

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

An Act To Amend State Dog Licensing Laws

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

Sec. 1. 7 MRSA §3906-B, sub-§3, as enacted by PL 1991, c. 779, §9, is repealed.

Sec. 2. 7 MRSA §3907, sub-§28, as enacted by PL 1987, c. 383, §3, is amended to read:

28. Warrant. "Warrant" means an order of municipal officers directing a police officer, constable, sheriff or animal control officer to enter a complaint and summons against the owners or keepers of ~~unlicensed~~unvaccinated dogs following notice of and noncompliance with a violation of law.

Sec. 3. 7 MRSA §3911, as amended by PL 1999, c. 254, §3, is further amended to read:

§ 3911. Dogs at large

It is unlawful for any dog, ~~licensed or unlicensed~~, to be at large, except when used for hunting. The owner or keeper of any dog found at large is subject to the penalties provided in this chapter.

Sec. 4. 7 MRSA §3913, sub-§3, ¶C, as amended by PL 1991, c. 779, §22, is further amended to read:

C. If the owner claims the dog within the 6-day period, the owner may have and receive the dog upon payment of all department-approved fees as provided in subsection 2-A, the municipal impoundment fee and actual fees incurred for food, shelter, veterinary care and any other fees required by this chapter for each day that the dog has been sheltered, ~~provided that the dog is licensed in accordance with chapter 721.~~

Sec. 5. 7 MRSA §3913, sub-§4, ¶A, as amended by PL 2007, c. 439, §6, is further amended to read:

A. Except as provided in section 3938-A, sell or give away the dog, but not to a research facility, ~~if a license is first obtained in accordance with chapter 721; or~~

Sec. 6. 7 MRSA §3916, sub-§1-A, as amended by PL 2007, c. 439, §8, is further amended to read:

1-A. Required for dogs. A person owning or keeping a dog shall, within 30 days after the dog attains the age of 6 months, cause the dog to be vaccinated against rabies and shall have booster vaccinations administered periodically in accordance with rules adopted by the Commissioner of Health and Human Services ~~under section 3922, subsection 3~~except that the requirement of immunization may be waived by the municipal clerk under conditions set forth by the Commissioner of Health and Human Services. A wolf hybrid is required to be vaccinated in accordance with this subsection. The procedure prescribed under Title 22, chapter 251, subchapter 5 for a wolf hybrid suspected of having rabies does not change based on proof that the wolf hybrid has received a rabies vaccination.

Sec. 7. 7 MRSA §3916, sub-§2-A, as enacted by PL 2007, c. 119, §1, is amended to read:

2-A. Notice to department. A veterinarian who issues a certificate of rabies vaccination for a dog pursuant to subsection 2 shall, within 30 days of issuing the certificate, forward by mail, e-mail or ~~fax~~facsimile transmission a copy of that certificate to the department. The department shall send a copy of the certificate by mail, e-mail or ~~fax~~facsimile transmission to the clerk of the municipality in which the owner resides. ~~If the owner resides in the unorganized territory, the department shall send a copy of the certificate to the dog recorder in that unorganized territory or, in the absence of a duly authorized dog recorder, to the dog recorder in the nearest municipality or unorganized territory in the same county in which the owner resides.~~ The department ~~may~~shall retain a copy or electronic record of the rabies certificate. The department may accumulate certificates received and distribute them periodically to the appropriate municipalities and dog recorders. Distributions must be made no fewer than ~~4~~2 times a year.

Sec. 8. 7 MRSA §3916-A is enacted to read:

§ 3916-A. Animal welfare surcharge

A distributor that sells a rabies vaccine to a person for use in this State shall pay a \$5 surcharge per dose sold in accordance with rules adopted by the commissioner. The distributor shall forward the surcharge to the commissioner on a quarterly basis in accordance with rules adopted by the commissioner for deposit into the Animal Welfare Fund established under section 3906-B, subsection 2.

For the purpose of this section, "dose" means the average amount of rabies vaccine required to vaccinate a dog as determined by rule. The commissioner shall adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 9. 7 MRSA §3921, as amended by PL 1997, c. 690, §13, is repealed.

Sec. 10. 7 MRSA §3922, as amended by PL 2007, c. 664, §11, is repealed.

Sec. 11. 7 MRSA §3923-A, as amended by PL 2007, c. 664, §12, is repealed.

Sec. 12. 7 MRSA §3923-B, sub-§1, as amended by PL 2007, c. 439, §16, is repealed.

Sec. 13. 7 MRSA §3923-B, sub-§3, as amended by PL 1999, c. 254, §6, is further amended to read:

3. Exceptions. A dog is not required to wear a tag when on the premises of the owner or off the premises of the owner while hunting, in training or in an exhibition. When a dog is hunting, in training or in an exhibition, its owner or keeper shall produce proof of ~~licensure and~~ proof of rabies immunization within 24 hours upon request by a humane agent, animal control officer or law enforcement officer, including a game warden.

Sec. 14. 7 MRSA §3923-C, sub-§2-A, as amended by PL 2003, c. 405, §14, is further amended to read:

2-A. License fees. A kennel owner shall pay a fee of ~~\$42~~\$21 to the municipal clerk for each license to keep dogs. A license is needed only for dogs 6 months of age or older. A kennel owner may not keep more than 10 dogs per license. The clerk shall retain ~~\$2~~\$1 as a recording fee and forward ~~\$10~~\$5 to the municipality's animal welfare account established pursuant to section 3945 and ~~\$30~~\$15 to the Animal Welfare Fund.

Sec. 15. 7 MRSA §3923-C, sub-§4, as amended by PL 1997, c. 690, §20, is further amended to read:

4. Kennel tags. Dogs covered by a kennel license must be furnished suitable kennel tags and stickers that must be attached to the back of the tag indicating the year the license is issued and bearing other information as prescribed by the department ~~and are not required to be individually licensed.~~

Sec. 16. 7 MRSA §3923-D, as amended by PL 1997, c. 690, §22, is repealed.

Sec. 17. 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 ~~3923-A and section~~ 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. 18. 7 MRSA §3923-F, as enacted by PL 2001, c. 422, §10, is repealed.

Sec. 19. 7 MRSA §3923-G, as amended by PL 2007, c. 439, §17, is repealed.

Sec. 20. 7 MRSA §3924, as amended by PL 1997, c. 690, §23, is repealed.

Sec. 21. 7 MRSA §3939, as enacted by PL 1993, c. 657, §37, is amended to read:

§ 3939. Dog facility licenses

Nothing in this chapter may be construed to exempt a licensed ~~facilities~~facility from the license requirements of chapter 721.

Sec. 22. 7 MRSA §3942, as amended by PL 2003, c. 405, §20, is repealed.

Sec. 23. 7 MRSA §3943, as amended by PL 2003, c. 405, §21, is repealed.

Sec. 24. 7 MRSA §3944, as amended by PL 1997, c. 690, §27, is further amended to read:

§ 3944. Issuance of kennel licenses

Municipal clerks ~~and dog recorders~~ shall issue kennel licenses to kennel owners or operators in accordance with section 3923-C.

Sec. 25. 7 MRSA §3945, as amended by PL 2001, c. 617, §8, is further amended to read:

§ 3945. Use of license fees and court fines retained by municipalities

Except for the \$1 recording fee pursuant to section 3942 retained by the municipal clerk, ~~all~~ All fees and court fines retained by municipalities must be kept in a separate account and must be used for the salaries and costs of animal control, enforcement of licensing laws, care of stray animals that are injured or abandoned and the support of one or more approved animal shelters. Any money not expended for these purposes in a municipality's fiscal year does not lapse, but must be carried over to the next fiscal year.

Sec. 26. 7 MRSA §3946, as amended by PL 1995, c. 490, §15, is repealed.

Sec. 27. 7 MRSA §3947, first ¶, as amended by PL 2007, c. 439, §26, is further amended to read:

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.

Sec. 28. 7 MRSA §3950-A, sub-§1, as enacted by PL 2003, c. 452, Pt. B, §21 and affected by Pt. X, §2, is amended to read:

1. Violation. A mayor, municipal officer, clerk, town or city manager, administrative assistant to the mayor, town or city councilor, ~~dog recorder of unorganized territories~~, constable, police officer, sheriff or animal control officer commits a civil violation if that person refuses or intentionally fails to perform the duties imposed by:

- A. This chapter;
- B. Chapter 719;
- C. Chapter 720;
- D. Chapter 721;
- E. Chapter 725; or
- F. Chapter 727.

SUMMARY

This bill repeals licensing requirements for an individual dog and institutes a \$5 surcharge per dose on all rabies vaccines, to be paid by a distributor that sells rabies vaccines in this State and deposited in the Animal Welfare Fund. The commissioner is directed to adopt rules to implement the animal welfare surcharge as established in the Maine Revised Statutes, Title 7, section 3916-A. The certificate of rabies vaccination acts as a license. This bill also reduces the kennel license fee from \$42 to \$21.