

February 27, 2025

RE: Testimony in Opposition to LD 498 – Resolve, to Improve Standards for Animal Rescue Entities

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. LD 498 is a proposal that has been before you twice previously, with no revisions made based on prior testimony (130th Legislature as LD 561 and 131st Legislature as LD 157).

Maine law currently includes Rule Chapters for the Department of Agriculture, Conservation and Forestry governing animal welfare (Chapter 701) and governing the sale of dogs and cats and importation of dogs and cats for resale or adoption (Chapter 216). They cover animal health requirements, housing standards, disease control, record keeping, and more for not just animal shelters and rescues, but also kennels, breeding kennels, and pet shops.

Since this Resolve was first submitted for consideration in the 130th Legislature, Chapter 701 was amended with an effective date of January 24, 2022, and some of those updates address concerns raised by the proponents of LD 498. Most notably, the following was added:

- SECTION IA4: “Capacity for care” is the level at which each licensed animal facility in Maine can maintain the ability to meet the needs of every animal in the care of that facility, regardless of purpose, age, health status and personality, and by functioning within this level, are able to ensure the health and wellness of animals in their care.
- SECTION IN1: All facilities licensed under these rules shall demonstrate proper capacity to care for the number of animals under their care upon request from and to the satisfaction of the department. In determining the adequacy of a facilities’ demonstration of capacity for care, the department will take into account, among other relevant factors: the type and numbers of animals in the care of the facility; the specific needs of the animals in the care of the facility and whether they require special care; the type of operation; experience of the facility operators and staff; and the size and capacity of the facility; and the occurrence of any emergency or disaster situations.
- SECTION IN2: A facility must not exceed its capacity for care by, including but not limited to, housing more animals for which it has demonstrated a capacity to care for or housing and caring for animals that have special needs that the facility operator and/or staff are unqualified or otherwise unable to provide.

LD 498 asks that certain types of rules be promulgated that, while well intended, could prove problematic. For example, specific staff to animal ratios cannot be set broadly across all organizations as there are many factors that go into determining capacity to care including “the number of appropriate housing units; staffing for programs or services; staff training; average length

of stay; and the total number of reclaims, adoptions, transfers, release, or other outcomes.”
(Guidelines for Standards of Care in Animal Shelters, 2010)

With respect to requiring rules to govern animals returned multiple times, it is important to note that animals may be returned for a whole host of reasons. In cases involving a dog exhibiting behavior creating a public safety matter, the dangerous dog statute, which went through a significant overhaul before this committee in 2017-2018, provides an appropriate vehicle to address such concerns. It is important for rules to provide necessary parameters while also remaining flexible enough to allow for the various types of organizations and numerous factors at play depending on a particular situation.

As a Council, we feel that current rules are adequate to address the concerns brought by this bill. We can also be a sounding board, through public comment at future meetings, to discuss and make recommendations for specific rule updates to the Department, should there be specific issues that do indeed need to be clarified.

We thank you for the opportunity to provide this information.

Sincerely,

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