

# Important Animal Related Bills passed during the First Session of the 129<sup>th</sup> Maine Legislature (2019)

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## Committee on Agriculture Conservation and Forestry

### **LD 939 An Act Regarding the Regulation of Rabbit Production for Local Consumption**

This bill permits a rabbit producer to sell whole rabbit carcasses without inspection at the farm on which the rabbits were raised, at farmers' markets, by delivery to consumers' homes, to members of community supported agriculture farms with which the rabbit producer has a direct marketing relationship, to locally owned grocery stores and to locally owned restaurants as long as the rabbit producer slaughters fewer than 1,000 rabbits annually and the rabbit producer is registered.

Passed by the Legislature. Signed by the Governor

### **LD 1049 An Act Regarding the Sale of Cats and Dogs with Health Problems**

This amendment replaced the bill and changed the title. The amendment allows, for a dog or cat with a life expectancy of less than one year as determined by a veterinarian, the purchaser to choose to retain the dog or cat and receive a full refund for the original purchase price of the dog or cat. The amendment also provides that reimbursement of veterinarian fees by the seller is not required when a purchaser chooses to retain the dog or cat and receive a full refund for the original purchase price of the dog or cat.

The amendment provides that sellers may not, contractually or otherwise, exempt themselves from the remedies provided for deaths or health problems in dogs and cats caused by hereditary or congenital defects.

Passed by the Legislature Signed by the Governor

### **LD 1230 An Act to Update the Civil Animal Welfare Laws**

This amendment retains the current law that provides that, if a service dog has not been previously registered or licensed by a municipal clerk, the clerk may not register the dog nor issue to its owner or keeper a license unless the applicant presents written evidence to the municipal clerk that the dog meets the definition of "service dog." The amendment removes the requirement that the municipal clerk issue to the dog's owner or keeper a tag that identifies the dog as a service dog.

The amendment clarifies that a municipality, veterinarian, humane agent, animal control officer or animal shelter is not civilly liable to any party for authorization of euthanasia of severely sick or severely injured livestock if certain conditions are met nor is any person performing euthanasia under that authorization.

The amendment adds the intent to harm or intoxicate the animal to the bill's addition to the animal cruelty provisions of the violation of giving a scheduled drug to an animal.

The amendment strikes from the bill the provision that makes the violation of a court order involving a civil animal welfare matter a Class D crime.

The amendment clarifies under the provision establishing municipal procedures for the handling of stray livestock that "livestock" does not include feral swine or domesticated cervids.

The fiscal note on the bill identifies certain requirements in the bill, which are retained in the amendment, as a potential state mandate. In order to be a mandate pursuant to the Constitution of Maine, a provision must require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue. The committee finds the provisions identified as a potential state mandate do not require a local unit government to expand or modify its activities in a manner so as to necessitate additional expenditures from local revenue.

Under current law, pursuant to the Maine Revised Statutes, Title 7, section 3948, subsection 3, municipalities are required to control domesticated animals that are a cause of complaint in the community. Additionally, municipalities are required to control animals that pose a threat to public health or safety. This section of law also provides that a municipality may control undomesticated animals in matters no other department is charged by law to regulate.

The bill repeals and amends certain provisions under Title 33, chapter 21 relating to lost goods and stray beasts. The bill repeals the requirement that the finder of a stray beast, potentially a municipality, keep a stray beast for up to 6 months. The bill requires a municipality to follow certain procedures related to stray livestock, but a municipality is only required to retain custody for 10 days. The committee feels that this could potentially result in a savings for a municipality faced with this scenario.

**Passed by the Legislature. Signed by the Governor.**

## **LD 1311 An Act Regarding the Sale of Dogs and Cats at Pet Shops**

This bill prohibits a pet shop from selling dogs and cats and establishes a fine of \$500 per violation as well as license suspension or revocation. A pet shop may provide space to an animal rescue entity to offer to the public dogs and cats for adoption.

The following amendments were made to the bill

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

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

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

**Passed by the Legislature. Became law in Short Session**

### **1728 An Act to Align the Harness Racing Laws with Current Policies**

This bill allows for the disqualification of horses participating in harness racing that are found in violation of the laws and rules governing prohibited substances and allowable levels of permitted medication and allows for the forfeiture of any purses won by horses in violation of those laws and rules. It also removes language that requires the Department of Agriculture, Conservation and Forestry to provide a booklet containing harness racing laws and rules to harness racing licensees and instead requires the department to provide public access to those laws and rules.

**Pass by the Legislature Signed by the Governor**

## **Committee on Judiciary**

### **LD 1442 An Act To Provide for Court-appointed Advocates for Justice in Animal Cruelty Cases**

This bill allows courts to appoint law students or volunteer lawyers to advocate for the interests of justice in animal cruelty proceeding. It requires the Department of Agriculture, Conservation and Forestry to keep a list of attorneys with knowledge of animal issues and the legal system and a list of law schools that have students with an interest in animal issues and the legal system, and requires the Commissioner of Agriculture, Conservation and Forestry to provide that list to the courts. The courts use the list to appoint a separate advocate to represent the interests of justice in cases involving animal cruelty. This amendment moves the responsibilities concerning the list from the department and the commissioner to the Maine State Bar Association.

**Passed to be enacted. Signed by Governor**

## **Committee on Criminal Justice and Public Safety**

### **LD 64 An Act to Make Post-conviction Possession of Animals by Certain Persons a Criminal Offense**

This amendment replaces the bill and changes the title. The amendment authorizes the court in a proceeding for a violation of cruelty to animals to impose conditions, including but not limited to prohibiting ownership or possession of an animal or having an animal on the defendant's premises and prohibiting employment that involves the care of or other contact with animals. The amendment provides that an intentional or knowing violation of a court order issued pursuant to the provisions of the amendment is a Class D crime. The amendment provides a procedure for a defendant to obtain a court order modifying the conditions or restrictions set in a court order.

**Amended Bill Passed by the Legislature and signed by the Governor**

### **LD 485 An Act Regarding Actions of the Owner or Keeper of a Dog That Assaults a Person and Causes an Injury That Requires Medical Attention'**

This amendment replaces the bill and provides a new title. The amendment requires the owner or keeper of a dog that assaults a person and causes an injury that requires medical attention to secure aid for the injured person, contain the dog, if necessary, and provide the owner's or keeper's name, current address and contact information to the injured person, a person acting for the injured person or a law enforcement officer before the owner or keeper may leave the scene of the assault. A violation of the section is a Class D crime.

**Passed by the Legislature Became law without Governor's signature.**

### **LD 1090 An Act To Update the Criminal Animal Welfare Laws**

This bill amends the criminal animal welfare laws in the following ways. It:

1. Consolidates and clarifies the provisions for a possession hearing concerning an animal suspected to have been subject to cruelty, including removing the provisions for a show cause hearing;
2. Provides for emergency euthanasia of an impounded animal that is severely sick or severely injured;
3. Clarifies that a person authorized to make arrests may seize and take possession of a cruelly treated animal;
4. Prohibits an owner or keeper of an animal that has been seized or impounded due to cruel treatment from possessing or acquiring an animal prior to the possession hearing;

5. Clarifies that an owner or keeper subject to forfeiture of an animal may appeal to the Superior Court;

6. Adds to the definition of animal cruelty intentionally giving an animal a scheduled drug;  
and

7. Makes the violation of a sentencing provision for a conviction of animal cruelty a Class D crime.

This amendment makes the following changes to the bill.

1. With regard to the fine for violating a court order banning temporary possession under the Maine Revised Statutes, Title 17, section 1021 or 1034, the amendment removes the mandatory minimum fine of \$50.

2. With regard to the crime of cruelty to animals, the amendment adds to the prohibition on giving drugs, poison or alcohol to an animal that the act was done with the intent to harm or intoxicate the animal.

3. With regard to the section of the bill on penalties for the crime of cruelty to animals, the amendment removes from the bill language that designates violation of a court order a Class D crime since an identical provision is included in another legislative document.

Passed by the Legislature and signed by the Governor.

## Committee on Taxation

**LD 1718 This bill provides an exemption from the sales and use tax for purchases made by nonprofit organizations that provide pet food and supplies for little or no charge to low-income owners of pets.**

Passed to be enacted. Signed by the Governor.