

May 6, 2025

RE: Testimony in Support of LD 1771 – An Act to Strengthen Oversight of Kennels by Changing the Licensing Authority from Municipalities to the Department of Agriculture, Conservation and Forestry

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 Governor-appointed Council is to “advise” the ACF Commissioner on matters pertaining to animal welfare. We have been 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 important functions such as the Help Fix ME program and Animal Control Officer certification requirements and training. We also work to improve big picture issues facing animals in the state which are often brought to us by members of the public and concerned citizens.

We thank Senator Bailey for bringing this bill forward for your consideration. The issue of often inconsistent, non-existent and insufficient oversight of dog kennels as currently managed at the municipal level has been a significant topic of public comment at AWAC meetings for the past few years, with multiple examples brought to our attention. This bill is a good example of compromise, where both “sides” are not entirely happy; those who want stricter regulation and those who prefer no or minimal regulation.

Recent efforts by the Animal Welfare Program to clarify continuing education requirements for Animal Control Officers have uncovered a startling reality- approximately 30% of municipalities currently have no Animal Control Officer, or are utilizing the services of one who is no longer considered certified and legally able to perform their duties under Maine law. This is in addition to instances where, often in our smaller towns, there is a significant conflict of interest between the municipal kennel owner, the Animal Control Officer, and even members of the town’s selectboard, including current or former employment relationships, friendships, and familial ties. This calls into question the ability of a proper and full inspection to be completed, leaving many neighbors and concerned citizens with no place to turn with their concerns.

Under current law, these kennels are only able to be licensed and inspected at the municipal level. The state Animal Welfare Program has no legal mechanism to assist or provide the inspection or support that may be needed in the scenarios listed above. The only way the AWP can get involved with these kennels is if they receive allegations of neglect or cruelty. If those allegations are found to not be true, yet licensing and inspection issues are uncovered, the program cannot address those. The only recourse for an Animal Control Officer or town official failing to fulfill their legal duty is for a citizen to file a 3950-A Official Refusal or Neglect of Duty by a Municipal Officer Complaint, but this process involves the Attorney General’s Office and can take months for an investigation- while often not addressing the core conflict of interest issue between the Officer and kennel owner.

Without proper inspection and licensing of these kennels, important public health and animal welfare issues are missed, including ensuring appropriate vaccination status of all dogs, especially rabies, appropriate veterinary care, housing, sanitation, noise issues and more. Contagious and quarantinable disease recognition and prevention are also key functions of these inspections.

This bill seeks to remedy this situation by considering these kennels as a licensed facility through the Department of Agriculture, just as boarding kennels, breeding kennels, pet stores, animal shelters and research facilities are. The AWP estimates there are likely a couple hundred kennels in the state that would fall under this new categorization. This bill makes it clear that funds and primary inspection duties still lie with the municipality but provides a mechanism for the Animal Welfare Program to inspect and enforce the rules and regulations when the Animal Control Officer is not able to perform that duty. This mechanism will also allow more timely involvement with the State Veterinarians when issues of diseases requiring quarantine and other safety measures are found. It is important to note that this bill is not aiming to remove the inspection of the kennels from municipalities entirely- the Animal Welfare Program does not have the resources to take on the regulations of these entities on their own. Instead, this bill is an attempt to provide a back-up mechanism so that these kennels do not fall through the cracks and fail to adhere to the animal and public safety regulations they are required to meet.

We are appreciative of an action alert against the bill which uncovered a need for an amendment to the proposed language. While opposition had ample opportunity to offer feedback and suggestions on the draft bill language during many AWAC meetings, a change made by the Revisor's Office slipped by us on final review. There is no intention to make kennel owners purchase individual licenses for each dog. We propose an amendment to the section where the reference to the municipal kennel law was struck, but the reference to the new kennel language was not inserted.

§3923-A. License and recording fees

Except as provided in subsection 3 and *section 3923-C* (struck), (Needs to be inserted) *3932-B*, a dog owner or keeper obtaining a license from a municipal clerk, dog licensing agent or dog recorder shall pay the license and recording fees established in this section.

We believe that this important bill will allow for greater public safety and canine welfare across the state. We thank you for your consideration of this bill and urge you to vote Ought to Pass with the noted amendment.

Sincerely,

The Animal Welfare Advisory Council

May 6, 2025

RE: Testimony in Support of LD 1771 – An Act to Strengthen Oversight of Kennels by Changing the Licensing Authority from Municipalities to the Department of Agriculture, Conservation and Forestry

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

This chart compares current law to the proposed changes in LD 1771.

Current Law (Title 7, Part 9)	LD 1771 (Title 7, Part 9)
<i>§3907-17. Kennel.</i> "Kennel" means 5 or more dogs kept in a single location under one ownership for breeding, hunting, show, training, field trials, sledding, competition or exhibition purposes. The sale or exchange of one litter of puppies within a 12-month period alone does not constitute the operation of a kennel.	No change proposed
<i>§3923-C. Kennel license</i> 1. License necessary. A person having 5 or more dogs for the purposes set forth in section 3907, subsection 17 shall obtain a kennel license from the clerk of the municipality where the dogs are kept and that person is subject to rules adopted by the department. The sex, registered number and description are not required for the dogs covered by a kennel license. The license expires December 31st annually. The kennel license permits the licensee or authorized agent to transport under control and supervision the kennel dogs in or outside the State.	<i>§3932-B. Kennel license</i> 1. License necessary. A person maintaining a kennel, as defined in section 3907, subsection 17, shall annually obtain a kennel license from the department, and that person is subject to rules adopted by the department. Individuals or entities obtaining facility licenses under sections 3931-A, 3932, 3932-A and 3933 are not required to obtain a kennel license. A kennel license expires December 31st annually.
<i>§3923-C. 2-A. License fees.</i> A kennel owner shall pay a fee of \$42 to the municipal clerk for each license to keep dogs. A license is needed only for dogs 6 months of age or older. A kennel owner may not keep more than 10 dogs per license. The clerk shall retain \$2 as a recording fee and forward \$10 to the municipality's animal welfare account established pursuant to section 3945 and \$30 to the Animal Welfare Fund.	<i>§3932-B 3. License fees.</i> A kennel owner shall pay a fee to the department for each kennel license. The kennel license fee is \$50 for 5 to 10 dogs, \$100 for 11 to 20 dogs and \$150 for 21 or more dogs. The department shall forward 20% of the collected fee to the animal welfare account established pursuant to section 3945 for the municipality in which the kennel is located and deposit the remainder into the Animal Welfare Fund established pursuant to section 3906-B, subsection 2.
<i>§3923-C 3. Form of license.</i> The license must be issued in triplicate, the original copy of which is given to the applicant and the	<i>§3932-B 4. Form of license.</i> If a kennel license is issued in hard copy, it must be issued in

remaining 2 copies retained by the municipal clerk. A license covers a maximum of 10 dogs.	triplicate, with the original copy given to the applicant, one copy given to the municipality where the applicant is located and one copy kept on file by the department. The license may be issued electronically to all parties.
<i>§3923-C 4. Kennel tags.</i> Dogs covered by a kennel license must be furnished suitable kennel tags and stickers that must be attached to the back of the tag indicating the year the license is issued and bearing other information as prescribed by the department and are not required to be individually licensed.	<i>§3932-B 6. License tags.</i> Dogs covered by a kennel license must be furnished suitable individual dog license tags indicating the year that the license is issued. License tags furnished pursuant to this subsection must be attached to the collars of the dogs covered by the kennel license in the manner prescribed under section 3923-B, subsection 1 and subject to the exceptions prescribed under section 3923-B, subsection 3.
<i>§3923-C 5. Kennel inspection and quarantine.</i> Except for a kennel inspected by the department in accordance with <u>chapter 723</u> , an animal control officer must inspect annually a kennel prior to the municipality issuing a kennel license. In addition to the annual inspection required under this subsection, an animal control officer, at any reasonable time, escorted by the kennel owner or the kennel owner's agent, may inspect the kennel. Inspections must be conducted in accordance with the sanitation and health rules established by the department for compliance with laws and rules. In conducting inspections, an animal control officer must use measures established by the department through rulemaking to prevent the spread of infectious and contagious diseases. Rules adopted pursuant to this subsection are major substantive rules as defined in <u>Title 5, chapter 375, subchapter 2-A</u> . A veterinarian employed by the State or any licensed veterinarian may quarantine the kennel in person or by registered mail and the quarantine must be maintained as long as the veterinarian determines necessary. The decision and order for this quarantine is not considered a licensing or an adjudicatory proceeding as defined by the Maine Administrative Procedure Act.	<i>§3932-B 2. Application.</i> An individual who is required to obtain a kennel license shall submit an application with the department for such a license by January 31st annually or within 30 days of first being required to obtain a kennel license pursuant to subsection 1. In order for the State to issue a kennel license, the applicant must provide to the department a complete application, a signed inspection from an animal control officer appointed by the municipality where a kennel is located, or a humane agent if there is no animal control officer appointed by the municipality where a kennel is located, that confirms a passed inspection in compliance with subsection 5 and current rabies vaccination certificates for all animals as required by section 3916. The initial inspection must be made not more than 30 days before filing the first application for a license. Inspections to renew a kennel license must be performed annually. <i>§3932-B 5. Annual inspection.</i> An animal control officer appointed by the municipality where a kennel is located, or a humane agent if there is no animal control officer appointed by the municipality where a kennel is located, shall annually inspect the premises of the kennel prior to the State's issuing or renewing a kennel license according to rules established by the department.

	<p><i>§3936. Inspection and quarantine.</i></p> <p>1. Inspection and quarantine. The commissioner, a state humane agent, a veterinarian employed by the State or a licensed veterinarian at the direction of the commissioner may, at any reasonable time, enter a facility required to be licensed under this chapter and make examinations and conduct any recognized tests for the existence of contagious or infectious diseases or conditions. If the facility required to be licensed under this chapter is also used for human habitation, the person authorized to make examinations and conduct tests must be escorted by the owner, or the owner's agent, of the facility and the examinations and tests may be made only in those portions of the premises used as a facility required to be licensed under this chapter. The commissioner may inspect a facility required to be licensed under this chapter in accordance with the sanitation and health rules established by the department and for compliance with laws and rules, including licensing and permitting requirements, of the Department of Inland Fisheries and Wildlife pertaining to wildlife importation and possession. In conducting inspections, measures established by the department through rulemaking must be used to prevent the spread of infectious and contagious diseases. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. A veterinarian employed by the State or any licensed veterinarian may quarantine the facility required to be licensed under this chapter, in person or by registered mail, and the quarantine must be maintained as long as the department determines necessary. The decision and order for this quarantine is not considered a licensing or an adjudicatory proceeding as defined by the Maine Administrative Procedure Act. The commissioner shall promptly notify the Department of Inland Fisheries and Wildlife of violations.</p>
--	--

From The Animal Welfare Advisory Council



State of Maine Animal Welfare Program
28 State House Station
Augusta, ME 04333-0028

Municipal Kennel Licensing Instructions for Kennel Owners

Below is the checklist of items Municipal Kennel owners must complete and submit to their Town Office for a municipal kennel license, whether seeking a new license or a renewal.

- ☐ **INSPECTION:** Contact your Municipality to Schedule your Kennel Inspection. Your local Animal Control Officer must complete an annual inspection **before** a Municipal Kennel License can be issued. Your municipality may require you to submit the full Municipal Kennel License application packet and fees before scheduling this inspection.

If you also have a Breeding or Boarding facility license issued by the Department of Agriculture, you may submit an facility inspection report completed by the Maine Animal Welfare Program within the last 12 months in lieu of the Animal Control Officer inspection.

- ☐ **APPLICATION:** Complete the Municipal Kennel License Application in full. You can find the link here https://www.maine.gov/dacf/ahw/animal_welfare/municipality/index.shtml
- ☐ **RABIES CERTIFICATES:** Include a valid rabies certificate for each dog aged 4 months or older (photocopy is acceptable)
- ☐ **FEES:** Include the proper fee for your kennel size, multiple licenses may be required. Fees are \$42 for each license (\$42 for 5-10 dogs, \$84 for 11-20 dogs, and \$126 for 21-30 dogs). Check with your municipality regarding the preferred payment method.
LATE FEES: If you submit after January 31st, there is a statutorily imposed late fee of \$25 PER LICENSE (\$25 for 5-10 dogs, \$50 for 11-20 dogs, \$75 for 21-30 dogs, etc.). The municipality cannot waive late fees.

Your license will not be issued until your town office receives the Inspection Form.



**Maine Animal Welfare Program
28 State House Station
Augusta, ME 04333-0028**

Municipal Kennel Licensing Instructions for Municipal Offices

Checklist for Municipalities for issuing a Municipal Kennel License

- ☐ **INSPECTION:** Your Animal Control Officer must complete an annual inspection with a satisfactory/pass result before a Municipal Kennel License may be issued. *Your municipality may require the submission of the full Municipal Kennel License application packet and fees before scheduling this inspection, or you may have the ACO provide the inspection first and have the owner submit a copy of that inspection form with the packet.*

If the kennel also has a Breeding or Boarding facility license issued by the Department of Agriculture, you may accept a PASS/SATISFACTORY state inspection report completed within the last 12 months in lieu of the Animal Control Officer inspection.

- ☐ **APPLICATION:** The application for a municipal kennel license can be found here https://www.maine.gov/dacf/ahw/animal_welfare/municipality/index.shtml
- ☐ **RABIES CERTIFICATES:** A valid rabies certificate for each dog aged 4 months or older listed on the application must be included with the application form (photocopy is acceptable)
- ☐ **FEES:** The correct fee for the kennel size must be paid. Multiple licenses may be required. Fees are \$42 for each license (\$42 for 5-10 dogs, \$84 for 11-20 dogs, and \$126 for 21-30 dogs).
LATE FEES: If a renewal application is received after January 31st, there is a statutorily imposed late fee of \$25 PER LICENSE (\$25 for 5-10 dogs, \$50 for 11-20 dogs, \$75 for 21-30 dogs, etc.). The municipality cannot waive late fees.
Licenses may not be issued until all items are received.
- ☐ **ENTER THE INFORMATION INTO THE MAINE DOG LICENSING DATABASE:** Follow the step-by-step instructions in the "State of Maine Dog Licensing Database Training: Issuing Municipal Kennel Licenses"
https://www.maine.gov/dacf/ahw/animal_welfare/municipality/index.shtml
- ☐ **MAIL** the license and tags to the applicant.

State of Maine Animal Welfare Program
28 State House Station
Augusta, ME 04333-0028

MUNICIPAL KENNEL LICENSE APPLICATION

Complete and return to the Municipal Office in which the Kennel is located.

☐ New ☐ Renewal

Name: _____ Kennel License: _____
Mailing Address: _____ Kennel Address: _____
City: _____ ZIP _____ City: _____ ZIP _____
Home Phone: _____ Kennel Phone: _____

Please complete and sign this application and return it to your Municipality's Town Office with the correct fee.

Pursuant to Maine statutes, a person must obtain a Municipal Kennel License where a person has 5 or more dogs kept under the same ownership for the purpose of breeding, hunting, show, training, field trials, sledding, competition, or exhibition purposes. M.R.S. §3923-C.

An appointment will be scheduled for an Animal Control Officer to inspect the kennel premises upon receipt of this Municipal Kennel License application, accompanying documents and fee. A license will not be issued until a satisfactory inspection form has been presented to the Municipality.

PLEASE ANSWER THE FOLLOWING QUESTIONS AND INITIAL EACH RESPONSE

1. ____ I/We assume complete responsibility for the kennel at the premises for which I/we are applying for a License.
2. ____ I/We certify that the number of dogs over 3 months of age on the kennel premises is ____
3. ____ I/We certify that the dogs kept are kept for the purpose of:

____ Breeding	____ Hunting	____ Show
____ Training	____ Field Trials	____ Sledding
____ Competition	____ Exhibition	
4. ____ I/We certify that all dogs over the age of three (3) months that are kept, harbored, or maintained on the premises of the above-named kennel have been properly vaccinated against rabies by a licensed veterinarian.
5. ____ I/We certify that I/We are submitting a valid copy of the rabies vaccination certificate for each dog with this application.
6. ____ I/We understand that a person who fails to obtain a kennel license annually by January 31 is subject to a penalty of twenty-five dollars per license in addition to the annual license fees.
7. ____ I/We understand that the Municipal Kennel License does not authorize the operation of any type of business and is solely used to license multiple dogs used for one or more of the specific purposes listed above.
8. ____ I/We understand and agree that if breeding takes place, a State of Maine Breeding Facility License may be required, or in the case of less than one litter in a 12-month period, a State of Maine Vendors License is required, and will be obtained from the State of Maine Animal Welfare Program.
9. ____ I/We understand that we must comply with Chapter 701 Rules Governing Animal Welfare, and certify that I/We have reviewed those rules posted here https://www.maine.gov/dacf/ahw/animal_welfare/statutes_rules.shtml

I/We certify that all of the information I/We have provided is true and accurate under penalty of law.

Applicant Signature _____ Date: _____

Applicant Signature _____ Date: _____

For Official Use Only:

Number of Rabies Vaccination Certificates for each dog attached: ____

Initials Clerk Verifying validity of Rabies Certificates: ____

Copy of Satisfactory/PASS inspection form received ____

Total Payment Received _____ Kennel Tag Number(s) assigned _____

Municipal Kennel
INSPECTION REPORT RATING

_____ Inspection
 _____ Reinspection Date _____ _____ Satisfactory
 _____ Complaint Time _____ _____ Unsatisfactory: C-critical; G- general
 Business Name _____ Owner/Manager _____
 Physical Address _____ City _____
 County _____ Zip _____ Phone # _____
 Dogs housed: _____ Kennel building _____ Inside House _____ Outdoor pens/doghouses _____

Agriculture Rules and Regulations

	S	U	C	G		S	U	C	G		S	U	C	G
Section I					F. Sanitation					Section II A, B, C Housing/Exercise				
B. Licenses														
1. Renewal/Status					1. Waste facilities Cleaned					1. Structurally sound				
2. Posted					2. Cleaning/disinfecting					2. Cages over others				
C. Records					3. Animal removed					3. Litters in quiet area				
1. Official CVI's					G. Food					4. Pups <2weeks warm				
2. Received From					1. Stored properly					5. Removed 2x/24hour				
3. Person Receiving					2. Fed 2x/ day					6. Separate exercise area				
4. Vacc/ Med. Treat.					3. Lactating females					7. Cages – dry place				
5. Mortality Records					4. Pups/kittens fed 3x /day					8. Easy access for cleaning, care				
6. Vet Services					5. Clean water									
7. Euthanasia Records					6. Weekends/holidays					Section II D Outside facilities				
D. Primary Structure					H. Disease Control					1. Doghouses				
1. Structurally Sound					1. Sick separated					2. Entrance to doghouse				
2. Water, heat & Electric					2. Program					3. Chain / Collar				
E. Temperature Control					I. Noise					4,6. Chain length				
1. Inside Min. Temp.					1. Minimized					5. Multiple animals				
2. Outside Shade					J. Ventilation									
					1. Odors not detectable									
					K. Lighting									
					1. Min. 8hours/day									
					L. Special Instructions									
					1. Provide instructions									
					M. Health at Time of Release									
					1. Unfit for sale									
					N. Unlawful Sale									
					1. Completed 7 th week									

Summary & Explanation of Violation(s)

Violation	Critical	General	Correction Needed

(Animal Control Officer)

(Owner/Manager)

(Date)