

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out the title and substituting the following:

**'An Act Pertaining to the Breeding and Selling of Dogs and Cats and Equitable Funding of Animal Welfare'**

Amend the bill in section 1 in subsection 8-A in the 6th line (page 1, line 9 in L.D.) by inserting after the following: "sledding," the following: 'competition.'

Amend the bill in section 1 in subsection 8-A in the last line (page 1, line 11 in L.D.) by striking out the following: "~~12-month period~~ calendar year" and inserting the following: '12-month period'

Amend the bill by striking out all of section 2 (page 1, lines 12 to 17 in L.D.) and inserting the following:

**'Sec. 2. 7 MRSA §3923-C, sub-§5**, as repealed and replaced by PL 1997, c. 690, §21, is amended to read:

**5. Kennel inspection and quarantine.** Except for a kennel inspected by the department in accordance with chapter 723, 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 ~~routine technical~~ major substantive rules as defined in Title 5, chapter 375, subchapter ~~H-A2-A~~.

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.'

Amend the bill in section 4 in subsection 2 in the first and 2nd lines (page 1, lines 35 and 36 in L.D.) by striking out the following: "\$250 for a Category 2 breeding kennel and \$500" and inserting the following: '\$100 for a Category 2 breeding kennel and \$150'

Amend the bill by inserting after section 6 the following:

**'Sec. 7. 7 MRSA §3936, sub-§1**, as amended by PL 1997, c. 690, §24, is further amended to read:

**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 an animal shelter, kennel, boarding kennel, breeding kennel or pet shop and make examinations and conduct any recognized tests for the existence of contagious or infectious diseases or

conditions. If the animal shelter, kennel, boarding kennel, breeding kennel or pet shop 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 animal shelter, kennel, boarding kennel, breeding kennel or pet shop and the examinations and tests may be made only in those portions of the premises used as an animal shelter, kennel, boarding kennel, breeding kennel or pet shop. The commissioner may inspect animal shelters, kennels, boarding kennels, breeding kennels and pet shops 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 ~~routine technical~~ major substantive rules as defined in Title 5, chapter 375, subchapter H-A2-A. A veterinarian employed by the State or any licensed veterinarian may quarantine the animal shelter, kennel, boarding kennel, breeding kennel or pet shop, 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.'

Amend the bill by striking out all of section 8 (page 2, lines 31 to 40 in L.D.)

Amend the bill in section 9 in paragraph A by striking out all of subparagraph (7) (page 3, lines 19 to 22 in L.D.) and inserting the following:

(7) A record of inoculations, ~~worming~~ internal or external parasite treatments, medication or any veterinarian examination or treatment received by the animal while in the possession of the ~~breeder or dealer~~ seller;

Amend the bill by striking out all of sections 11 and 12.

Amend the bill in section 13 in subsection 8-A in the 6th line (page 4, line 30 in L.D.) by inserting after the following: "sledding," the following: 'competition.'

Amend the bill by striking out all of section 14 (page 4, lines 33 to 37 in L.D.) and inserting the following:

**'Sec. 14. Commissioner of Agriculture, Food and Rural Resources and Attorney General to review provisions and processes pertaining to the State taking possession of animals that have been abused.** The Commissioner of Agriculture, Food and Rural Resources and the Attorney General shall convene a working group to review the provisions in the Maine Revised Statutes, Title 17, chapter 42, subchapter 2. The commissioner and the Attorney General shall invite representatives of the judicial branch and the district attorneys to join in a discussion of the processes for seizing animals and requirements for the care of those animals prior to a transfer of ownership. The working group shall review costs of care for animals seized or held by the State pending adjudication or prosecution and make recommendations for reducing costs while humanely caring for the animals and providing due process for the owners. The commissioner and other participants in the working group shall

report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than December 9, 2009 with a summary of the discussions and recommendations of the working group to expedite court actions in cases involving cruelty to animals.

**Sec. 15. Authorization to submit legislation.** The Joint Standing Committee on Agriculture, Conservation and Forestry may submit legislation pertaining to animal welfare and the funding of the animal welfare program within the Department of Agriculture, Food and Rural Resources to the Second Regular Session of the 124th Legislature.

**Sec. 16. Appropriations and allocations.** The following appropriations and allocations are made.

**AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF**

**Animal Welfare Fund 0946**

Initiative: Provides one-time funding for database changes to accommodate 3 levels of fee structures for licensing breeding kennels.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	\$6,000	\$0
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<hr/> \$6,000	\$0

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

**SUMMARY**

This amendment reduces the license fee for Category 2 and Category 3 breeding kennels. It removes the proposed revision to the definition of "seller" as it is used in the chapter governing the sale of dogs and cats by pet shops and breeding kennels. It removes the requirement that a dog or cat be examined by a veterinarian prior to sale and instead requires that records of any examinations by a veterinarian be provided to the buyer. It also removes that section of the bill that proposes revisions to the definition of "kennel" and the section authorizing the Department of Agriculture, Food and Rural Resources to revoke or suspend a license for a pet shop or breeding kennel. It also adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**

**(See attached)**