

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

—
S.P. 689 - L.D. 1771

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

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

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

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

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

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

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

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

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

Except as provided in subsection 3 and section ~~3923-C~~ 3932-B, 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.

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

4. Late fees. An owner or keeper required to license a dog under section 3922, subsection 1 or section ~~3923-C~~ 3932-B, 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. 6. 7 MRSA §3923-C, as amended by PL 2009, c. 403, §2, is repealed.

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

§3923-E. Monthly report

Municipal clerks or dog recorders shall receive the license fees in accordance with ~~sections section~~ section 3923-A ~~and 3923-C~~, pay them to the department and make a monthly report to the department on a department-approved form of all licenses issued and fees received.

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

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

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

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

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

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

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

§3932-B. Kennel license

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

2. Application. An individual who is required to obtain a kennel license shall submit an application with the department for such a license by January 31st annually or within 30 days of first being required to obtain a kennel license pursuant to subsection 1. In order for the State to issue a kennel license, the applicant must provide to the department a complete application, a signed inspection from an animal control officer appointed by the municipality where a kennel is located, or a humane agent if there is no animal control

officer appointed by the municipality where a kennel is located, that confirms a passed inspection in compliance with subsection 5 and current rabies vaccination certificates for all animals as required by section 3916. The initial inspection must be made not more than 30 days before filing the first application for a license. Inspections to renew a kennel license must be performed annually. A humane agent may conduct an inspection of a kennel in a municipality with an animal control officer under specific and extenuating circumstances as determined by the department by rule. If the municipality does not have an animal control officer, the humane agent may conduct an inspection of a kennel by request as determined by the department by rule. If a humane agent conducts an inspection pursuant to this subsection, the municipality shall pay for the cost of the inspection.

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

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

5. Annual inspection. An animal control officer appointed by the municipality where a kennel is located, or a humane agent if there is no animal control officer appointed by the municipality where a kennel is located, shall annually inspect the premises of the kennel prior to the State's issuing or renewing a kennel license according to rules established by the department. A humane agent may conduct an inspection of a kennel in a municipality with an appointed animal control officer under specific and extenuating circumstances as determined by the department by rule. If a humane agent conducts an inspection pursuant to this subsection, the municipality shall pay for the cost of the inspection.

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

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

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

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

§3935. License prohibited

The department may not issue a license to maintain a ~~boarding kennel, breeding kennel, animal shelter or pet shop~~ facility required to be licensed under this chapter to a person ~~an individual~~ who, within the 10 years previous to the application for the license, has been convicted of murder, a Class A or Class B offense, a violation under Title 17-A, chapter 9, 11, 12 or 13 or a criminal violation under Title 17, chapter 42 or under a criminal law

involving cruelty to animals that is no longer in effect or, within 10 years previous to the application for the license, has been adjudicated of a civil violation for cruelty to animals under chapter 739 or has been convicted or adjudicated in any other state, provincial or federal court of a violation similar to those specified in this section. An individual who submits an application to be licensed under this chapter shall submit the results of a background check to the department along with the license application. The individual shall pay for the background check.

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

§3936. Inspection and quarantine

1. Inspection and quarantine. The commissioner, a state humane agent, a veterinarian employed by the State or a licensed veterinarian at the direction of the commissioner may, at any reasonable time, enter ~~an animal shelter, kennel, boarding kennel, breeding kennel or pet shop~~ a facility required to be licensed under this chapter and make examinations and conduct any recognized tests for the existence of contagious or infectious diseases or conditions. If ~~the animal shelter, kennel, boarding kennel, breeding kennel or pet shop~~ a facility required to be licensed under this chapter is also used for human habitation, the person authorized to make examinations and conduct tests must be escorted by the owner, or the owner's agent, of the ~~animal shelter, kennel, boarding kennel, breeding kennel or pet shop~~ facility and the examinations and tests may be made only in those portions of the premises used as ~~an animal shelter, kennel, boarding kennel, breeding kennel or pet shop~~ a facility required to be licensed under this chapter. The commissioner may inspect ~~animal shelters, kennels, boarding kennels, breeding kennels and pet shops~~ a facility required to be licensed under this chapter in accordance with the sanitation and health rules established by the department and for compliance with laws and rules, including licensing and permitting requirements, of the Department of Inland Fisheries and Wildlife pertaining to wildlife importation and possession. In conducting inspections, measures established by the department through rulemaking must be used to prevent the spread of infectious and contagious diseases. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. A veterinarian employed by the State or any licensed veterinarian may quarantine ~~the animal shelter, kennel, boarding kennel, breeding kennel or pet shop~~ a facility required to be licensed under this chapter, in person or by registered mail, and the quarantine must be maintained as long as the department determines necessary. The decision and order for this quarantine is not considered a licensing or an adjudicatory proceeding as defined by the Maine Administrative Procedure Act. The commissioner shall promptly notify the Department of Inland Fisheries and Wildlife of violations.

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

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

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

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

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

§3938. Violation

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

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

Sec. 18. 7 MRSA §3950-A, sub-§1, ¶E, as enacted by PL 2003, c. 452, Pt. B, §21 and affected by Pt. X, §2, is repealed.

Sec. 19. 7 MRSA §3950-A, sub-§1, ¶F, as enacted by PL 2003, c. 452, Pt. B, §21 and affected by Pt. X, §2, is amended to read:

F. Chapter 727; or

Sec. 20. 7 MRSA §3950-A, sub-§1, ¶G is enacted to read:

G. Chapter 723.

Sec. 21. 17 MRSA §1011, sub-§8-A, as amended by PL 2011, c. 100, §17, is further amended to read:

8-A. Breeding kennel. "Breeding kennel" means a location where 5 or more adult female dogs or cats capable of breeding are kept and some or all of the offspring are offered for sale, sold or exchanged for value or a location where more than 16 dogs or cats raised on the premises are sold to the public in a 12-month period. "Breeding kennel" does not include a kennel licensed by a municipality under Title 7, section ~~3923-C~~ 3932-B when the dogs are kept primarily for hunting, show, training, sledding, competition, field trials or exhibition purposes and not more than 16 dogs are offered for sale, sold or exchanged for value within a 12-month period.

Sec. 22. Department of Agriculture, Conservation and Forestry report. The Department of Agriculture, Conservation and Forestry shall provide annual reports, no later than January 15th in 2026, 2027 and 2028, to the joint standing committee of the Legislature having jurisdiction over animal welfare matters on the transfer of the issuance of kennel licenses from municipalities to the department pursuant to this Act. The joint standing committee may submit legislation relating to the subject matter of the report to

the Second Regular Session of the 132nd Legislature, to the 133rd Legislature in 2027 and to the Second Regular Session of the 133rd Legislature.

Sec. 23. Appropriations and allocations. The following appropriations and allocations are made.

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

Animal Welfare Fund 0946

Initiative: Provides allocations to allow expenditures related to the administration of the Animal Welfare Act.

OTHER SPECIAL REVENUE FUNDS	2025-26	2026-27
All Other	\$21,577	\$21,577
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$21,577</u>	<u>\$21,577</u>