

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
H.P. 69 - L.D. 103

An Act To Improve the Animal Welfare Laws

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 7 MRSA §3906-B, sub-§12, as enacted by PL 1995, c. 502, Pt. C, §12, is repealed.

Sec. 2. 7 MRSA §3906-B, sub-§12-A is enacted to read:

12-A. Right to call and designate assistance. The commissioner may employ a person considered necessary to assist in a response to a natural or man-made disaster affecting animals. A person called and employed for assistance shall proceed to help resolve the natural or man-made disaster as directed by the commissioner or the commissioner's designee.

A. A person considered necessary to assist in a response must receive compensation for services at the prevailing rate in the State, except that animal control officers, veterinarians, animal shelter staff or other groups used outside the State may receive pay at their usual rates. Equipment may be provided by individuals or groups during a response. Equipment used in a response must, upon application, be compensated for at an amount fixed by the state in which the response occurred. A person responding under this subsection may be provided with subsistence pay during the response.

B. The commissioner or the commissioner's designee shall promptly prepare a report of the commissioner's or the designee's investigation of the response detailing the cause of the natural or man-made disaster and recommendations for future prevention and response. The commissioner or the commissioner's designee shall prepare and include in the report a detailed statement of expenses incurred immediately after the natural or man-made disaster on forms provided by the department.

All requests for reimbursement must be presented to the commissioner or the commissioner's designee within 60 days after demobilization or become void. The commissioner or the commissioner's designee may extend the time as long as a preliminary report has been made.

The commissioner or the commissioner's designee shall examine all invoices presented to the State for reimbursement or direct payment. After items not qualifying for

reimbursement have been deducted, the commissioner or the commissioner's designee shall approve the remaining items for payment.

Sec. 3. 7 MRSA §3906-C, sub-§1, ¶E, as amended by PL 1995, c. 502, Pt. C, §13, is further amended to read:

E. One member representing licensed pet shops or pet food suppliers;

Sec. 4. 7 MRSA §3906-C, sub-§1, ¶I, as enacted by PL 2001, c. 399, §3, is amended to read:

I. One attorney with experience in animal welfare law or prosecutorial experience within the state court system;

Sec. 5. 7 MRSA §3907, sub-§22-C is enacted to read:

22-C. Pet food supplier. "Pet food supplier" means any retail location located in the State that sells feeding supplies for pets or livestock.

Sec. 6. 7 MRSA §3916, sub-§1-A, as amended by PL 2007, c. 439, §8, is repealed and the following enacted in its place:

1-A. Required for dogs. Except as provided in subsection 4, an owner or keeper of a dog, within 30 days after the dog attains the age of 3 months, shall have that dog vaccinated against rabies. The rabies vaccine must be administered by a licensed veterinarian or under the supervision of a licensed veterinarian. Upon receiving an initial vaccination, a dog is considered protected for one year and an owner or keeper of that dog shall get a booster vaccination for that dog one year after the initial vaccination and subsequent booster vaccinations at intervals that do not exceed the intervals recommended by a national association of state public health veterinarians for the type of vaccine administered. A wolf hybrid is required to be vaccinated in accordance with this subsection. The procedure prescribed under Title 22, chapter 251, subchapter 5 for a wolf hybrid suspected of having rabies does not change based on proof that the wolf hybrid has received a rabies vaccination.

Sec. 7. 7 MRSA §3916, sub-§4, as amended by PL 2005, c. 422, §6, is further amended by amending the first blocked paragraph to read:

An owner or keeper of a cat or dog is exempt from the requirements of subsection 1 if a medical reason exists that precludes the vaccination of the cat or dog. To qualify for this exemption, the owner or keeper must have a written statement signed by a licensed veterinarian that includes a description of the cat or dog and the medical reason that precludes the vaccination.

Sec. 8. 7 MRSA §3923-G, sub-§6, as enacted by PL 2011, c. 100, §12, is amended to read:

6. Exclusion of wolf hybrids, dangerous dogs and nuisance dogs. This section does not apply to the licensing of a wolf hybrid, a dangerous dog or a nuisance dog. A person owning a wolf hybrid, a dangerous dog or a nuisance dog shall obtain a license from the municipal clerk or the dog recorder for the municipality, plantation or unorganized territory in which the person owning the wolf hybrid, the dangerous dog or the nuisance dog resides.

Sec. 9. 7 MRSA §3950-A, sub-§2, as amended by PL 2009, c. 343, §22, is further amended to read:

2. Penalty. A person who violates subsection 1 commits a civil violation for which a fine of not less than \$50 and not more than \$500 and costs may be adjudged and, for an animal control officer, revocation of that person's certification as an animal control officer may be imposed.

Sec. 10. 17 MRSA §1011, sub-§2-A is enacted to read:

2-A. Animal care facility. "Animal care facility" means any person that provides care, sustenance, housing, maintenance or other necessary care of an animal and includes, but is not limited to, veterinarians' offices, boarding kennels, equine facilities, animal grooming facilities, animal shelters and animal day care facilities.

Sec. 11. 17 MRSA §1011, sub-§8, as enacted by PL 1987, c. 383, §4, is amended to read:

8. Boarding kennel. "Boarding kennel" means any place, building, tract of land, abode or vehicle in or on which privately owned ~~dogs or other pets, or both,~~ animals are kept for their owners in return for a fee.

Sec. 12. 17 MRSA §1038, first ¶, as enacted by PL 2005, c. 422, §11, is amended to read:

Abandoning an animal at a ~~veterinarian's office, boarding kennel, animal grooming facility or animal day-care facility~~ an animal care facility is a Class D crime.

Sec. 13. 17 MRSA §1038, sub-§1, ¶A, as enacted by PL 2005, c. 422, §11, is amended to read:

A. Places an animal in the custody of a ~~licensed veterinarian for treatment, boarding or other care, or in a boarding kennel, animal grooming facility or animal day-care facility~~ an animal care facility for services offered by that facility; and

Sec. 14. 17 MRSA §1038, sub-§2, as enacted by PL 2005, c. 422, §11, is amended to read:

2. Notice requirement. Before any animal may be considered abandoned under this section, a ~~veterinarian's office, boarding kennel, animal grooming facility or animal day-care facility~~ an animal care facility shall send written notice, by registered or certified mail, return receipt requested, to the owner or keeper at the owner's or keeper's last known address. Proof of attempted delivery constitutes sufficient notice.

Sec. 15. 17 MRSA §1038, sub-§3, as enacted by PL 2005, c. 422, §11, is amended to read:

3. Ownership of abandoned animal. When an owner or keeper fails to claim an animal within 10 days of a notice being sent under subsection 2, the ~~veterinarian, kennel, animal care facility~~ or individual who has custody and control of the animal is considered the owner of the animal and shall arrange for its care, including, but not limited to, its adoption, sale or placement with a licensed animal shelter.

Sec. 16. Transition provision. An owner or keeper of a dog that is over 3 months of age on the effective date of this Act that has not been vaccinated against rabies shall have that dog vaccinated against rabies within 30 days after the effective date of this Act, unless exempt under the Maine Revised Statutes, Title 7, section 3916, subsection 4.