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AGRICULTURE, CONSERVATION AND FORESTRY

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**STATE OF MAINE
SENATE
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 309, L.D. 1049, Bill, “An Act Regarding the Sale of Dogs with Health Problems”

Amend the bill by striking out the title and substituting the following:

'An Act Regarding the Sale of Cats and Dogs with Health Problems'

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

'Sec. 1. 7 MRSA §4155, sub-§3, ¶¶B and C, as enacted by PL 1995, c. 589, §1, are amended to read:

B. Exchange of the animal for an animal of the purchaser's choice of equivalent value, ~~providing if~~ a replacement is available; ~~or~~

C. Retainment of the animal and reimbursement for 1/2 of the reasonable veterinary fees not to exceed 1/2 of the original purchase price of the animal; ~~or~~

Sec. 2. 7 MRSA §4155, sub-§3, ¶D is enacted to read:

D. For an animal with less than one year of life expectancy, as determined by a veterinarian pursuant to subsection 1, retainment of the animal and a full refund of the original purchase price of the animal. Reimbursement of veterinary fees by the seller is not required under this paragraph.

Sec. 3. 7 MRSA §4155, sub-§5, as amended by PL 2007, c. 702, §27, is further amended to read:

5. Sellers not exempt. Sellers may not, contractually or otherwise, exempt themselves from the remedies provided by this section for deaths or health problems in animals caused by infectious, contagious, parasitic or communicable disease or for deaths or health problems in animals caused by hereditary or congenital defects as described in subsection 1.

Sec. 4. 7 MRSA §4156, sub-§2, as amended by PL 2007, c. 702, §29, is further amended to read:

COMMITTEE AMENDMENT

1 **2. Refund.** If the purchaser wishes to receive a full refund for the animal, the
2 purchaser must return the animal no later than 2 business days after receipt of a written
3 statement from a veterinarian indicating that the animal is unfit due to a health problem.
4 With respect to a dead animal, the purchaser must provide the seller with a written
5 statement from a veterinarian indicating that the animal died from a health problem that
6 existed on or before the receipt of the animal by the purchaser. This subsection does not
7 apply to a refund requested pursuant to section 4155, subsection 3, paragraph D.'

8

SUMMARY

9 This amendment replaces the bill and changes the title. The amendment allows, for a
10 dog or cat with a life expectancy of less than one year as determined by a veterinarian, the
11 purchaser to choose to retain the dog or cat and receive a full refund for the original
12 purchase price of the dog or cat. The amendment also provides that reimbursement of
13 veterinarian fees by the seller is not required when a purchaser chooses to retain the dog
14 or cat and receive a full refund for the original purchase price of the dog or cat.

15 The amendment provides that sellers may not, contractually or otherwise, exempt
16 themselves from the remedies provided for deaths or health problems in dogs and cats
17 caused by hereditary or congenital defects.