

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND FIFTEEN

H.P. 706 - L.D. 1023

An Act To Revise the Animal Welfare Laws

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

**Sec. 1. 7 MRSA §3907, sub-§5-A**, as amended by PL 2005, c. 510, §1, is repealed and the following enacted in its place:

**5-A. Animal shelter.** "Animal shelter" means a:

A. Facility that houses domesticated animals and operates for the purpose of providing stray, abandoned, abused or owner-surrendered animals with sanctuary or finding the animals temporary or permanent adoptive homes; or

B. Rescue group.

**Sec. 2. 7 MRSA §3907, sub-§23-A**, as enacted by PL 2007, c. 439, §5, is amended to read:

**23-A. Rescue group.** "Rescue group" means an organization or individual that receives domesticated animals that have been abandoned, surrendered or removed from an animal facility or that takes in homeless dogs or cats and sells, gives or otherwise places the animals in private homes. ~~"Rescue group" does not include a facility licensed under chapter 723.~~

**Sec. 3. 7 MRSA §3907, sub-§28**, as enacted by PL 1987, c. 383, §3, is repealed.

**Sec. 4. 7 MRSA §3919-A, sub-§4**, as amended by PL 2007, c. 439, §10, is further amended to read:

**4. Euthanasia for severely sick or severely injured cat or small animal.** A humane agent, an animal control officer or an animal shelter may authorize in writing the immediate euthanasia of a severely sick or severely injured cat or small animal upon determining that the following conditions are met:

A. The animal control officer of the municipality where the cat or small animal was found has been notified or, if the cat or small animal has ~~eat~~ identification, the owner of the cat or small animal has been notified; and

B. A veterinarian states in writing that the cat's or small animal's recovery from its injury or illness, given reasonable time and reasonable care, is doubtful or that the cat or small animal presents a danger to the public.

Notwithstanding paragraphs A and B, a veterinarian may authorize immediate euthanasia if, in the veterinarian's judgment, there is no possibility of recovery for a severely injured or severely sick cat or small animal.

**Sec. 5. 7 MRSA §3919-A, sub-§5**, as enacted by PL 2001, c. 363, §3, is amended to read:

**5. Immunity.** A veterinarian, a humane agent, an animal control officer or an animal shelter, including a person employed by an animal shelter, is not civilly liable to the owner of a cat or small animal for the loss of that cat or small animal resulting from actions taken in compliance with this section.

Nothing in this subsection grants to an animal shelter or person any immunity from liability arising from the gift, sale or other transference of a cat or small animal to a research facility in violation of subsection 2.

**Sec. 6. 7 MRSA §3919-C, first ¶**, as amended by PL 2007, c. 439, §11, is further amended to read:

When an animal shelter holds an animal at the request or with the approval of the ~~department~~ person who seized the animal pending an investigation or disposition by the court of an alleged violation of chapter 739 or Title 17, chapter 42, the shelter is entitled to receive from the ~~department~~ person who seized the animal monetary compensation in accordance with this section for the period for which food and shelter are furnished to the animal. For the purposes of this section, "person who seized the animal" includes a humane agent, law enforcement or an animal control officer permitted by law to obtain a search warrant or to seize animals ex parte.

**Sec. 7. 7 MRSA §3919-E, sub-§1, ¶A**, as enacted by PL 2013, c. 115, §8, is amended to read:

A. Offer the small animal for adoption, sell the small animal, give away the small animal or transfer the small animal to an appropriate facility ~~or rescue group~~ that can provide for that specific type of small animal; or

**Sec. 8. 7 MRSA §3932-A, sub-§4**, as enacted by PL 2013, c. 115, §14, is repealed.

**Sec. 9. 7 MRSA §3939-A**, as enacted by PL 2007, c. 439, §23, is amended to read:

### §3939-A. Spay; neuter of dogs and cats

**1. Spay; neuter.** Except as otherwise provided in subsections 2 and 3, an animal shelter ~~or rescue group~~ may not place with a new owner a dog or cat that has not been spayed or neutered unless an appointment has been made with a licensed veterinarian to spay or neuter the animal within 30 days of accepting ownership. A person who accepts ownership of a dog or cat that is unaltered shall, in addition to any other charges or other fees, make a deposit equal to 100% of the cost of the scheduled surgery with the animal shelter ~~or rescue group~~ and shall sign a spay-neuter agreement. The animal shelter ~~or rescue group~~ must refund the deposit upon receiving proof of sterilization.

For purposes of this section, "place" means to sell, give away or otherwise transfer possession of a cat or dog.

**2. Detrimental to health.** If a licensed veterinarian or veterinary technician as defined in Title 32, section 4853 determines that a dog or cat is too sick or injured or that it would otherwise be detrimental to the health of the dog or cat to be spayed or neutered within 30 days of placement, the animal shelter ~~or rescue group~~ shall collect a deposit of not less than \$50 and not more than \$150 at the time of sale or placement. The animal shelter ~~or rescue group~~ shall determine the amount of the deposit based on the cost of spaying or neutering within the geographic area served by the animal shelter ~~or rescue group~~. A person accepting ownership of the dog or cat under this subsection shall sign an agreement to have the animal sterilized as soon as it is medically advisable.

Upon receipt of proof of sterilization, the animal shelter ~~or rescue group~~ shall immediately and fully refund the deposit.

**3. Extension.** Notwithstanding subsection 1, an animal shelter ~~or rescue group~~ may extend the date by which spaying or neutering is to be completed at its discretion for good cause. An extension must be in writing.

**4. Reimbursement of deposit.** If a dog or cat dies prior to spaying or neutering and within the agreement period, the owner is entitled to reimbursement of the deposit paid under subsection 1. If a dog or cat dies prior to spaying or neutering and within 120 days of signing an agreement under subsection 2, the owner is entitled to reimbursement of the deposit paid under subsection 2. To receive reimbursement under this subsection, the owner must provide the animal shelter ~~or rescue group~~ with a letter signed by a licensed veterinarian stating that the cat or dog has died and providing a description of the animal.

**5. Unclaimed deposits.** Except as provided in subsections 2, 3 and 4, deposits received under subsection 1 or 2 that are unclaimed within 120 days of the date the spay-neuter agreement was signed must be:

- A. Used to subsidize spaying or neutering of dogs and cats offered for placement by the animal shelter ~~or rescue group~~ receiving the deposits; or
- B. Remitted to the department for deposit in the Companion Animal Sterilization Fund established under section 3910-B.

When extensions are granted under subsection 3 and the deposits are unclaimed 120 days after the extended date for spaying or neutering, those deposits must be disposed of under paragraphs A and B.

**Sec. 10. 7 MRSA §3939-B**, as enacted by PL 2007, c. 439, §24, is amended to read:

**§3939-B. Violations**

**1. Noncompliance by new owner.** If a person receiving a dog or cat from an animal shelter ~~or rescue group~~ fails to comply with section 3939-A, that person forfeits the sterilization deposit and commits a civil violation for which a fine of not less than \$50 nor more than \$200 per animal may be adjudged.

**2. Noncompliance by animal shelter.** If an animal shelter ~~or rescue group~~ fails to require a spay-neuter agreement or fails to collect a deposit as required under section 3939-A, that animal shelter ~~or rescue group~~ commits a civil violation for which a fine of not less than \$50 nor more than \$200 per animal may be adjudged.

**Sec. 11. 7 MRSA §3942**, as amended by PL 2003, c. 405, §20, is further amended to read:

**§3942. Issuance of dog licenses**

Municipal clerks shall issue dog licenses in accordance with chapter 721, receive the license fees and pay to the department ~~\$9~~ \$10 for dogs capable of producing young and \$3 from each license fee received for dogs incapable of producing young. The clerks shall keep a record of all licenses issued by them, with the names of the owners or keepers of dogs licensed and the sex, registered numbers and description of all dogs except those covered by a kennel license. The clerks shall make a monthly report to the department on a department-approved form of all dog licenses issued and fees received.

The clerk shall retain \$1 from each license fee as a recording fee. The clerk shall deposit \$2 from each license for a dog incapable of producing young in the municipality's animal welfare account established in accordance with section 3945.

**Sec. 12. 7 MRSA §3972, sub-§1, ¶E**, as amended by PL 1995, c. 144, §1, is further amended to read:

E. Tie, tether or restrain any animal in a manner that is inhumane or detrimental to its welfare; ~~or~~

**Sec. 13. 7 MRSA §3972, sub-§1, ¶F**, as amended by PL 1997, c. 690, §40, is further amended to read:

F. Intentionally cause an equine to fall or lose its balance by any means whatsoever. For the purposes of this paragraph, the term "equine" means, but is not limited to, a horse, mare, pony, ass, donkey, burro, mule or hinny. This paragraph does not apply to the lawful laying down of an equine for medical or identification purposes; ~~or~~

**Sec. 14. 7 MRSA §3972, sub-§1, ¶G** is enacted to read:

G. Abandon, dump or dispose of any deceased domesticated animal on public property or on private property without the permission of the property owner.