

December 10, 2020

Commissioner Amanda E. Beal
Maine Department of Agriculture, Conservation and Forestry
22 State House Station
Augusta, ME 04333-0022

RE: Administration of the Help Fix ME program

Dear Commissioner Beal:

On behalf of the Maine Federation of Humane Societies, Spay Maine, Marian's Dream, Animal Refuge League of Greater Portland, Animal Welfare Society, Greater Androscoggin Humane Society, Houlton Humane Society, Kennebec Valley Humane Society, PAWS Animal Welfare Society Fort Kent, Pope Memorial Humane Society, and Cat Coalition of Western Maine we are writing to request the Department of Agriculture, Conservation and Forestry ("Department") utilize the option to contract for the administration of the Help Fix ME ("HFM") program pursuant to 7 MRSA §3910-B, sub-§1-A. Doing so will provide an opportunity to better serve HFM's constituency and allow more of the Animal Welfare Program's ("AWP") resources to be utilized for their many other essential responsibilities in their work to ensure the humane and proper treatment of animals.

We are very fortunate to have the HFM program, which was established through a collaborative effort in 2004 to provide low-cost spay/neuter and rabies vaccination services for Maine's low-income pet owners. Providing assistance to impoverished households with pets helps our people, animals, and communities. In addition to saving animals' lives and reducing shelter populations, it lifts up Maine's families living with pets in poverty, increasing their access to services, resources, information and support. Accordingly, it is essential for HFM to be run as efficiently and effectively as possible.

The ongoing and high demand for HFM services was recognized by the legislature in 2017 when more funding from the petfood surcharge was directed to the program.¹ However, despite the continued need and those additional resources, the number of spay/neuter surgeries has decreased rather than increased.²

Calendar Year	2014	2015	2016	2017	2018	2019
No. Spay/Neuters	2968	2778	1976	3569	1346	1558

Additionally, despite there being a surplus of funds in the HFM account – a recent estimated balance was \$400,000³ – the program has been unavailable to the public for over two months with the AWP posting

¹ See 7 MRSA §714, sub-§4.

² See Animal Welfare Program Annual Reports for 2014, 2015, 2016, 2017, 2018 & 2019.

³ Director Hughes provided this figure during a stakeholder call held on August 24, 2020.

an update on October 2, 2020 that “We are currently not giving out applications at this time and do not have a date for when they will become available.”⁴ We recognize the HFM account balance figure does not reflect the vouchers which have not yet been returned for payment, but there are not \$400,000 worth of outstanding vouchers in circulation and closures of the program are not uncommon.

It was acknowledged in 2007, just a few years after HFM’s inception, that contracting out the administration of the program may be in the best interest for all involved. Accordingly, the statute was amended⁵ to expressly authorize the Department to do so and a corresponding rule change⁶ followed. This was the result of realizing the day-to-day management and promotion of the program is quite tedious, labor-intensive, and time sensitive. It requires painstaking tracking, significant follow-up with clients who may have difficulty with the application/voucher process or face other hurdles, quick turn-around to prevent unwanted litters, frequent outreach to and dialogue with the veterinary community, prompt payments to service providers, and more.

While the AWP has made changes over the years to adapt and improve the way in which the program is operated internally, it remains constrained by the limitations of working within the state government financial processes and balancing the demands of its many important responsibilities. Fortunately, over the years, several organizations have specialized in low-cost spay/neuter around the state. Having a distinct focus on such work, less red tape to contend with, and more capacity to address the many facets of running these programs make them ideal candidates to be considered for administering HFM. It is not at all uncommon for the state to utilize outside resources with specialized knowledge, skills, and infrastructure in a field to assist it with effectively carrying out its statutory obligations and mission.

The current need for HFM services is overwhelming as the COVID-19 pandemic resulted in a complete suspension of spay/neuter surgeries for at least three months earlier this year, access remains limited, and more Mainers are facing economic hardship. And with Governor Mills continuing to extend the State of Civil Emergency it is important the funds remain protected for their intended purpose. Should they continue to sit in the account unused, they could be vulnerable to being redirected pursuant to emergency powers to cover shortfalls caused by the pandemic.

For all the foregoing reasons, now is the time to pursue the option of contracting out the administration of HFM to a qualified entity through the competitive process. This is an opportunity to improve upon the vital and life-saving work of both HFM and the AWP.

Thank you for your time and consideration. We would welcome the opportunity to speak further with you to discuss our request.

⁴ See https://www.maine.gov/dacf/ahw/animal_welfare/#fixme (accessed December 8, 2020).

⁵ See 7 MRSA §3910-B, sub-§1-A.

⁶ See 01-001 Chapter 702: Rules for the Low-income Spay-Neuter Program ¶ 4B.

Respectfully,

Katie Hansberry

Katie Hansberry
President
Maine Federation of Humane Societies

Sharon Secovich

Sharon Secovich
Co-Founder
Spay Maine

Patsy Murphy

Patsy Murphy
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Trenton, Maine

CJ Virgie

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Houlton Humane Society
Houlton, Maine

Esther Mechler

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Executive Director
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Spay Maine

Abigail Smith

Abigail Smith
Executive Director
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Hillary Roberts

Hillary Roberts
Executive Director
Kennebec Valley Humane Society
Augusta, Maine

Jean Cobb

Jean Cobb
Treasurer
PAWS Animal Welfare Society
Fort Kent, Maine

Stephanie Mains

Stephanie Mains
President
Cat Coalition of Western Maine
Naples, Maine

Testimony of Sharon Secovich in Support of LD 595
"An Act to Require Major Substantive Rulemaking for the Companion Animal Sterilization Fund"

Help Fix ME (HFM), Maine's low-income, low-cost, cat/dog spay/neuter program has funded surgeries since 2004. It is financed entirely by cat and dog owners; tax money does not support this program. As money into the program increased (thanks to efforts by animal welfare advocates [ADOPT license plate, tax check-off box, direct donations]), the Animal Welfare Program (AWP) struggled to effectively run HFM. Problems include taking weeks to months to issue vouchers, not returning calls to clients seeking vouchers, not paying veterinarians in a timely manner, not spending the money (there was a \$546,700 cash balance in the fund in April [kitten season] 2021) and shutting down the phone lines.

In 2022, as a result of continuing problems with the administration of the program, this committee heard testimony from stakeholders and voted unanimously to pass LD 1828 - "An Act Requiring a Contract for the Administration of the Department of Agriculture, Conservation and Forestry's Low-Cost Spaying and Neutering Program". At that time, the Committee required the AWP outsource the administration of HFM to a "suitable animal welfare organization." The resultant law reads:

Sec. 2. 7 MRSA §3910-B, sub-§1-A, as enacted by PL 2007, c. 539, Pt. CCCC, §2, is amended to read:

1-A. ~~Option to contract for administration~~ Administration of the fund. The commissioner ~~may~~ shall contract the administration of the fund to a suitable animal welfare organization or individual selected through a competitive process. The contracting organization ~~or individual~~ shall administer the fund in accordance with procedures and eligibility standards established under subsection 2. The contracting organization ~~or individual~~ may not expend more than 15% of the fund annually for administrative costs. In the event that the commissioner cannot find a suitable animal welfare organization, the department shall administer the fund.

The Committee required the AWP issue a request for proposals (RFP) to administer HFM ". . . in accordance with the procedures and eligibility standards established under subsection 2", no later than August 1, 2022. It is now February 2023, and it has not issued the RFP. Instead, the AWP proposed changes to the program that required rulemaking and ensures no outside animal welfare organization will be qualified or want to bid on the program. Thus, guaranteeing the program will remain with the Department.

The AWP's proposed redesign of HFM is a blatant disregard of the legislature's intent to outsource it when it passed LD-1828. The AWP's proposed changes are "major and substantive" and should be reviewed by this Committee. These changes include (but are not limited to):

Program Administration

1. Requiring the organization that administers the program have "experience managing programs of similar funding on a state-wide basis" **AND** the organization that administers the program cannot actually participate in the program. Meaning, that organization cannot accept vouchers to spay/neuter cats/dogs. These two requirements ensure that every animal welfare organization in Maine will not be eligible to

administer this program and every veterinarian clinic would not want to administer the program; only the state AWP would be eligible to administer the program.

Veterinary Participation

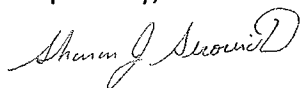
2. *Requiring* veterinarians, fill out an application requesting funding and committing to a specific number of surgeries over a 12 month period and *pre-paying* the veterinarians for those vouchers.
 - Pre-paying veterinarians will tie up money for a 12-month period and may, or not be spent by the veterinarian. This money could be used assisting individual pet owners seeking a voucher.
 - Pre-paying veterinarians and requiring they commit a specific number of surgeries will only benefit the handful of veterinarians in Maine that conduct “Spay/Neuter Events” as described in the Definitions, and/or those who operate out of an animal shelter. Creating a spay/neuter “desert” throughout most of the state. Individuals will not have access to the HFM program unless they live near one of these clinics or events.
 - Prepaying veterinarians will cause veterinarians who may only want to perform a few low-cost s/n surgeries or who may only want to help an existing client to opt out of the program.

I agree that veterinarians should receive enough vouchers to conduct spay/neuter events. The Department stated in its announcement for rulemaking that it is going through this rule making process in part, to “account for the current shortage of veterinary professionals in the state by specifically including large scale spay/neuter events . . .” The Department is *already* providing veterinarians with large numbers of vouchers “specifically for large scale spay/neuter events” while not issuing vouchers to individual clients who call the HFM phone line seeking help. So why do we need rulemaking for this?

3. When this program was created, two of the requirements from the veterinarian community was that they have very little paperwork, and they not collect the co-pay. The AWP’s *proposed* rules requires the Administrator to report quarterly to the Department making it necessary for the veterinarians to report quarterly to the Administrator. This along with the application requirements, create more, not less paperwork for the veterinarians.

The intent of LD 1828 is that the funds were to be transferred to the new administrator on a periodic basis to administer the program, issue vouchers, and pay veterinarians. The Department’s changes to LD 1828 are “major and substantive” and should be reviewed by this Committee.

Respectfully,



Sharon J. Secovich



SPAY
maine

Chapter 702: RULES FOR THE LOW INCOME SPAY/NEUTER PROGRAM

Summary: This Chapter establishes and implements a low-income spay/neuter program for cats and dogs. Eligibility requirements for participation in the program and procedures for veterinarian reimbursement, and program administration and performance measurements are contained in these rules.

The purpose of the low-income spay/neuter program is to reduce:

- a) Stray and unwanted cats and dogs
- b) Cat and dog euthanasia rates
- c) Dog bites
- d) Feral cats
- e) Threats to public health and safety from rabies and other zoonotic diseases.
- f) Community and state animal control costs

1. DEFINITIONS

- A. CAT – A member of the genus and species known as ~~felis~~*Felis catus*.
- B. COMMISSIONER – The Commissioner of the State of Maine Department of Agriculture, Conservation and Forestry.
- C. DEPARTMENT – The Department of Agriculture, Conservation and Forestry.
- D. DOG – A member of the genus and species known as ~~canis~~*Canis familiaris*.
- E. DOG LICENSE – A State of Maine license obtained by the owner or keeper of a dog at the age of 6 months or more, on or before January 1st of each year.
- F. FERAL CAT – A cat without owner identification of any kind that consistently exhibits extreme fear in the presence of people.
- G. KEEPER – A person in possession or control of an animal becomes the keeper of a stray domesticated animal, other than a dog or livestock, if the person feeds that animal for at least 10 consecutive days.
- H. LICENSED ANIMAL SHELTER – A facility, ~~Facility licensed by the state, which includes a physical structure or part of a physical structure that provides temporary or permanent shelter to 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 a rescue group licensed by the state.~~
- I. ~~OVERPOPULATION-~~ Pets: a surplus of pets when compared to demand for ownership by people. Feral Cats: when the population of feral cats exceeds its sustainable size within a particular environment or habitat.

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- J. OWNER – Any person, firm, partnership, association or corporation that owns, keeps or harbors a dog or other animal.
- JK. PROGRAM – The Low-Income Spay/Neuter Program for dogs and cats.
- KL. SPAY/NEUTER – To sterilize a female animal by removing the ovaries or to castrate a male animal by removing the testicles or by FDA approved pharmaceutical sterilization.
- L-M. SPAY/NEUTER EVENT- A scheduled event by a veterinary provider, whether in a mobile clinic, pop-up clinic or fixed location, where twenty or more surgeries will be provided per day to eligible Help Fix Me participants.
- N STRAY ANIMAL – A cat or dog with no known owner that may be deserted, sick, or injured.
- MO. VETERINARY PROVIDER- Veterinarian licensed in the state of Maine, Veterinary Clinic licensed in the State of Maine, or Animal Welfare Organization that has at least one veterinarian on staff and regularly provides spay/neuter services to the public.
- P. UNWANTED – A cat or dog abandoned or not wanted by its owner or keeper.

2. ELIGIBILITY

- A. To be eligible for the low-income spay/neuter program for a pet cat or dog a person must:
 - 1. Be an independent adult (18 years or older and not declared as a dependent for tax purposes by another person);
 - 2. Be a Resident of the State of Maine;
 - 3. Be the owner or keeper of the cat or dog being spayed or neutered by a participating veterinarian;
 - 4. Make a co-payment determined on an annual basis by the Commissioner. The requirement for a co-payment may be waived if the Director of the Animal Welfare Program and/or the Administrator determines that its payment by the owner or keeper of the animal would create a financial hardship; and
 - 5. Have a household income less than 133% of the federal poverty level. If program funding allows, the Commissioner may increase the household income limit for the purposes of this requirement up to 150% of the poverty level.
- B. Determination and the approval of any government public assistance program that may be used to indicate eligibility shall be at the Commissioner's discretion.
- C. Dogs and cats imported or transferred from out of state to a licensed or unlicensed shelter or rescue organization are not eligible for participation in the program.

- D. Feral cats will be spayed/neutered without a copay or any requirement of eligibility by the person producing them for surgery as feral cats are unowned.

3. VETERINARIAN PARTICIPATION

- A. Any veterinarian licensed in this state may veterinary provider may request funding to participate in the program established under this Chapter. To participate, a veterinarian/veterinary provider must file a signed application requesting funding for the surgeries committed to in the 12-month period following application and must sign an agreement with the Commissioner on a biennial/annual basis on a form provided by the Commissioner agreeing to all pre-set fees and program conditions. Pre-set fees shall be set by the Commissioner on a biennial/annual basis in consultation with the Maine Veterinary Medical Association.
- B. For all cats and dogs sterilized under this program the The Commissioner shall reimburse the veterinarians/provide funding to the veterinary provider, pre-paid in a single or multiple installments for services on a monthly basis in accordance the number of surgeries agreed to, with the pre-set amount future installments conditioned upon usage of at least 75% of the first installment monies and availability of funding. Veterinary providers shall collect co-pays and account for them in the reporting process. The pre-set fee per surgery shall cover the cost of the pre-surgical exam, the spay/neuter surgery and a rabies vaccination. The veterinary provider may charge the pre-set fee for necessary additional approved procedures including FVRCP vaccine, DHLPP vaccine, flea and tick treatment, pain management, and e-collar. The owner shall be responsible for the payment of any additional procedures administered by the veterinarian that are not covered under this program.

4. PROGRAM ADMINISTRATION

- A. The Department's Animal Welfare (AWP) or an organization or individual that meets the statutory requirements of Title 7 M.R.S. §3910-B ¶1-A Companion Animal Sterilization Fund and can show that it has sufficient staff to administer the program and experience managing programs of similar funding on a statewide basis, shall administer the program for the Commissioner and shall be responsible for:

1. Issuing vouchers;

1. Issuing unique vouchers or voucher numbers to participants that are coded to indicate the type of animal and surgery (example: F for Feral, D dog, C cat, S spay, N neuter) and whether income status is verified or conditional (example V or C); and/or issuing batch vouchers or voucher numbers to veterinary providers for spay/neuter events;

2.

2. Procuring veterinarian/veterinary provider participation agreements and maintaining positive relations with the veterinarians/veterinary providers;

3. Maintaining a list of participating veterinarians/veterinary providers;

4. Determining individual owner eligibility;

5. ~~Notifying and/or, in the case of large spay/neuter events held by veterinary providers, establishing a process ensuring that participating veterinarians of the co-payment as determined by the Commissioner on a yearly basis;veterinary providers are verifying eligibility.~~

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~~6. Collecting of co-payments; and~~

~~7. Reimbursing veterinarians in accordance with the agreements and these rules.~~

~~B.~~

5. ~~Dispensing funds to veterinarians in a timely manner once application for funding is approved.~~

6. ~~Collecting and reviewing progress reports from veterinarians including specific vouchers redeemed, fund expenditures, funds remaining, changes needed for secondadditional funding installments, accounting for copays paid directly to veterinarians etc.~~

7. ~~Reporting quarterly to AWP on program progress including a reconciliation of all funding, vouchers issued/redeemed, veterinary participant progress vs funding applications.~~

B. If the program is contracted to an organization or individual, the Commissioner shall deposit all available funds in the Companion Animal Sterilization Fund directly into the Help Fix ME account of the organization or individual as determined by the Department of Administrative and Financial Services. The contracted organization or individual shall submit quarterly financial reports to the Commissioner. This report shall include but not be limited to the number of vouchers issued, an accounting of funds dispersed, and balance of the account.

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~~C. In avoidance of any conflict of interest, the administrator of the program shall not be eligible to receive payments or vouchers from the fund, with the exception of the administration fee not to exceed 15%.~~

5. PERFORMANCE MEASUREMENT

Performance Measurement is necessary to determine the success of the program and to assess if any changes in the program should be made. To measure the performance of this program, the AWP shall require standardized reporting of statewide cat and dog intake by type (including but not limited to owner surrenders, stray, seizure, and transfers in from within state and out of state) and euthanasia by type numbers to the AWP by licensed animal shelters, which are required to keep and maintain such information in accordance with 01-001 CMR Chapter 701: *Rules Governing Animal Welfare* 1C. The reporting will be on forms provided by the Department.

6. DISTRIBUTION OF FUNDS

- A. In order for the Companion Animal Sterilization Fund /Help Fix ME funds to be used effectively and reduce animal overpopulation and euthanasia, the apportionment of the funds to be shall be applied to the program shall be determined as follows:
1. The Director of the Animal Welfare Program and/or Administrator shall apportion available funds between cats and dogs according to the need to control overpopulation of cats or dogs.
 2. If one species is overpopulated but not the other, then no more than 10% of the program's funds can be spent on ~~that~~the species that is not overpopulated, with priority given to those breeds that are most difficult to place for adoption.
 3. If ~~here~~there is no overpopulation of either species, then the funds shall be expended according to requests for assistance from qualifying low-income applicants and/or qualified veterinary providers.
 4. The Commissioner shall consult with Maine humane societies, shelters and other stakeholders the Commissioner deems ~~relevant~~appropriate to make the determinations regarding overpopulation and breeds that are difficult to adopt.

7. FUNDING

A Low-Income Spay/Neuter Fund shall be established for this program. Any monies received by the Commissioner in accordance with the authority provided by 7 M.R.S. §~~3906~~³⁹¹⁰-B(13) shall be deposited into a separate, non-lapsing account and shall be dedicated for use by the Commissioner exclusively for implementation of this program, including veterinarian ~~reimbursement~~payments, administration, promotions and other costs associated with the program. Interest earnings credited to the assets of the fund shall become part of the fund.

STATUTORY AUTHORITY: 7 M.R.S. §3906-B and §3910-B

EFFECTIVE DATE:
June 9, 2004 - filing 2004-206

AMENDED:
May 8, 2011 -- filing 2011-137, filing 2011-137

CORRECTIONS:
February, 2014 -- agency names, formatting