

**TESTIMONY OF SUSANNA RICHER - IN SUPPORT OF L.D. 595**  
**"An Act to Require Major Substantive Rulemaking for the Companion Animal Sterilization Fund"**  
**Committee On Agriculture, Conservation and Forestry**  
**February 27, 2023**

Senator Ingwersen, Representative Pluecker, and distinguished members of the Committee:

Thank you for considering my testimony in support of L.D. 595 " An Act to Require Major Substantive Rulemaking for the Companion Animal Sterilization Fund."

A year ago, this committee voted unanimously to pass L.D. 1828, "An Act Requiring a Contract for the Administration of the Department of Agriculture, Conservation and Forestry's Low-cost Spaying and Neutering Program." The bill required the Department to "issue a request for proposals no later than August 1, 2022, from animal welfare organizations to administer the Companion Animal Sterilization Fund" (aka Help Fix ME). It is now almost March 2023, but no RFP has been issued.

Instead, in December 2022, the Animal Welfare Program introduced a draft routine technical rule proposal that as written, would:

- 1) make major and substantive changes to the Help Fix ME program's operational design – a design that would result in reduced access to low cost spay/neuter services for our most vulnerable citizens in rural Maine.
- 2) increase the administrative burden on overextended veterinary clinics, thus discouraging veterinarian participation in the program.
- 3) disqualify every relevant state-based organization from applying to operate the program due to untenable qualifications and operational requirements, thus leaving the Animal Welfare Program as the only eligible party to administer the program.

*(I have included with my written testimony, my detailed response to the AWP rule proposal language submitted during the public comment period.)*

While I cannot imagine that the Department would intentionally misuse the rulemaking process to subvert the legislative directive put forth by L.D. 1828 -- that is the result of this proposal. Unfortunately, because of this misstep, it is now necessary to request legislative oversight for all rulemaking proposals specific to the Help Fix ME program.

Before making any operational changes to the Help Fix ME program, the Department should focus its efforts on creating a reasonable, accessible RFP to find a qualified Maine organization to take over the program administration. Once an appropriate candidate is found, only then does it make sense for the department to work in partnership with the chosen administrator, and Maine stakeholders, to identify any areas of improvement for the Help Fix ME program.

As established during the public hearing for L.D. 1828, the Help Fix ME program is already well-designed to meet the spay/neuter needs of Maine's unique, widely-dispersed, low-income demographic – it only needs efficient administration and possibly a management software upgrade to be fully successful. While it is apparent that a good deal of thought has gone into the proposed rule changes and the HFM program's redesign, if these rules pass as written, the result could be disastrous from client accessibility, provider participation and administrator recruitment perspectives.

Even under the new administration, the Help Fix ME program continues to operate below full capacity. Currently, vouchers are being issued solely for large spay/neuter events, leaving individuals who do not have access to these events with unaltered pets. As a result, we need to move the program administration transition forward as soon as possible.

It is upsetting that this bill is necessary. I hope this committee will resolve this issue and allow us all to get back to our shared goal of helping animals and the humans that love them. Thank you for your unwavering support of Maine's critical low cost spay neuter program. Please vote "Ought to pass" on L.D. 595.

Susanna Richer - Portland, ME

**Comments from Susanna Richer**  
**Proposed rule changes for Chapter 702: Rules for the Low Income Spay/Neuter Program**  
**January 28, 2023**

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Dear Director Steciuk,

Thank you for considering my comments regarding the proposed rule changes for Chapter 702: Rules for the Low Income Spay/Neuter Program. This public program is intended to be accessible to our most vulnerable populations which means it should have as few barriers as possible. From my perspective, the original program model accomplished this goal in theory, but was not efficient due to poor administration. As a result, I believe the focus of the Department should be on finding an appropriate administrator, not making significant changes to how the program operates.

The proposed rule changes raise some red flags for me. My overall concerns regarding the proposed language changes are as follows:

- 1) the proposed language creates unnecessary barriers for the public to access the program due to the transition to an event-based spay/neuter model and away from an individual, appointment-based voucher system.
- 2) the proposed language would make it impossible to find an eligible state-based non-profit organization to operate the program due to untenable qualification and operational requirements.

I have included my detailed language concerns below.

## **Section 2 – Eligibility**

**A.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...*”

It does not make sense to remove the program administrator’s ability to waive the co-payment given that the intent of [L.D. 1828](#) was to remove the administration of the program from AWP. If any change is made to this subsection, the decision-making regarding the co-pay should be left up to the administrator - not assigned to the Director of AWP.

**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.”*

By adding language specific to barring animals from licensed or unlicensed shelters and rescue organizations from using the program, the proposed language inadvertently allows dogs/cats privately purchased from out of state (online, from a breeder, pet shop, or individual) to be eligible for the low cost spay / neuter program. I am not sure why this change was made as the original/unamended language for this section accomplishes the goal of excluding from the HFM program all pet dogs and cats imported into the state including, but not limited to, companion animals imported for adoption by Maine shelters and rescue organizations.

### Section 3 - Veterinarian Participation

It appears that the annual application, quarterly reporting and co-pay collection requirements outlined in this section will prove burdensome to already overextended, understaffed veterinary hospitals, possibly leading to less participation - not more - even with advanced payment and higher rates of pay,

Additionally, this section reinforces the intentional move towards an event-based spay/neuter program and away from issuing individual vouchers to Maine low-income pet parents for timely use at their local veterinarian.

Although large spay/neuter events are an excellent way to help control unwanted litters and support healthy pet populations, these events are not always timely, convenient, or accessible to many of our low-income families, especially in the more rural parts of the state. BOTH options are needed in Maine – spay/neuter events and individual vouchers for use by appointment at a local vet clinic. The existing Help Fix ME Program currently allows for both options, thus, when properly administered, supporting low barrier and timely intervention. I have concerns that the proposed changes to this section will make the Help Fix ME program unavailable to many families that need close and quick access to these services,

### Section 4 - Program Administration

**A.** This section of the proposed rules requires the organization that administers the program have “*experience managing programs of similar funding on a state-wide basis.*” This language essentially disqualifies every possible Maine-based non-profit as a program administrator. We are fortunate to have multiple dedicated and experienced spay/neuter organizations in Maine that would be excellent choices to run this program, but this language excludes them all...leaving AWP (or perhaps an out-of-state organization?) as the only qualifying party to administer the program. This language seems to go against the intent of L.D. 1828.

**C..** *“In avoidance of any conflict of interest, Tthe 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%.”*

Although, I understand that oversight of fund dispersal is necessary to maintain transparency and avoid misappropriation, the updated language in this section that prohibits the program administrator from receiving vouchers and participating in the program works against the intended goal of low-barrier statewide accessibility as it will prevent qualified veterinary organizations, such as the [Community Low Cost Spay Neuter Clinic](#) in Topsham, or a Maine shelter with an existing spay/neuter clinic, from applying to administer the program.

The bottom line is that this program is already well-designed to meet the spay/neuter needs of Maine’s unique, widely-dispersed, low-income demographic – it only needs efficient administration to be fully successful. While it is apparent that a good deal of thought has gone into the proposed changes and the HFM program’s redesign, if these rules pass as written, the result may be disastrous from client accessibility, provider participation and administrator recruitment perspectives.

Thank you for your consideration and for the incredible work you do on behalf of Maine animals.

Susanna Richer  
Portland, Maine

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