

§3906-B. Powers and duties of commissioner
(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

The commissioner has the powers and duties set forth in this section. [PL 1991, c. 779, §9 (NEW).]

1. Dog licensing laws. The commissioner shall carry out the dog licensing laws and furnish to municipalities all license blanks, stickers and tags.
 [PL 1997, c. 690, §1 (AMD).]

2. Animal Welfare Fund. The commissioner shall deposit all license fees received pursuant to chapters 721, 723, 725 and 735 in a separate account established by the Treasurer of State and known as the Animal Welfare Fund. The commissioner shall deposit 80% of the feed registration fees collected under section 714, subsection 1 and all revenue in excess of \$100,000 from the surcharge collected under section 714, subsection 4 in the Animal Welfare Fund. This account does not lapse, but continues from year to year. The commissioner shall pay from the Animal Welfare Fund the expense of furnishing license blanks, stickers and tags, travel expenses and salaries for necessary personnel, payments to animal shelters and expenses incurred in the administration of this Part.
 [PL 2021, c. 696, §2 (AMD).]

3. Dog recorders. The commissioner shall appoint dog recorders in unorganized territories and establish fees for services rendered.
 [PL 1991, c. 779, §9 (NEW).]

4. Training and certification of animal control officers. The commissioner shall develop both a basic and advanced program to train animal control officers. The basic program must include training in investigation of complaints of cruelty to animals, training in response to calls concerning animals suspected of having rabies and training in enforcement of dog licensing laws and rabies immunization laws.

The advanced training must include, but is not limited to, training in animal cruelty with respect to hoarders of animals, animal cruelty with respect to domestic violence, new laws, case reviews and report writing.

The commissioner shall certify all animal control officers who complete the training programs.
 [PL 2007, c. 439, §1 (AMD).]

5. Cruelty to animals.
 [PL 1995, c. 502, Pt. C, §10 (RP).]

6. Inspections. The commissioner shall inspect licensed facilities as provided in chapters 723 and 735.
 [PL 1997, c. 690, §3 (AMD).]

7. Payment of fees. The commissioner may authorize payments to providers of special services to animals when the commissioner determines those services are in the public interest.
 [PL 1991, c. 779, §9 (NEW).]

8. Copies of law. The commissioner shall seasonably forward to the clerks of municipalities copies of this Part.
 [PL 1991, c. 779, §9 (NEW).]

9. (TEXT EFFECTIVE UNTIL 1/01/23) Employees. The commissioner, in consultation with the Animal Welfare Advisory Committee, shall employ, subject to the Civil Service Law, necessary employees to assist in enforcing this Part and in carrying out the commissioner's duties and responsibilities. The commissioner shall conduct a background check of a potential employee. The commissioner may not hire as a state humane agent a person who has been convicted of murder, a Class

A or Class B offense, a violation under Title 17-A, chapter 9, 11, 12 or 13, a violation of Title 19-A, section 4011 or a criminal violation under Title 17, chapter 42 or a person who has been adjudicated of a civil violation for cruelty to animals under chapter 739 or who has been convicted or adjudicated in any other state, provincial or federal court of a violation similar to those specified in this subsection. [PL 2007, c. 439, §2 (AMD).]

9. (TEXT EFFECTIVE 1/01/23) Employees. The commissioner, in consultation with the Animal Welfare Advisory Committee, shall employ, subject to the Civil Service Law, necessary employees to assist in enforcing this Part and in carrying out the commissioner's duties and responsibilities. The commissioner shall conduct a background check of a potential employee. The commissioner may not hire as a state humane agent a person who has been convicted of murder, a Class A or Class B offense, a violation under Title 17-A, chapter 9, 11, 12 or 13, a violation of Title 19-A, former section 4011 or Title 19-A, section 4113 or a criminal violation under Title 17, chapter 42 or a person who has been adjudicated of a civil violation for cruelty to animals under chapter 739 or who has been convicted or adjudicated in any other state, provincial or federal court of a violation similar to those specified in this subsection.

[PL 2021, c. 647, Pt. B, §2 (AMD); PL 2021, c. 647, Pt. B, §65 (AFF).]

9-A. Humane agents. The commissioner shall assign a humane agent to each of the following areas of specialization:

- A. Blood sports; [PL 2003, c. 405, §2 (NEW).]
- B. Exotic animals; [PL 2003, c. 405, §2 (NEW).]
- C. Large animals; [PL 2003, c. 405, §2 (NEW).]
- D. Mental health and domestic violence; [PL 2003, c. 405, §2 (NEW).]
- E. Small animals; and [PL 2003, c. 405, §2 (NEW).]
- F. Training. [PL 2003, c. 536, §1 (AMD).]

[PL 2003, c. 536, §1 (AMD).]

10. Rules. Pursuant to Title 5, chapter 375, the commissioner shall adopt, amend and repeal rules, including emergency rules, necessary for the proper administration, implementation, enforcement and interpretation of any provision of law that the commissioner is charged with administering.

[PL 1991, c. 779, §9 (NEW).]

11. Cruelty to animals. The commissioner, in cooperation with animal control officers, shall investigate complaints of cruelty to animals and enforce cruelty-to-animal laws in accordance with chapter 739 and Title 17, chapter 42. The Attorney General and the district attorneys shall assist the commissioner with the commissioner's enforcement responsibilities.

[PL 1995, c. 502, Pt. C, §12 (NEW).]

12. Intermittent agents.

[PL 2021, c. 99, §1 (RP).]

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. [PL 2021, c. 99, §2 (NEW).]

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. [PL 2021, c. 99, §2 (NEW).]

[PL 2021, c. 99, §2 (NEW).]

13. Spaying and neutering fund.

[PL 2003, c. 682, §1 (RP).]

14. Information. The commissioner may obtain, develop or disseminate any information useful or convenient for carrying out any purpose or power of the commissioner.

[PL 1995, c. 502, Pt. C, §12 (NEW).]

15. Annual report. The commissioner shall report the activities of the commissioner annually by March 1st to the joint standing committee of the Legislature having jurisdiction over agricultural matters and the joint standing committee of the Legislature having jurisdiction over taxation matters. This report must include a summary of cases of cruelty to animals investigated by the commissioner, a summary of final dispositions of those cases and, with respect to companion animals, a report of the number of animal shelter intakes, the number of sterilizations and the number of euthanizations and an account of deposits into and payments from the Companion Animal Sterilization Fund established in section 3910-B.

[PL 2003, c. 682, §2 (AMD).]

16. Animal welfare auxiliary fund. The commissioner may accept gifts, donations, bequests, endowments, grants and matching funds from any private or public source for the purposes of ensuring the humane and proper treatment of animals and enhancing the administration and enforcement of this Part and Title 17, chapter 42. The commissioner shall deposit all funds accepted for these purposes and all proceeds from sales authorized under subsection 17 into a separate, nonlapsing account known as the animal welfare auxiliary fund. All gifts, donations, bequests, endowments, grants, proceeds and matching funds received must be used for the benefit of and accomplishment of the objectives in this Part and Title 17, chapter 42 and any gift, donation, bequest, endowment, grant or matching funds accepted with a stipulated purpose may be used only for that purpose.

All money deposited in the animal welfare auxiliary fund in accordance with section 1820-A, subsection 4 must be used for investigating alleged cases of mistreatment or abuse of equines and enhancing enforcement of this Part and Title 17, chapter 42 as these laws pertain to equines and for costs associated with department laboratory services needed to control or eradicate diseases affecting equines.

[PL 2019, c. 343, Pt. T, §2 (AMD).]

17. Fund-raising. The commissioner may engage in the marketing and selling of general merchandise products to generate supplemental funds, which must be deposited in the animal welfare auxiliary fund established under subsection 16.

[PL 2009, c. 548, §2 (NEW).]

SECTION HISTORY

PL 1991, c. 779, §9 (NEW). PL 1993, c. 468, §§2,3 (AMD). PL 1995, c. 502, §§C10-12 (AMD). PL 1997, c. 690, §§1-3 (AMD). PL 2001, c. 399, §2 (AMD). PL 2001, c. 422, §3 (AMD). PL 2003, c. 405, §§1-3 (AMD). PL 2003, c. 536, §1 (AMD). PL 2003, c. 682, §§1,2 (AMD). PL 2005, c. 281, §§3,4 (AMD). PL 2007, c. 439, §1 (AMD). PL 2007, c. 439, §2 (AMD). PL 2009, c. 148, §2 (AMD). PL 2009, c. 548, §§1, 2 (AMD). PL 2019, c. 343, Pt. T, §2 (AMD). PL 2021, c. 99, §§1, 2 (AMD). PL 2021, c. 647, Pt. B, §2 (AMD). PL 2021, c. 647, Pt. B, §65 (AFF). PL 2021, c. 696, §2 (AMD).

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