

February 6, 2025

RE: Testimony in Opposition to LD 133 – An Act to Amend the Laws Regarding Nuisance Dogs

Senator Talbot-Ross, Representative Pluecker, and other Honorable Members of the Agriculture, Conservation and Forestry Committee:

My name is Katie Lisnik and I am the elected Chair of the Animal Welfare Advisory Council, which was established in 2001 per MRS Title 7, Chapter 717. ANIMAL WELFARE ACT, §3906-C. The purpose of this Council is to “advise” the ACF Commissioner on matters pertaining to animal welfare. We have been actively meeting almost monthly since 2022 and are working on a variety of issues to advance animal protections in the legislative arena, as well as at the procedural level with guidance being offered on Help Fix ME functions and Animal Control Officer certification requirements and training.

We also accept public comment at each meeting and have heard from several individuals over the past year regarding issues with municipal kennels in their communities. From these concerns, we have drafted and put forward a bill, which you all will hear later this session, to allow for better oversight and regulation of these dog kennels through facility licensing under the Department of Agriculture. While barking was a component of the complaints we heard, the larger issue was with lack of enforcement of current laws, and conflict of interests among Animal Control Officers, municipal officials and municipal kennel operators.

While we sympathize with individuals and families living with a neighbor who allows their dog(s) to bark excessively, we oppose the use of this current section of law, Sec. 1. 7 MRSA §3907, sub-§20-A and Sec. 2. 7 MRSA §3952-A, sub-§1 to address what is in fact a municipal noise complaint issue in a statute that addresses serious public health concerns of threatening behaviors that are related to or are a definitive precursor to significant harm being caused by a dog. A "nuisance dog" can only be determined after a dog bite occurs or significant damage to a non-owner's crops. Those are the only impetus for citing by an Animal Control Officer or law enforcement under this section. Barking is not something that should be associated with aggressive or dangerous dog behavior such as biting.

We respectfully suggest that, if the Committee concludes that noise complaints should be regulated at the state level, it may better fall under Department of Public Safety regulations, Title 30-A as it relates to municipalities, or another statute. However, as we are all aware, what may constitute “excessive barking, howling or yelping” may be very different in Portland versus Fort Fairfield. Given the differences in municipalities across the state, we ask you to consider whether a better option may be to direct the changes proposed in this bill to a resolve that directs municipalities to ensure they have an adequate and enforceable noise ordinance that includes barking dogs and is appropriate for the demographics of their community. For example, the City of Portland has, as do other municipalities, such a noise ordinance embedded in Chapter 5 of the City's Code.

We are happy to provide more information as desired and look forward to ongoing work to improve the welfare of animals in our state.

Respectfully submitted,

Katie Lisnik, Chair
Licensed Animal Shelters

Dr. Casey Cole, Past Chair
Equine Experience and Care

Sharon St. John
Licensed Breeding Kennels

Dennis Morelli
State-based Animal Advocacy Group

Julie Ann Smith
Livestock Experience with Statewide Farming
Organization

Dr. Dana Hill
Cooperative Extension Agent or Specialist

Dr. Jessica Matulis
Licensed Veterinarian/MVMA

Kathleen Benard
Pet Owner/Public Representative

Kim McLaughlin
Municipal Interests

Frank Billings
Licensed Boarding Kennels

Ruthann Weist
Animal Control Officers

Bonnie Martinolich
Attorney with Animal Law Experience