.
27 28 29 30	The commissioner or the commissioner's designee shall examine all invoices presented to the State for reimbursement or direct payment. After items not qualifying for reimbursement have been deducted, the commissioner or the commissioner's designee shall approve the remaining items for payment.
31 32	Sec. 3. 7 MRSA §3906-C, sub-§1, ¶ E, as amended by PL 1995, c. 502, Pt. C, §13, is further amended to read:
33	E. One member representing licensed pet shops or pet food suppliers;
34 35	Sec. 4. 7 MRSA §3906-C, sub-§1, ¶I, as enacted by PL 2001, c. 399, §3, is 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 39	22-C. Pet food supplier. "Pet food supplier" means any retail location located in the State that sells feeding supplies for pets or livestock.
40 41	Sec. 6. 7 MRSA §3916, sub-§1-A, as amended by PL 2007, c. 439, §8, is repealed and the following enacted in its place:

1 2 3	<u>1-A. Required for dogs.</u> Except as provided in subsection 4, an owner or keeper of a dog over 3 months of age shall have that dog vaccinated against rabies. The rabies vaccine must be administered by a licensed veterinarian or under the supervision of a licensed
4 5	veterinarian. Upon receiving an initial vaccination, a dog is considered protected for one year and an owner or keeper of that dog shall get a booster vaccination for that dog one
6 7 8	year after the initial vaccination and subsequent booster vaccinations at intervals that do not exceed the intervals recommended by a national association of state public health veterinarians for the type of vaccine administered. A wolf hybrid is required to be
9 10 11	vaccinated in accordance with this subsection. The procedure prescribed under Title 22, chapter 251, subchapter 5 for a wolf hybrid suspected of having rabies does not change based on proof that the wolf hybrid has received a rabies vaccination.
12 13	Sec. 7. 7 MRSA §3923-G, sub-§6, as enacted by PL 2011, c. 100, §12, is amended to read:
14 15 16 17 18	6. Exclusion of wolf hybrids, <u>dangerous dogs and nuisance dogs</u> . This section does not apply to the licensing of a wolf hybrid, <u>a dangerous dog or a nuisance dog</u> . A person owning a wolf hybrid, <u>a dangerous dog or a nuisance dog</u> shall obtain a license from the municipal clerk or the dog recorder for the municipality, plantation or unorganized territory in which the person owning the wolf hybrid, <u>the dangerous dog or the nuisance dog</u> resides.
19 20	Sec. 8. 7 MRSA §3950-A, sub-§2, as amended by PL 2009, c. 343, §22, is further amended to read:
21 22 23 24	2. Penalty. A person who violates subsection 1 commits a civil violation for which a fine of not less than \$50 and not more than \$500 and costs may be adjudged <u>and</u> , for an <u>animal control officer</u> , revocation of that person's certification as an animal control officer <u>may be imposed</u> .
25	Sec. 9. 17 MRSA §1011, sub-§2-A is enacted to read:
26 27 28	2-A. Animal care facility. "Animal care facility" includes but it not limited to veterinarians' offices, boarding kennels, equine facilities, animal grooming facilities, animal shelters and animal day care facilities.
29 30	Sec. 10. 17 MRSA §1011, sub-§8, as enacted by PL 1987, c. 383, §4, is amended to read:
31 32 33	8. Boarding kennel. "Boarding kennel" means any place, building, tract of land, abode or vehicle in or on which privately owned dogs or other pets, or both, <u>animals</u> are kept for their owners in return for a fee.
34 35	Sec. 11. 17 MRSA §1038, first ¶, as enacted by PL 2005, c. 422, §11, is amended to read:
36 37	Abandoning an animal at a veterinarian's office, boarding kennel, animal grooming facility or animal day-care facility an animal care facility is a Class D crime.
38 39	Sec. 12. 17 MRSA §1038, sub-§1, ¶A, as enacted by PL 2005, c. 422, §11, is amended to read:
40 41 42	A. Places an animal in the custody of a licensed veterinarian for treatment, boarding or other care, or in a boarding kennel, animal grooming facility or animal day-care 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 daycare 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.

8 Sec. 14. 17 MRSA §1038, sub-§3, as enacted by PL 2005, c. 422, §11, is amended
9 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

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16 This bill amends the laws pertaining to agriculture and animals to allow the Commissioner of Agriculture, Conservation and Forestry to employ any person considered 17 18 necessary to assist in any response to a natural or man-made disaster affecting animals both 19 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 20 21 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 22 23 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 24 25 excluded from obtaining dog licenses through the Internet licensing project. It provides for 26 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 27 "animal care facility" and to provide that the definition of "boarding kennel" applies to all 28 29 privately owned animals that are kept for a fee.