

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out all of section 1.

Amend the bill by striking out all of section 4 and inserting the following:

‘**Sec. 4. 7 MRSA §3907, sub-§8**, as amended by PL 1997, c. 33, §1, is further amended to read:

8. Boarding kennel. "Boarding kennel" means any place, building, tract of land or abode in or on which 3 or more privately owned ~~dogs or other pets, or both,~~ companion animals are kept at any one time for their owners in return for a fee or compensation and includes a facility where 3 or more companion animals are kept for training purposes for compensation.’

Amend the bill in section 5 in subsection 17 in the 3rd line (page 2, line 16 in L.D.) by inserting after the following: "sledding" the following: '1'

Amend the bill by striking out all of section 6 and inserting the following:

‘**Sec. 6. 7 MRSA §3909, sub-§2**, as amended by PL 1997, c. 683, Pt. B, §1, is further amended to read:

2. Designated employees of the department. For purposes of prosecution under this section, the commissioner may authorize humane agents and a state veterinarian who have been certified in accordance with subsection 3-A to issue and serve civil process violation processes against offenders pursuant to the Maine Rules of Civil Procedure, Rule 80H and any other applicable rules of court for violations of this Part. The commissioner may authorize certified humane agents or a certified state veterinarian to represent the department in District Court in the prosecution of civil violations of these laws. ~~Certification of the humane agents and a state veterinarian for this purpose is as provided under Title 30-A, section 4453, subsection 5. Once certified, prosecution by the~~ A certified humane agent or a certified state veterinarian may seek civil penalties as provided by law as well as a permanent or temporary injunction, restraining order or other equitable relief as the court finds appropriate.’

Amend the bill in section 7 in subsection 2-A in paragraph A in the 4th line (page 2, line 37 in L.D.) by striking out the following: "individual law enforcement officers" and inserting the following: 'humane agents and a state veterinarian certified under subsection 3-A'

Amend the bill by inserting after section 7 the following:

‘**Sec. 8. 7 MRSA §3909, sub-§3-A**, as amended by PL 2003, c. 536, §3, is further amended to read:

3-A. Humane agents; training requirements. Continuing employment of a humane agent hired after October 1, 2003 is contingent upon the successful completion by that agent of a 100-hour service training program at the Maine Criminal Justice Academy or a nationally recognized training program on investigation and enforcement of animal welfare laws and the successful completion of an examination on state animal welfare laws and rules adopted pursuant to this Part. To issue and serve civil

violation processes or represent the department in District Court under subsection 2, a humane agent or a state veterinarian must have completed a program at the Maine Criminal Justice Academy that certifies familiarity with court procedures.

A humane agent, regardless of appointment date, shall complete training in the handling of small and large animals and a minimum of 40 hours of training each year, including a combination of classroom and hands-on training.'

Amend the bill by striking out all of section 8 and inserting the following:

'**Sec. 8. 7 MRSA §3909, sub-§5** is enacted to read:

5. Enforcement provision; animal control officers. The certification of an animal control officer under section 3906-B may be suspended or revoked by the commissioner in accordance with Title 5, chapter 375.'

Amend the bill by inserting after section 8 the following:

'**Sec. 9. 7 MRSA §3913, sub-§2-A**, as amended by PL 1997, c. 690, §11, is further amended to read:

2-A. Animal shelter. An animal shelter, as defined in section 3907, to which a stray dog is taken shall accept the dog for a period of 6 days unless the shelter is in quarantine or has a bona fide lack of adequate space. ~~The~~Except as provided in subsection 2-B, the acceptance entitles the animal shelter to receive from the department the sum of \$4 a day for the period for which food and shelter are furnished to the dog. An animal shelter may refuse to accept dogs from municipalities not contracting with that animal shelter.

Sec. 10. 7 MRSA §3913, sub-§2-B is enacted to read:

2-B. Adoption policy. Beginning January 1, 2010, to be eligible for reimbursement under subsection 2-A, an animal shelter must have an adoption policy. An adoption policy must provide for a dog to be available for adoption for a minimum of 24 hours except as provided in subsection 6.'

Amend the bill by striking out all of section 9.

Amend the bill by striking out all of section 10 and inserting the following:

'**Sec. 10. 7 MRSA §3919-A, sub-§2**, as amended by PL 2007, c. 439, §9, is further amended to read:

2. Homeless cats. When an animal shelter accepts a cat under section 3919 and that cat does not have cat identification ~~or is determined to be a feral cat~~, the animal shelter shall hold the cat for not less than 48 hours or, for feral cats, not less than 24 hours. After the 24-hour or 48-hour period, the animal shelter may treat the cat as a homeless cat and may:

- A. Except as provided in section 3938-A, offer the cat for adoption, sell or give away the cat; or
- B. Otherwise dispose of the cat humanely in accordance with Title 17, chapter 42, subchapter 4.

An animal shelter may not sell or give a cat to a research facility.’

Amend the bill by striking out all of section 14.

Amend the bill in section 16 in subsection 3 in the last line (page 5, line 36 in L.D.) by striking out the following: "immediately upon" and inserting the following: 'within 24 hours of the'

Amend the bill by striking out all of section 18 and inserting the following:

‘**Sec. 18. 7 MRSA §3936, sub-§2**, as amended by PL 1993, c. 89, §1 and PL 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

2. Suspension of license. ~~The District Court, upon complaint of the commissioner, the Attorney General or the Commissioner of Inland Fisheries and Wildlife, 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.’

Amend the bill by striking out all of sections 20 and 21 and inserting the following:

‘**Sec. 20. 7 MRSA §3947**, as amended by PL 2009, c. 177, §1, is further amended to read:

§ 3947. Animal control officers

Each municipality shall appoint one or more animal control officers whose duties are enforcement of sections 3911, 3912, 3916, 3921, 3924, 3943, 3948, 3950, 3950-A, 3952 and 4041 and Title 17, section 1023, responding to reports of animals suspected of having rabies in accordance with Title 22, sections 1313 and 1313-A and any other duties to control animals as the municipality may require. A municipality may appoint an employee of an animal shelter as an animal control officer as long as the person meets the qualifications and training requirements of this section.

A municipality may not appoint a person to the position of animal control officer who has been convicted of murder, a Class A or Class B offense or a violation of Title 17-A, chapter 9, 11, 12 or 13 or has been convicted of a criminal violation under Title 17, chapter 42 or has been adjudicated of a civil violation for cruelty to animals under chapter 739 or who has been convicted or adjudicated in any other state, provincial or federal court of a violation similar to those specified in this section.

Animal control officers must be certified in accordance with section 3906-B, subsection 4. Upon initial appointment, an animal control officer must complete basic training and be certified by the commissioner within 6 months of appointment.

An animal control officer must attend advanced training programs as described under section 3906-B, subsection 4 to maintain certification. An animal control officer must have a minimum of 8 hours of training each year.

Upon appointment of an animal control officer, municipal clerks shall notify the commissioner of the name, address and telephone number of the animal control officer within 10 business days. In the event the position is vacant upon termination or resignation of the animal control officer, the municipal clerk shall notify the commissioner within 10 business days of the vacancy.

Sec. 21. 7 MRSA §3948, sub-§2, as amended by PL 1997, c. 690, §30, is further amended to read:

2. Medical attention. Law enforcement officers and animal control officers shall take a stray animal to its owner, if known, or, if the owner is unknown, ~~to an animal shelter and~~ shall ensure that any injured companion animal that is at large or in a public way is given proper medical attention.'

Amend the bill in section 22 in subsection 2 in the 2nd line (page 7, line 18 in L.D.) by striking out the following: "\$50 \$250" and inserting the following: '\$50'

Amend the bill by striking out all of section 23 and inserting the following:

Sec. 23. 7 MRSA §4015, sub-§6, as amended by PL 2007, c. 439, §28, is further amended to read:

6. Dogs confined by tethering for long time periods. In addition to the requirements of subsection 2, paragraph B, subparagraph (2), when tethering is the primary means of confinement for a dog, the standards for shelter and tethering are as follows:

A. A shelter must be provided that is fully enclosed except for a portal. The portal must be of a sufficient size to allow the dog unimpeded passage into and out of the structure. For dogs other than arctic breeds, the portal must be constructed with a baffle or other means of keeping wind and precipitation out of the interior. The shelter must be constructed of materials with a thermal resistance factor of 0.9 or greater and must contain clean bedding material sufficient to retain the dog's normal body heat; and

B. The chain or tether must be attached to both the dog and the anchor using swivels or similar devices that prevent the chain or tether from becoming entangled or twisted. The chain or tether must be attached to a well-fitted collar or harness on the dog. For dogs other than ~~arctic breeds~~ dogs kept as sled dogs or dogs used in competition, the chain or tether must be at least 5 times the length of the dog measured from the tip of its nose to the base of its tail. For ~~arctic breeds~~ dogs kept as sled dogs or dogs used in competition, the chain or tether must be:

(1) At least 2.5 times the length of the dog measured from the tip of its nose to the base of its tail if the anchor is stationary; or

(2) At least 1.5 times the length of the dog measured from the tip of its nose to the base of its tail if the anchor is a pivot point allowing a 360° area of movement.

For the purposes of this subsection, "primary means of confinement" means the method used to confine a dog for periods of time that exceed 12 hours in a 24-hour period. For the purposes of this subsection, "arctic breeds" means Siberian Huskies, Alaskan Huskies, Alaskan Malamutes and other dogs with a double-layered coat and bred to live in an arctic climate and "dogs kept as sled dogs or dogs used in competition" means dogs regularly and consistently used in training or participation in competitive or recreational sled dog activities or other competition canine events.'

Amend the bill by striking out all of section 24 and inserting the following:

‘Sec. 24. 7 MRSA §4162, as repealed and replaced by PL 1997, c. 690, §55 and amended by PL 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

§ 4162. Additional penalties

1. Civil violation. A person who fails to meet a requirement of this chapter commits a civil violation for which a ~~forfeiture not to exceed \$100~~ fine of not less than \$50 or more than \$500 per violation may be adjudged.

2. Action against pet shops and breeding kennels. The department may ~~file an action in District Court to,~~ in accordance with Title 5, chapter 375, subchapter 5, revoke or suspend the license of a pet shop or breeding kennel that violates any provision of this chapter or rules adopted under section 3906-B, subsection 10 to implement this chapter.

Amend the bill in section 25 in subsection 17 in the 3rd line (page 8, line 25 in L.D.) by inserting after the following: "sledding" the following: ','

Amend the bill by striking out all of section 26 and inserting the following:

‘Sec. 26. 17 MRSA §1037, sub-§7, as enacted by PL 2005, c. 340, §4, is amended to read:

7. Dogs confined by tethering for long time periods. In addition to the requirements of subsection 2, paragraph B, subparagraph (2), when tethering is the primary means of confinement for a dog, the standards for shelter and tethering are as follows:

A. A shelter must be provided that is fully enclosed except for a portal. The portal must be of a sufficient size to allow the dog unimpeded passage into and out of the structure. For dogs other than arctic breeds, the portal must be constructed ~~in a manner that keeps~~ with a baffle or other means of keeping wind and precipitation out of the interior. The shelter must ~~have~~ be constructed of materials with a thermal resistance factor of 0.9 or greater and must contain clean bedding material sufficient to retain the dog's normal body heat; and

B. The chain or tether must be attached to both the dog and the anchor using swivels or similar devices that prevent the chain or tether from becoming entangled or twisted. The chain or tether must be attached to a well-fitted collar or harness on the dog. For dogs other than ~~arctic breeds~~ dogs kept as sled dogs or dogs used in competition, the chain or tether must be at least 5 times the length of the dog measured from the tip of its nose to the base of its tail. For ~~arctic breeds~~ dogs kept as sled dogs or dogs used in competition, the chain or tether must be:

- (1) At least 2.5 times the length of the dog measured from the tip of its nose to the base of its tail if the anchor is stationary; or
- (2) At least 1.5 times the length of the dog measured from the tip of its nose to the base of its tail if the anchor is a pivot point allowing a 360° area of movement.

For the purposes of this subsection, "primary means of confinement" means the method used to confine a dog for periods of time that exceed 12 hours in a 24-hour period. For the purposes of this subsection, "arctic breeds" means Siberian Huskies, Alaskan Huskies, Alaskan Malamutes and other dogs with a double-layered coat and bred to live in an arctic climate and "dogs kept as sled dogs or dogs used in competition" means dogs regularly and consistently used in training or participation in competitive or recreational sled dog activities or other competition canine events.'

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

SUMMARY

This amendment removes the section of the bill that expanded membership on the Animal Welfare Advisory Council. It also removes language that included day care facilities for companion animals in the definition of "boarding kennel" and the requirement that a person operating a wolf hybrid kennel maintain records for 10 years. It removes the requirement that the Department of Agriculture, Food and Rural Resources must approve an animal shelter's adoption policy for the shelter to be eligible for reimbursement.

It clarifies that only humane agents and state veterinarians who have received training and certification from the Maine Criminal Justice Academy are authorized to serve civil process or represent the Department of Agriculture, Food and Rural Resources in District Court. It revises the shelter and tethering requirements for dogs used in competition to mirror the requirements for dogs kept as sled dogs. It clarifies that the process for the Commissioner of Agriculture, Food and Rural Resources to revoke or suspend licenses must be in accordance with the Maine Administrative Procedure Act.

FISCAL NOTE REQUIRED

(See attached)