

§1011. Definitions

As used in this chapter, and in every law relating to or affecting animals, unless the context indicates otherwise, the following terms have the following meanings. [PL 1987, c. 383, §4 (NEW).]

1. Act. "Act" means the Animal Welfare Act.
[PL 1999, c. 254, §17 (AMD).]

2. Animal. "Animal" means every living, sentient creature not a human being.
[PL 1987, c. 383, §4 (NEW).]

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.
[PL 2021, c. 99, §10 (NEW).]

3. Animal control. "Animal control" means control of dogs, cats, domesticated or undomesticated animals which may be a problem in the community and which are not controlled by any other law.
[PL 1987, c. 383, §4 (NEW).]

4. Animal control officer. "Animal control officer" means the person appointed periodically by municipal officers pursuant to Title 7, chapter 725.
[PL 1987, c. 383, §4 (NEW).]

5. Animal control shelter.
[PL 1993, c. 657, §43 (RP).]

5-A. Animal shelter. "Animal shelter" means a facility that houses animals and operates for the purpose of providing stray, abandoned, abused or owner-surrendered animals with sanctuary or finding the animals temporary or permanent adoptive homes.
[PL 2005, c. 510, §8 (AMD).]

6. At large. "At large" means off the premises of the owner and not under the control of any person whose personal presence and attention would reasonably control the conduct of the dog.
[PL 1987, c. 383, §4 (NEW).]

7. Board.
[PL 1999, c. 254, §18 (RP).]

8. Boarding kennel. "Boarding kennel" means any place, building, tract of land, abode or vehicle in or on which privately owned animals are kept for their owners in return for a fee.
[PL 2021, c. 99, §11 (AMD).]

8-A. Breeding kennel. "Breeding kennel" means a location where 5 or more adult dogs or cats capable of breeding are kept and some or all of the offspring are offered for sale, sold or exchanged for value or a location where more than 16 dogs or cats raised on the premises are sold to the public in a 12-month period. "Breeding kennel" does not include a kennel licensed by a municipality under Title 7, section 3923-C when the dogs are kept primarily for hunting, show, training, sledding, competition, field trials or exhibition purposes and not more than 16 dogs are offered for sale, sold or exchanged for value within a 12-month period.
[PL 2011, c. 100, §17 (AMD).]

9. Business day. "Business day" means any day of the calendar year other than a Saturday, Sunday or legal holiday.
[PL 1987, c. 383, §4 (NEW).]

10. Clerk; municipal clerk. "Clerk" or "municipal clerk" means the clerk of a municipality, the deputy clerk or assistant clerk, where directed by the clerk, carrying out the duties of this chapter.

[PL 1987, c. 383, §4 (NEW).]

11. Commissioner. "Commissioner" means the Commissioner of Agriculture, Conservation and Forestry or his duly authorized agent.

[PL 1987, c. 383, §4 (NEW); PL 2011, c. 657, Pt. W, §6 (REV).]

12. Constable. "Constable" means a law enforcement officer appointed by municipal officers pursuant to law.

[PL 1987, c. 383, §4 (NEW).]

12-A. Equine facility. "Equine facility" means a boarding stable or commercial riding facility.

[PL 1999, c. 498, §7 (AMD).]

12-B. Dog. "Dog" means a member of the genus and species known as *canis familiaris* or any canine, regardless of generation, resulting from the interbreeding of a member of *canis familiaris* with a wolf hybrid as defined in subsection 30.

[PL 1997, c. 690, §57 (NEW).]

13. Service dog kept for breeding purposes. "Service dog kept for breeding purposes" means a male or female dog owned by a nonprofit organization for the purpose of producing puppies to be trained as service dogs and living with a resident of the State.

[PL 2007, c. 664, §14 (AMD).]

14. Service dog kept prior to training. "Service dog kept prior to training" means a dog under 18 months of age, owned by a nonprofit organization for the purpose of training as a service dog and living temporarily with a resident of the State prior to training.

[PL 2007, c. 664, §15 (AMD).]

15. Humane agent. "Humane agent" means an employee of the Department of Agriculture, Conservation and Forestry who assists in enforcing this chapter.

[PL 2001, c. 422, §12 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

15-A. Humane society. "Humane society" means a nonprofit group or organization incorporated for the purpose of providing physical service directly to abused and abandoned animals, improving the conditions of animals, providing education concerning animals or fund-raising to promote animal welfare.

[PL 1991, c. 779, §45 (NEW).]

15-B. Humanely clean conditions. "Humanely clean conditions" means that both indoor areas and outdoor enclosures are cleaned on a periodic basis to remove excretions and other waste materials, dirt and trash with sufficient frequency to minimize health hazards and to provide adequately clean living conditions for the species of animal.

[PL 2007, c. 702, §39 (NEW).]

16. Keeper. "Keeper" means a person in possession or control of a dog or other animal. A person becomes the keeper of a stray domesticated animal, other than a dog or livestock, if the person feeds that animal for at least 10 consecutive days.

[PL 1995, c. 490, §22 (AMD).]

17. Kennel. "Kennel" means 5 or more dogs kept in a single location under one ownership for breeding, hunting, show, training, field trials, sledding, competition or exhibition purposes. The sale or exchange of one litter of puppies within a 12-month period alone does not constitute the operation of a kennel.

[PL 2011, c. 100, §18 (AMD).]

18. Law enforcement officer. "Law enforcement officer" means any person who, by virtue of his public employment, is vested by law with a duty to maintain public order, enforce any law of this State

establishing a civil violation, prosecute offenders or make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.

[PL 1987, c. 383, §4 (NEW).]

18-A. Livestock. "Livestock" means cattle; equines; sheep; goats; swine; domesticated cervids, fowl and rabbits; members of the family Camelidae, genus lama and genus vicugna; bison; and ratites.
[PL 2007, c. 439, §35 (AMD).]

19. Municipality. "Municipality" means a city, town or plantation.
[PL 1987, c. 383, §4 (NEW).]

20. Mutilate. "Mutilate" means to injure or disfigure by irreparably damaging body parts. "Mutilate" does not include conduct performed by a licensed veterinarian or conduct that conforms to accepted veterinary practices.

[PL 1997, c. 456, §12 (AMD).]

21. Owner. "Owner" means any person, firm, partnership, association or corporation owning, keeping or harboring a dog or other animal.

[PL 1987, c. 383, §4 (NEW).]

22. Person. "Person" means an individual, corporation, partnership, association or any other legal entity.

[PL 1987, c. 383, §4 (NEW).]

22-A. Pet animal.
[PL 1997, c. 690, §58 (RP).]

23. Pet shop. "Pet shop" means a place or vehicle in or on which any dogs, cats, rodents, reptiles, fish, pet birds, exotic birds or exotic animals not born and raised on those premises are kept for the purpose of sale to the public.

[PL 1997, c. 690, §59 (RPR).]

24. Respective municipality. "Respective municipality" means, in the case of towns and cities, the municipality where the dog is found or in the case of unorganized townships, the municipality near or adjacent to the unorganized township where the dog is found or the designee of that municipality.

[PL 1987, c. 383, §4 (NEW).]

24-A. Service dog. "Service dog" means a dog that meets the definition of "service animal" set forth in Title 5, section 4553, subsection 9-E or "assistance animal" set forth in Title 5, section 4553, subsection 1-H.

[PL 2015, c. 457, §7 (AMD).]

25. Shelter. "Shelter" means any building or physical structure or part of any building or structure, other than a private dwelling, housing dogs or other animals and not used for agricultural purposes or as a laboratory, research facility, medical facility or educational institution.

[PL 1987, c. 383, §4 (NEW).]

26. Torment, torture and cruelty. "Torment, torture and cruelty" means every act, omission or neglect, whether by the owner or any other person, where unjustifiable physical pain, suffering or death is caused or permitted.

[PL 1987, c. 383, §4 (NEW).]

27. Vertebrate. "Vertebrate" means a subphylum of chordate animals comprising those having a brain enclosed in a skull or cranium and a segmented spinal column, including mammals, birds, reptiles, amphibians and fish.

[PL 1987, c. 383, §4 (NEW).]

28. Warrant. "Warrant" means an order of municipal officers directing a police officer, constable, sheriff or animal control officer to enter a complaint and summons against the owners or keepers of unlicensed dogs following notice of and noncompliance with a violation of law.
[PL 1987, c. 383, §4 (NEW).]

29. Well cared for. "Well cared for" means that the animal is receiving necessary sustenance, necessary medical attention, proper shelter, protection from the weather and humanely clean conditions and that the animal has not been nor is being injured, overworked, tormented, tortured, abandoned, poisoned, beaten, mutilated or exposed to a poison with the intent that it be taken by the animal.
[PL 1987, c. 383, §4 (NEW).]

30. Wolf hybrid. "Wolf hybrid" means a mammal that is the offspring of the reproduction between any species of wild canid or wild canid hybrid and a domestic dog or wild canid hybrid. "Wolf hybrid" includes a mammal that is represented by its owner to be a wolf hybrid, coyote hybrid, coydog or any other kind of wild canid hybrid.
[PL 1997, c. 690, §60 (NEW).]

SECTION HISTORY

PL 1987, c. 383, §4 (NEW). PL 1991, c. 779, §§42-45 (AMD). PL 1993, c. 657, §§43,44 (AMD). PL 1995, c. 490, §22 (AMD). PL 1997, c. 456, §§11,12 (AMD). PL 1997, c. 690, §§56-60 (AMD). PL 1999, c. 254, §§17,18 (AMD). PL 1999, c. 498, §7 (AMD). PL 2001, c. 422, §12 (AMD). PL 2003, c. 334, §3 (AMD). PL 2005, c. 510, §§8,9 (AMD). PL 2007, c. 439, §35 (AMD). PL 2007, c. 664, §§14-16 (AMD). PL 2007, c. 702, §§38-40 (AMD). PL 2009, c. 343, §25 (AMD). PL 2009, c. 403, §11 (AMD). PL 2011, c. 100, §§17, 18 (AMD). PL 2011, c. 369, §5 (AMD). PL 2011, c. 657, Pt. W, §§5, 6 (REV). PL 2015, c. 457, §7 (AMD). PL 2021, c. 99, §§10, 11 (AMD).

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