

OFFICE OF POLICY AND LEGAL ANALYSIS

To: Members, Joint Standing Committee on Agriculture, Conservation and Forestry
From: Karen S. Nadeau, Legislative Analyst
Date: March 9, 2021
Subj: **LD 103 An Act To Improve the Animal Welfare Laws**

Section 1:

7 MRSA §3906-B, sub-§12 repealed:

12. Intermittent agents. The commissioner shall appoint intermittent humane agents as necessary to assist the commissioner in carrying out the commissioner's duties and responsibilities. The commissioner shall train and coordinate efforts of intermittent agents. These intermittent agents are unclassified employees whose training, compensation and hours of employment are determined by the commissioner.

Section 2:

7 MRSA §3906-B, sub-§12-A is enacted in its place:

- Proposes to allow the Commissioner of ACF to employ any person considered necessary to assist in any response to natural or man-made disaster affecting animals both in the State and outside the State and provides for that person's compensation.
- It also establishes report requirements regarding a disaster response.

Section 3:

- Allows the Animal Welfare Advisory Council to have as a member a person who is a pet food supplier

Section 4:

- Allows the Animal Welfare Advisory Council to have as a member an attorney with experience in the state court system.
- Rep. Pluecker and DACF are proposing an amendment that requires that the attorney have prosecutorial experience in the state court system.

Section 5:

- Defines "pet food supplier" as any retail location located in the State that sells feeding supplies for pets or livestock.

Section 6:

- Changes the rabies vaccination requirement to provide that an owner or keeper of a dog over 3 months of age must have the dog vaccinated.
- Rep. Pluecker and DACF are proposing an amendment that provides that the owner of keeper of the dog, within 30 days after the dog attains the age of 3 months, is required to have that dog vaccinated against rabies.

Section 7:

- Adds dangerous dogs and nuisance dogs to those animals that are excluded from obtaining dog licenses through the Internet licensing project.

Section 8:

- Provides for the revocation of animal control officer certification if the officer refuses or intentionally fails to perform the officer's statutory duties.

Section 9:

- Defines "animal care facility" – includes but is not limited to veterinarians' offices, boarding kennels, equine facilities, animal grooming facilities, animal shelters and animal day care facilities.

Section 10:

- Amends "boarding kennel" so that it applies to all privately-owned animals that are kept for a fee.

Sections 11 thru 14:

- Uses the newly defined term "animal care facility" in the law relating to animals abandoned at animal care facilities.

TESTIMONY

Proponents: *Department of ACF (Director of Animal Welfare); Maine Veterinary Medical Association; Maine State Director of the Humane Society of the United States; Maine Municipal Association*

- DACF put this bill forward based on feedback over the past several years with community partners, including veterinarians, boarding kennel owners, animal shelter managers, law enforcement and emergency management agencies.
- In 2019, animal welfare agents seized 175 animals with the help of emergency management agency animal response teams from three counties. We faced an overall shortage of staff and primarily relied on volunteers. Staff spent a lot of time training new volunteers.
- Animal Welfare Advisory Council changes – pet shop representative has never been filled due to lack of interest; expanding to include stores selling pet supplies may help increase the pool of candidates. Next, because few lawyers in Maine have animal welfare legal experience, we suggest broadening to include an attorney with prosecutorial experience.
- MVMA suggested amendment to add dogs to the exemption if a medical reason exists that precludes vaccination in T 7 section 3916, subsection 4.
- MMA supports, but the committee may want to consider additional language in the law relating to dangerous dogs and nuisance dogs that recognizes the county relationship in the delivery of regional animal control services.
- Change to rabies vaccination requirements reflect current science and proper use of the rabies vaccines as recommended by the Maine Rabies Working Group. Change also recommended by the National Association of State Public Health Vets and the American Veterinary Medical Association and is already in effect in 22 other states.

Opponents:

Federation of Maine Dog Clubs and Responsible Dog Owners

Written only: Resident of Aroostook County; Central Aroostook Kennel Club; Resident of Biddeford (former attorney appointee to AWAC); Residents of Windsor, Surry and Portland; Pet Industry Joint Advisory Council; AKC Legislative Liaison; Maine Friends of Animals

- Rabies vaccination – there is very little data if any supporting data requiring a puppy be vaccinated at the young age of 3 months.

- The current state requirement to vaccinate at 6 months of age has proven to be extremely effective in protecting both the human population and dogs from being infected with rabies; the last human rabies case in Maine was in 1937.
- Concerned about section 2 of the bill – no definition of “man-made disaster.” Overall, the proposed language is ambiguous and lacks clarity.
- There is no reason to change the standards for the attorney appointee to AWAC.
- Pet food supplier – a retail location that sell pet food does not necessarily represent animal expertise – Walmart, Walgreens, grocery store for example.
- While pet food suppliers may be well versed in the nutritional requirements of the animals that they provide dietary products for, they cannot match the institutional knowledge of pet stores with regard to live animal care or emerging best practices.

NFNA: *American Kennel Club*

- Strongly encourages the committee to add language to this section requiring any person employed to assist in response to a man-made disaster be required to enter into a non-disclosure agreement.
- AKC believes “humane society” should also be included in the proposed definition of “animal care facility” because they are distinct from animal shelters, but ought to comply with the prohibitions. In addition, may want to add definition of “abandonment” to distinguish from relinquishment of ownership in the animal welfare crimes statutes.
- AKC recommends the change of lowering the age from 6 months to 3 months should not be made at this time.

PRELIMINARY FISCAL IMPACT STATEMENT: *Not yet received.*