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Date: (Filing No. S- )

**AGRICULTURE, CONSERVATION AND FORESTRY**

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**STATE OF MAINE  
SENATE  
129TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 407, L.D. 1311, Bill, “An Act Regarding the Sale of Dogs and Cats at Pet Shops”

Amend the bill by striking out all of sections 1 to 7 and inserting the following:

**Sec. 1. 7 MRSA §3914, first ¶**, as amended by PL 2007, c. 439, §7, is further amended to read:

Animal shelters, kennels, breeding kennels, boarding kennels and pet shops engaged in buying or selling animals shall keep records of the buyer and seller in each transaction for a 2-year period commencing at the time of purchase or sale. The records must be open to inspection by the department or law enforcement officers. A person not in possession of a valid license for an animal shelter, kennel, breeding kennel, boarding kennel or grandfathered pet shop shall obtain a vendor's license under section 4163 prior to selling, offering for sale or exchanging for value a cat or dog. For purposes of this section, "grandfathered pet shop" has the same meaning as in section 3933.

**Sec. 2. 7 MRSA §3933**, as amended by PL 2009, c. 343, §16, is further amended to read:

**§3933. Pet shops**

**1. License necessary.** A person maintaining a pet shop, as defined in section 3907, shall obtain a license from the department and is subject to rules adopted by the department. The license expires December 31st annually or in a manner consistent with the license provisions of the Maine Administrative Procedure Act, whichever is later. A license issued under this section does not authorize a person to keep for sale or offer for sale dogs or cats unless the pet shop meets the requirements of section 4153, subsection 3, paragraph B. For purposes of this section, a licensed pet shop that meets the requirements of section 4153, subsection 3, paragraph B is a grandfathered pet shop.

**2. License fees.** The fee for a pet shop license is \$150.

**3. Records.** A person maintaining a pet shop, as defined in section 3907, shall keep a record of each animal received by the pet shop, except for mice and fish. The record

**COMMITTEE AMENDMENT**

1 must include the name and address of the person or company from whom the animal was  
2 received and the name and address of the person buying or otherwise acquiring the  
3 animal from the pet shop. The record must be kept on file for a period of 2 years  
4 following the sale or other disposition of the animal by the pet shop and must be made  
5 available to the department within 24 hours of the request of the department.

6 **4. Surcharge on sale of dogs and cats by grandfathered pet shops.** A person  
7 maintaining a grandfathered pet shop shall collect a surcharge of \$25 on each cat or dog  
8 sold that has not been neutered and forward the entire surcharge to the department for  
9 deposit in the Companion Animal Sterilization Fund established under section 3910-B.

10 **5. Advertising.** A grandfathered pet shop license holder advertising to the public the  
11 availability of a dog or cat for sale or in any way exchanging a dog or cat for value shall  
12 prominently display the state-issued pet shop license number in any publication in which  
13 the pet shop license holder advertises. The pet shop license number must be provided to  
14 a person adopting or purchasing an animal from the pet shop.

15 **Sec. 3. 7 MRSA §3938-A**, as enacted by PL 2007, c. 439, §22, is amended to  
16 read:

17 **§3938-A. Minimum age of transfer for cats and dogs**

18 A person or an animal shelter, boarding kennel, breeding kennel or grandfathered pet  
19 shop that sells, gives away or otherwise transfers ownership of a dog or cat before it has  
20 reached its 56th day of life commits a civil violation for which a fine of not less than \$50  
21 nor more than \$200 may be adjudged. For purposes of this section, "grandfathered pet  
22 shop" has the same meaning as in section 3933.

23 **Sec. 4. 7 MRSA §4151, sub-§1-A** is enacted to read:

24 **1-A. Animal rescue entity.** "Animal rescue entity" means a nonprofit organization  
25 having tax-exempt status under the United States Internal Revenue Code, Section  
26 501(c)(3) whose mission and practice is, in whole or in significant part, the rescue and  
27 placement into permanent homes of animals and that does not breed animals.'

28 Amend the bill by striking out all of section 9 and inserting the following:

29 **'Sec. 9. 7 MRSA §4151, sub-§4-A**, as enacted by PL 2007, c. 702, §22, is  
30 amended to read:

31 **4-A. Seller.** "Seller" means the owner or operator of a breeding kennel as defined in  
32 section 3907, subsection 8-A or the owner or operator of a grandfathered pet shop ~~as~~  
33 ~~defined in section 3907, subsection 23.~~ "Seller" includes animal dealers required to be  
34 licensed by the United States Department of Agriculture. "Seller" does not include  
35 humane societies, nonprofit organizations performing the functions of humane societies  
36 or animal shelters licensed in accordance with section 3932-A. For purposes of this  
37 section, "grandfathered pet shop" has the same meaning as in section 3933.'

38 Amend the bill by striking out all of section 10.

39 Amend the bill in section 11 in §4153 by striking out all of subsection 3 (page 3, lines  
40 19 to 24 in L.D.) and inserting the following:

1 **3. Pet shop.** Except as provided in this subsection, a pet shop as defined in section  
2 3907, subsection 23 may not offer an animal for sale.

3 A. A pet shop may provide space to an animal rescue entity to offer to the public  
4 animals for adoption for an adoption fee, as long as the pet shop does not have any  
5 ownership interest in the animals offered for adoption and does not receive any fee  
6 for providing space or for the adoption of any of the animals.

7 B. A pet shop that lawfully offered animals for sale on the effective date of this  
8 paragraph may continue to offer animals for sale as long as the pet shop:

9 (1) Maintains a valid license under section 3933;

10 (2) Remains in the same ownership as existed on May 1, 2019; and

11 (3) Keeps for sale or offers for sale in any calendar year no greater a number of  
12 animals than were kept for sale or offered for sale by the pet shop in calendar  
13 year 2018.

14 In order to qualify for the exception allowed under this paragraph, a pet shop must  
15 provide to the department, in a form and manner prescribed by the department,  
16 documentation of the ownership of the pet shop on May 1, 2019 as well as the  
17 number of animals offered for sale in 2018 and annually thereafter. For purposes of  
18 this paragraph, "remains in the same ownership" means a static state of ownership in  
19 which no ownership interest changes after May 1, 2019, except, in the case of a pet  
20 shop that on May 1, 2019 was owned by a family, a transfer of an ownership interest  
21 to the spouse, domestic partner or one or more children of the oldest member of the  
22 family holding an ownership interest on May 1, 2019. For purposes of this  
23 paragraph, "family" means one person or a group of people whose relationship to the  
24 oldest person in the group is either spouse, domestic partner or child. In order to  
25 maintain a valid license, the pet shop must provide to the department, in a form and  
26 manner prescribed by the department, documentation of any transfer of ownership  
27 under this paragraph. If there is ambiguity as to whether a pet shop remains in the  
28 same ownership, the pet shop does not satisfy the requirements of subparagraph (2).'

29 Amend the bill by striking out all of section 13.

30 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
31 section number to read consecutively.

## 32 SUMMARY

33 This amendment, which is the minority report of the committee, does the following:

34 1. It allows pet shops that are currently lawfully offering dogs or cats for sale to  
35 continue to offer dogs and cats for sale as long as the ownership of the pet shop does not  
36 change and the number of dogs and cats offered for sale does not increase. It allows for  
37 limited transfers of ownership of a family-owned pet shop to a spouse, domestic partner  
38 or child of the oldest member of the family having an ownership interest;

39 2. Removes from the definition of "animal rescue entity" the exclusions that allow  
40 for certain associations with breeders; and

- 1           3. Removes the word "nominal" as a descriptor of the adoption fee that may be  
2 charged for dogs and cats offered for adoption by an animal rescue entity.

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**FISCAL NOTE REQUIRED**

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**(See attached)**