



132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1771

S.P. 689

In Senate, April 24, 2025

**An Act to Strengthen Oversight of Kennels by Changing the
Licensing Authority from Municipalities to the Department of
Agriculture, Conservation and Forestry**

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BAILEY of York.

Cosponsored by Senator: INGWERSEN of York, Representatives: ARFORD of Brunswick, COOPER of Windham, DILL of Old Town, HEPLER of Woolwich, ROEDER of Bangor.

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

2 **Sec. 1. 7 MRSA §3906-C, sub-§1, ¶N**, as enacted by PL 2009, c. 333, §1, is
3 amended to read:

4 N. One member who holds a kennel license issued under section ~~3923-C~~ 3932-B; and

5 **Sec. 2. 7 MRSA §3906-C, sub-§1**, as amended by PL 2021, c. 99, §§3 and 4, is
6 further amended by amending the first blocked paragraph to read:

7 In making the appointment of the veterinarian member, the Governor shall consider
8 nominations made by the Maine Veterinary Medical Association. In making the
9 appointment of the person holding a kennel license issued under section ~~3923-C~~ 3932-B,
10 the Governor shall consider nominations made by state-based dog clubs.

11 **Sec. 3. 7 MRSA §3907, sub-§8-A**, as amended by PL 2011, c. 100, §1, is further
12 amended to read:

13 **8-A. Breeding kennel.** "Breeding kennel" means a location where 5 or more adult
14 female dogs or cats capable of breeding are kept and some or all of the offspring are offered
15 for sale, sold or exchanged for value or a location where more than 16 dogs or cats raised
16 on the premises are sold to the public in a 12-month period. "Breeding kennel" does not
17 include a kennel licensed by a municipality under section ~~3923-C~~ 3932-B when the dogs
18 are kept primarily for hunting, show, training, sledding, competition, field trials or
19 exhibition purposes and not more than 16 dogs are offered for sale, sold or exchanged for
20 value within a 12-month period.

21 **Sec. 4. 7 MRSA §3923-A, first ¶**, as amended by PL 2013, c. 115, §10, is further
22 amended to read:

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

27 **Sec. 5. 7 MRSA §3923-A, sub-§4**, as amended by PL 2013, c. 115, §10, is further
28 amended to read:

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

36 **Sec. 6. 7 MRSA §3923-C**, as amended by PL 2009, c. 403, §2, is repealed.

37 **Sec. 7. 7 MRSA §3923-E**, as enacted by PL 1993, c. 657, §27, is amended to read:

38 **§3923-E. Monthly report**

39 Municipal clerks or dog recorders shall receive the license fees in accordance with
40 ~~sections~~ section 3923-A ~~and 3923-C~~, pay them to the department and make a monthly

1 report to the department on a department-approved form of all licenses issued and fees
2 received.

3 **Sec. 8. 7 MRSA §3931-A, sub-§2**, as repealed and replaced by PL 2009, c. 403,
4 §4, is amended to read:

5 **2. License fees.** The license fee is ~~\$75~~ \$125 for a Category 1 breeding kennel, ~~\$100~~
6 \$150 for a Category 2 breeding kennel and ~~\$150~~ \$200 for a Category 3 breeding kennel.

7 **Sec. 9. 7 MRSA §3932, sub-§2**, as amended by PL 2003, c. 405, §17, is further
8 amended to read:

9 **2. License fees.** The fee for a boarding kennel license is ~~\$75~~ \$125.

10 **Sec. 10. 7 MRSA §3932-A, sub-§2**, as amended by PL 2003, c. 405, §18, is further
11 amended to read:

12 **2. License fee.** The license fee for an animal shelter is ~~\$100~~ \$125.

13 **Sec. 11. 7 MRSA §3932-B** is enacted to read:

14 **§3932-B. Kennel license**

15 **1. License necessary.** A person maintaining a kennel, as defined in section 3907,
16 subsection 17, shall annually obtain a kennel license from the department, and that person
17 is subject to rules adopted by the department. Individuals or entities obtaining facility
18 licenses under sections 3931-A, 3932, 3932-A and 3933 are not required to obtain a kennel
19 license. A kennel license expires December 31st annually.

20 **2. Application.** An individual who is required to obtain a kennel license shall submit
21 an application with the department for such a license by January 31st annually or within 30
22 days of first being required to obtain a kennel license pursuant to subsection 1. In order for
23 the State to issue a kennel license, the applicant must provide to the department a complete
24 application, a signed inspection from an animal control officer appointed by the
25 municipality where a kennel is located, or a humane agent if there is no animal control
26 officer appointed by the municipality where a kennel is located, that confirms a passed
27 inspection in compliance with subsection 5 and current rabies vaccination certificates for
28 all animals as required by section 3916. The initial inspection must be made not more than
29 30 days before filing the first application for a license. Inspections to renew a kennel
30 license must be performed annually.

31 **3. License fees.** A kennel owner shall pay a fee to the department for each kennel
32 license. The kennel license fee is \$50 for 5 to 10 dogs, \$100 for 11 to 20 dogs and \$150
33 for 21 or more dogs. The department shall forward 20% of the collected fee to the animal
34 welfare account established pursuant to section 3945 for the municipality in which the
35 kennel is located and deposit the remainder into the Animal Welfare Fund established
36 pursuant to section 3906-B, subsection 2.

37 **4. Form of license.** If a kennel license is issued in hard copy, it must be issued in
38 triplicate, with the original copy given to the applicant, one copy given to the municipality
39 where the applicant is located and one copy kept on file by the department. The license
40 may be issued electronically to all parties.

41 **5. Annual inspection.** An animal control officer appointed by the municipality where
42 a kennel is located, or a humane agent if there is no animal control officer appointed by the

1 municipality where a kennel is located, shall annually inspect the premises of the kennel
2 prior to the State's issuing or renewing a kennel license according to rules established by
3 the department.

4 **6. License tags.** Dogs covered by a kennel license must be furnished suitable
5 individual dog license tags indicating the year that the license is issued. License tags
6 furnished pursuant to this subsection must be attached to the collars of the dogs covered by
7 the kennel license in the manner prescribed under section 3923-B, subsection 1 and subject
8 to the exceptions prescribed under section 3923-B, subsection 3.

9 **Sec. 12. 7 MRSA §3933, sub-§2**, as amended by PL 2003, c. 405, §19, is further
10 amended to read:

11 **2. License fees.** The fee for a pet shop license is ~~\$150~~ \$200.

12 **Sec. 13. 7 MRSA §3935**, as amended by PL 2009, c. 343, §17, is further amended
13 to read:

14 **§3935. License prohibited**

15 The department may not issue a license to maintain a ~~boarding kennel, breeding kennel,~~
16 ~~animal shelter or pet shop~~ facility required to be licensed under this chapter to a person
17 who, within the 10 years previous to the application for the license, has been convicted of
18 murder, a Class A or Class B offense, a violation under Title 17-A, chapter 9, 11, 12 or 13
19 or a criminal violation under Title 17, chapter 42 or under a criminal law involving cruelty
20 to animals that is no longer in effect or, within 10 years previous to the application for the
21 license, has been adjudicated of a civil violation for cruelty to animals under chapter 739
22 or has been convicted or adjudicated in any other state, provincial or federal court of a
23 violation similar to those specified in this section.

24 **Sec. 14. 7 MRSA §3936**, as amended by PL 2009, c. 343, §18 and c. 403, §7, is
25 further amended to read:

26 **§3936. Inspection and quarantine**

27 **1. Inspection and quarantine.** The commissioner, a state humane agent, a
28 veterinarian employed by the State or a licensed veterinarian at the direction of the
29 commissioner may, at any reasonable time, enter ~~an animal shelter, kennel, boarding~~
30 ~~kennel, breeding kennel or pet shop~~ a facility required to be licensed under this chapter and
31 make examinations and conduct any recognized tests for the existence of contagious or
32 infectious diseases or conditions. If ~~the animal shelter, kennel, boarding kennel, breeding~~
33 ~~kennel or pet shop~~ a facility required to be licensed under this chapter is also used for
34 human habitation, the person authorized to make examinations and conduct tests must be
35 escorted by the owner, or the owner's agent, of the ~~animal shelter, kennel, boarding kennel,~~
36 ~~breeding kennel or pet shop~~ facility and the examinations and tests may be made only in
37 those portions of the premises used as ~~an animal shelter, kennel, boarding kennel, breeding~~
38 ~~kennel or pet shop~~ a facility required to be licensed under this chapter. The commissioner
39 may inspect ~~animal shelters, kennels, boarding kennels, breeding kennels and pet shops~~ a
40 facility required to be licensed under this chapter in accordance with the sanitation and
41 health rules established by the department and for compliance with laws and rules,
42 including licensing and permitting requirements, of the Department of Inland Fisheries and
43 Wildlife pertaining to wildlife importation and possession. In conducting inspections,
44 measures established by the department through rulemaking must be used to prevent the

1 spread of infectious and contagious diseases. Rules adopted pursuant to this subsection are
2 major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. A veterinarian
3 employed by the State or any licensed veterinarian may quarantine ~~the animal shelter,~~
4 ~~kennel, boarding kennel, breeding kennel or pet shop~~ a facility required to be licensed under
5 this chapter, in person or by registered mail, and the quarantine must be maintained as long
6 as the department determines necessary. The decision and order for this quarantine is not
7 considered a licensing or an adjudicatory proceeding as defined by the Maine
8 Administrative Procedure Act. The commissioner shall promptly notify the Department of
9 Inland Fisheries and Wildlife of violations.

10 ~~2. Suspension of license.~~ The department may, in accordance with Title 5, chapter
11 375, subchapter 5, revoke or suspend a kennel, boarding kennel, breeding kennel, animal
12 shelter or pet shop license if a person maintaining the kennel, boarding kennel, breeding
13 kennel, animal shelter or pet shop violates any quarantine or maintains animals contrary to
14 the rules adopted by the department, fails to keep records required by the department or
15 violates any provision of the laws or rules of the Department of Inland Fisheries and
16 Wildlife pertaining to wildlife importation and possession.

17 **Sec. 15. 7 MRSA §3936-B** is enacted to read:

18 **§3936-B. Refuse to issue or renew, suspend or revoke license**

19 The department may, in accordance with Title 5, chapter 375, subchapter 5, refuse to
20 issue, refuse to renew, suspend or revoke the license of a facility required to be licensed
21 under this chapter if a person maintaining the facility makes a material and deliberate
22 misstatement in the application for a license or a license renewal under this chapter, violates
23 any provision of this chapter or any rules adopted pursuant to this chapter, violates any
24 quarantine, maintains animals in a manner contrary to any provision of the laws enforced
25 by the department or rules adopted by the department, fails to keep records required by the
26 department or violates any provision of the laws enforced by or rules adopted by the
27 Department of Inland Fisheries and Wildlife pertaining to wildlife importation and
28 possession.

29 **Sec. 16. 7 MRSA §3938**, as amended by PL 1993, c. 657, §36, is further amended
30 to read:

31 **§3938. Violation**

32 A person maintaining ~~an animal shelter, boarding kennel, breeding kennel or pet shop~~
33 a facility required to be licensed under this chapter without having obtained a license, or
34 after a license has been revoked or suspended, commits a civil violation for which a
35 forfeiture of not less than \$50 nor more than \$200 a day may be adjudged.

36 **Sec. 17. 7 MRSA §3944**, as amended by PL 1997, c. 690, §27, is repealed.

37 **Sec. 18. 17 MRSA §1011, sub-§8-A**, as amended by PL 2011, c. 100, §17, is
38 further amended to read:

39 **8-A. Breeding kennel.** "Breeding kennel" means a location where 5 or more adult
40 female dogs or cats capable of breeding are kept and some or all of the offspring are offered
41 for sale, sold or exchanged for value or a location where more than 16 dogs or cats raised
42 on the premises are sold to the public in a 12-month period. "Breeding kennel" does not
43 include a kennel licensed ~~by a municipality~~ under Title 7, section ~~3923-C~~ 3932-B when the

1 dogs are kept primarily for hunting, show, training, sledding, competition, field trials or
2 exhibition purposes and not more than 16 dogs are offered for sale, sold or exchanged for
3 value within a 12-month period.

4

SUMMARY

5 This bill moves the responsibility for the issuance of kennel licenses from
6 municipalities to the Department of Agriculture, Conservation and Forestry. The bill
7 enacts criteria regarding the department's authority to refuse to issue or renew, suspend or
8 revoke a facility license for an animal shelter, kennel, boarding kennel, breeding kennel or
9 pet shop. The bill also updates certain definitions, licensing and recording fees and cross-
10 references related to facility licensing.