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Date: (Filing No. S- )

**AGRICULTURE, CONSERVATION AND FORESTRY**

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE  
SENATE  
130TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 644, L.D. 1828, “An Act Requiring a Contract for the Administration of the Department of Agriculture, Conservation and Forestry's Low-cost Spaying and Neutering Program”

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'Sec. 1. 7 MRSA §3910-B, sub-§1**, as amended by PL 2009, c. 148, §3, is further amended to read:

**1. Establishment.** There is established the Companion Animal Sterilization Fund, an interest-bearing account, referred to in this section as "the fund." The fund receives money deposited by the Treasurer of State pursuant to Title 36, section 5284-A, revenues generated in accordance with this section, all revenue from the surcharges collected under section 3933, subsection 4, revenue received from surcharges in accordance with section 714, subsection 4 and any money contributed voluntarily to the fund. All money deposited in the fund and the earnings on that money remain in the fund to be used for the spaying or neutering of companion animals owned by persons meeting income limit standards and for the spaying or neutering of a feral cat regardless of a person's income and for the necessary direct administrative and personnel costs associated with the management of the fund and may not be deposited in the General Fund or any other fund except as specifically provided by law. The fund may not be charged for indirect costs under a departmental indirect cost allocation plan.

**Sec. 2. 7 MRSA §3910-B, sub-§1-A**, as enacted by PL 2007, c. 539, Pt. CCCC, §2, is amended to read:

**1-A. ~~Option to contract for administration~~ Administration of the fund.** The commissioner ~~may shall~~ contract the administration of the fund to a suitable animal welfare organization ~~or individual~~ selected through a competitive process. The contracting organization ~~or individual~~ shall administer the fund in accordance with procedures and eligibility standards established under subsection 2. The contracting organization ~~or individual~~ may not expend more than 15% of the fund annually for administrative costs.

**COMMITTEE AMENDMENT**

1 In the event that the commissioner cannot find a suitable animal welfare organization, the  
2 department shall administer the fund.

3 **Sec. 3. 7 MRSA §3910-B, sub-§2**, as enacted by PL 2003, c. 682, §4, is amended  
4 to read:

5 **2. Subsidies; development of standards.** The commissioner shall develop  
6 procedures and eligibility standards for the awarding of subsidies to low-income persons  
7 for the spaying or neutering of those persons' companion animals. Procedures and  
8 eligibility standards must be developed in consultation with veterinarians and  
9 representatives of humane societies and animal shelters. The commissioner shall develop  
10 procedures to pay a person, regardless of income, 100% of the cost of spaying or neutering  
11 a feral cat.

12 **Sec. 4. 7 MRSA §3910-B, sub-§4**, as enacted by PL 2007, c. 539, Pt. CCCC, §3,  
13 is repealed.

14 **Sec. 5. Contract for administration of the Companion Animal Sterilization**  
15 **Fund; rules.** The Commissioner of Agriculture, Conservation and Forestry shall, in  
16 consultation with the Animal Welfare Advisory Council established by the Maine Revised  
17 Statutes, Title 5, section 12004-I, subsection 2-C, issue a request for proposals no later than  
18 August 1, 2022 from animal welfare organizations to administer the Companion Animal  
19 Sterilization Fund created under Title 7, section 3910-B, referred to in this section as "the  
20 fund" and the department's low-income spay and neuter program known as the Help Fix  
21 ME program, referred to in this section as "the program." The initial contract with the  
22 administrator chosen under this section must be for 36 months. The commissioner shall  
23 select an administrator that:

- 24 1. Demonstrates a dedication to spay and neuter companion animals and feral cats and  
25 target low-income communities and populations to the extent possible;
- 26 2. Has the technical expertise to operate the program;
- 27 3. Commits to maintain the staff necessary to field telephone calls in a timely manner  
28 and to provide vouchers to program applicants within 7 business days of receipt of  
29 copayment and satisfactory proof of eligibility, except that copayment may not be required  
30 for the spaying and neutering of feral cats;
- 31 4. Will ensure the privacy of the information of program applicants; and
- 32 5. Commits to providing strong customer service when administering the fund and  
33 program.

34 **Sec. 6. Evaluation of initial contract for administration of the Companion**  
35 **Animal Sterilization Fund.** The Department of Agriculture, Conservation and Forestry  
36 shall conduct an evaluation of the initial 36-month contract entered into pursuant to this  
37 Act for the Companion Animal Sterilization Fund created under the Maine Revised  
38 Statutes, Title 7, section 3910-B. Criteria for the evaluation must include whether the  
39 administrator spent approximately 90% of the fund each fiscal year; increased and then  
40 maintained the number of areas in the State in which spay and neuter surgeries are  
41 performed under the low-income spay and neuter program, also known as the Help Fix ME  
42 program; increased and then maintained the number of veterinarians participating in the  
43 program; and decreased the amount of time between submission of a request for funds and

1 receipt of a voucher for sterilization services by an applicant. Upon completion of the  
 2 evaluation and no later than January 1, 2026, the department shall submit a report to the  
 3 joint standing committee of the Legislature having jurisdiction over animal welfare matters.  
 4 The joint standing committee may submit a bill to the Second Regular Session of the 132nd  
 5 Legislature relating to the subject matter of the report.

6 **Sec. 7. Appropriations and allocations.** The following appropriations and  
 7 allocations are made.

8 **AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**

9 **Animal Welfare Fund 0946**

10 Initiative: Allocation for Personal Services is increased in the Animal Welfare Fund and  
 11 offset by a decrease in All Other allocation.

12	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2021-22</b>	<b>2022-23</b>
13	Personal Services	\$0	\$27,083
14	All Other	\$0	(\$27,083)
15		_____	_____
16	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0

17 **Animal Welfare Fund 0946**

18 Initiative: Allocation for Personal Services is decreased in the Companion Animal  
 19 Sterilization Fund and offset by an increase in All Other allocation to allow a 36-month  
 20 contract with an outside entity to administer the Companion Animal Sterilization Fund.

21	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2021-22</b>	<b>2022-23</b>
22	Personal Services	\$0	(\$27,083)
23	All Other	\$0	\$27,083
24		_____	_____
25	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0

27 **AGRICULTURE, CONSERVATION AND**  
 28 **FORESTRY, DEPARTMENT OF**  
 29 **DEPARTMENT TOTALS**

30		<b>2021-22</b>	<b>2022-23</b>
31	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$0</b>
32		_____	_____
33	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$0</b>

34  
 35 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
 36 number to read consecutively.

37 **SUMMARY**

38 The bill requires the Commissioner of Agriculture, Conservation and Forestry to  
 39 contract for the administration of the Companion Animal Sterilization Fund, but requires  
 40 the department to administer the fund if a suitable 3rd-party administrator cannot be found.

1 The amendment requires the commissioner to develop procedures to pay a person,  
2 regardless of income, 100% of the cost for the spaying or neutering of a feral cat. The  
3 amendment also specifies that a copayment may not be required for the spaying or  
4 neutering of a feral cat.

5 The amendment requires the commissioner, in consultation with the Animal Welfare  
6 Advisory Council, to issue a request for proposals no later than August 1, 2022 to contract  
7 the administration of Companion Animal Sterilization Fund. The amendment requires that  
8 the initial contract be for 36 months. The amendment requires the Department of  
9 Agriculture, Conservation and Forestry to conduct an evaluation of the initial 36-month  
10 contract and to submit a report to the joint standing committee of the Legislature having  
11 jurisdiction over animal welfare matters no later than January 1, 2026. The joint standing  
12 committee is required to submit a bill to the Second Regular Session of the 132nd  
13 Legislature relating to the subject matter of the report. The amendment also adds an  
14 appropriations and allocations section.

15 **FISCAL NOTE REQUIRED**

16 **(See attached)**