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Legislative Document

No. 1311

S.P. 407

In Senate, March 19, 2019

An Act Regarding the Sale of Dogs and Cats at Pet Shops

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant".

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CHIPMAN of Cumberland.

Cosponsored by Senator: CARPENTER of Aroostook, Representatives: BAILEY of Saco, CAMPBELL of Orrington, McCREA of Fort Fairfield, O'NEIL of Saco.

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

2 **Sec. 1. 7 MRSA §3907, sub-§23**, as amended by PL 1993, c. 657, §8, is repealed
3 and the following enacted in its place:

4 **23. Pet shop.** "Pet shop" means:

5 A. Until October 1, 2019, a place or vehicle in or on which any dogs, cats, rodents,
6 reptiles, fish, pet birds, exotic birds or exotic animals not born and raised on those
7 premises are kept for the purpose of sale to the public; and

8 B. Beginning October 1, 2019, a place or vehicle in or on which any rodents,
9 reptiles, fish, pet birds, exotic birds or exotic animals not born and raised on those
10 premises are kept for the purpose of sale to the public.

11 **Sec. 2. 7 MRSA §3910-B, sub-§1**, as amended by PL 2009, c. 148, §3, is further
12 amended to read:

13 **1. Establishment.** There is established the Companion Animal Sterilization Fund,
14 an interest-bearing account, referred to in this section as "the fund." The fund receives
15 money deposited by the Treasurer of State pursuant to Title 36, section 5284-A, revenues
16 generated in accordance with this section, ~~all revenue from the surcharges collected under~~
17 ~~section 3933, subsection 4,~~ revenue received from surcharges in accordance with section
18 714, subsection 4 and any money contributed voluntarily to the fund. All money
19 deposited in the fund and the earnings on that money remain in the fund to be used for the
20 spaying or neutering of companion animals owned by persons meeting income limit
21 standards and for the necessary direct administrative and personnel costs associated with
22 the management of the fund and may not be deposited in the General Fund or any other
23 fund except as specifically provided by law. The fund may not be charged for indirect
24 costs under a departmental indirect cost allocation plan.

25 **Sec. 3. 7 MRSA §3914, first ¶**, as amended by PL 2007, c. 439, §7, is further
26 amended to read:

27 Animal shelters, kennels, breeding kennels, boarding kennels and pet shops engaged
28 in buying or selling animals shall keep records of the buyer and seller in each transaction
29 for a 2-year period commencing at the time of purchase or sale. The records must be
30 open to inspection by the department or law enforcement officers. A person not in
31 possession of a valid license for an animal shelter, kennel, breeding kennel, or boarding
32 kennel ~~or pet shop~~ shall obtain a vendor's license under section 4163 prior to selling,
33 offering for sale or exchanging for value a cat or dog.

34 **Sec. 4. 7 MRSA §3933, sub-§4**, as enacted by PL 2005, c. 281, §7, is repealed.

35 **Sec. 5. 7 MRSA §3933, sub-§5**, as enacted by PL 2007, c. 439, §20, is repealed.

36 **Sec. 6. 7 MRSA §3938-A**, as enacted by PL 2007, c. 439, §22, is amended to
37 read:

1 **§3938-A. Minimum age of transfer for cats and dogs**

2 A person or an animal shelter, boarding kennel, or breeding kennel ~~or pet shop~~ that
3 sells, gives away or otherwise transfers ownership of a dog or cat before it has reached its
4 56th day of life commits a civil violation for which a fine of not less than \$50 nor more
5 than \$200 may be adjudged.

6 **Sec. 7. 7 MRSA §4151, sub-§1-A** is enacted to read:

7 **1-A. Animal rescue entity.** "Animal rescue entity" means a nonprofit organization
8 having tax-exempt status under the United States Internal Revenue Code, Section
9 501(c)(3) whose mission and practice is, in whole or in significant part, the rescue and
10 placement into permanent homes of animals and that does not breed animals. "Animal
11 rescue entity" does not include an entity that:

- 12 A. Is located on the same premises as a breeder;
13 B. Has any personnel in common with a breeder;
14 C. Obtains animals from a breeder; or
15 D. Facilitates the sale of animals obtained from a breeder.

16 **Sec. 8. 7 MRSA §4151, sub-§3-A** is enacted to read:

17 **3-A. Offer for sale.** "Offer for sale" means to sell, offer to transfer, offer for
18 adoption, advertise for sale, barter, auction, give away or otherwise dispose of an animal.

19 **Sec. 9. 7 MRSA §4151, sub-§4-A,** as enacted by PL 2007, c. 702, §22, is
20 amended to read:

21 **4-A. Seller.** "Seller" means the owner or operator of a breeding kennel as defined in
22 section 3907, subsection 8-A ~~or the owner or operator of a pet shop as defined in section~~
23 ~~3907, subsection 23.~~ "Seller" includes animal dealers required to be licensed by the
24 United States Department of Agriculture. "Seller" does not include humane societies,
25 nonprofit organizations performing the functions of humane societies or animal shelters
26 licensed in accordance with section 3932-A.

27 **Sec. 10. 7 MRSA §4152, sub-§1, ¶A,** as amended by PL 2009, c. 403, §9, is
28 further amended to read:

- 29 A. An animal history that includes:
- 30 (1) For sellers licensed with the United States Department of Agriculture, the
31 name, address and United States Department of Agriculture license number of the
32 breeder and any broker who has had possession of the animal. For sellers
33 licensed with the State, the name, address of the seller and the license number
34 issued under section 3931-A, ~~3933~~ or 4163;
- 35 (2) The date of the animal's birth;
- 36 (3) The date the seller received the animal if the animal was not born on the
37 seller's premises;

- 1 (4) The breed, sex, color and identifying marks of the animal. If the breed is
2 unknown or mixed, that fact must be stated;
- 3 (5) The individual identifying tag, tattoo, microchip identification number or
4 collar number;
- 5 (6) For pure bred animals that are advertised as eligible for registration, the name
6 and registration number of the sire and dam and, if available, the litter number;
7 and
- 8 (7) A record of inoculations, internal or external parasite treatments, medication
9 or any veterinarian examination or treatment received by the animal while in the
10 possession of the seller;

11 **Sec. 11. 7 MRSA §4153**, as amended by PL 2011, c. 100, §15, is repealed and the
12 following enacted in its place:

13 **§4153. Sale prohibited**

14 **1. Animal with disease, illness or condition.** Notwithstanding section 4152, a
15 seller may not sell an animal that has any obvious clinical sign of infectious, contagious,
16 parasitic or communicable disease or abnormality or has any disease, illness or condition
17 that requires hospitalization or nonelective surgical procedures.

18 **2. Wolf hybrid.** A seller may not sell a wolf hybrid.

19 **3. Pet shop.** A pet shop as defined in section 3907, subsection 23, paragraph A or B
20 may not offer an animal for sale.

21 A. A pet shop may provide space to an animal rescue entity to offer to the public
22 animals for adoption for a nominal adoption fee, as long as the pet shop does not have
23 any ownership interest in the animals offered for adoption and does not receive any
24 fee for providing space or for the adoption of any of the animals.

25 **4. Penalties.** A person who violates subsection 3 commits a civil violation for which
26 a fine of \$500 may be adjudged and is subject to the suspension or revocation of the
27 person's pet shop license pursuant to section 4162, subsection 2. Each offer for sale of an
28 animal in violation of subsection 3 constitutes a separate violation.

29 **Sec. 12. 7 MRSA §4163, first ¶**, as amended by PL 2007, c. 702, §36, is further
30 amended to read:

31 A person may not advertise for sale, sell or exchange for value more than one cat or
32 dog under the age of 6 months in a 12-month period unless that person has a valid animal
33 shelter, kennel, or breeding kennel ~~or pet shop~~ license or a valid vendor's license issued
34 under this section.

35 **Sec. 13. 17 MRSA §1011, sub-§23**, as repealed and replaced by PL 1997, c. 690,
36 §59, is repealed and the following enacted in its place:

37 **23. Pet shop.** "Pet shop" means:

