

New Animal Related Laws Passed by the 130th Session of the Maine Legislature (2021 and 2022)

2021 (The Long Session)

Agriculture, Conservation and Forestry Committee

LD 95 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Right to Food

Constitution, Art. I, §25 is enacted to read: Section 25. Right to food. All individuals have a natural, inherent and unalienable right to save and exchange seeds and the right to grow, raise, harvest, produce and consume the food of their own choosing for their own nourishment, sustenance, bodily health and well-being, as long as an individual does not commit trespassing, theft, poaching or other abuses of private property rights, public lands or natural resources in the harvesting, production or acquisition of food.

Passed by the legislature and by the Voters in November 2021

LD 103 An Act To Improve the Animal Welfare Laws

This bill amends the laws pertaining to agriculture and animals to allow the Commissioner of Agriculture, Conservation and Forestry to employ any person considered necessary to assist in any response to a natural or man-made disaster affecting animals both in the State and outside the State and provides for such a person's compensation. It also establishes reporting requirements regarding such a disaster response. It allows the Animal Welfare Advisory Council to have as a member a person who is a pet food supplier and an attorney with experience in the state court system. It changes the rabies vaccination requirement to provide that an owner or keeper of a dog over 3 months of age must have the dog vaccinated. It adds dangerous dogs and nuisance dogs to those animals that are excluded from obtaining dog licenses through the Internet licensing project. It provides for the revocation of animal control officer certification if the officer refuses or intentionally fails to perform the officer's statutory duties. It amends animal welfare laws to define "animal care facility" and to provide that the definition of "boarding kennel" applies to all privately owned animals that are kept for a fee.

SUMMARY of Amendment

The amendment allows the Animal Welfare Advisory Council to have as a member a person who is an attorney with experience in the state court system. This amendment provides that, if appointed, the attorney must have prosecutorial experience in the state court system.

The bill also changes the rabies vaccination requirement to provide that an owner or keeper of a dog over 3 months of age must have the dog vaccinated. The amendment provides that the owner or keeper of a dog, within 30 days after the dog attains the age of 3 months, is required to have that dog vaccinated against rabies.

Current law provides that an owner or keeper of a cat is exempt from the rabies vaccination requirement if a medical reason exists that precludes the vaccination of the cat. This amendment provides that an owner or keeper of a dog is also exempt from the rabies vaccination requirement if a medical reason exists that precludes the vaccination of the dog.

Passed as amended. Signed by Governor

See 7 MRSA §3906-B, sub-§12-A 7 MRSA §3906-B, sub-§12-A 7 MRSA §3916, sub-§1-A
17 MRSA §1011, sub-§2-A

IF&W Committee

LD 142 "An Act to Give the Commissioner of Inland Fisheries and Wildlife Rule-making Authority to Establish a Bear Season Framework and Bag Limits

This bill does the following.

1. It requires the Commissioner of Inland Fisheries and Wildlife to establish by rule an open season on hunting bear beginning no earlier than the 2nd Monday preceding September 1st and ending no later than November 30th annually.
2. It clarifies that the commissioner may adopt rules to set the dates when dogs may be used to hunt black bear during any portion of the open bear hunting season.
3. It provides that a person may not set bear bait earlier than 30 days before the first Monday preceding September 1st.
4. It reduces the fee for a resident bear permit from \$27 to \$10.
5. It requires the commissioner to adopt rules governing the number of bears that may be hunted and trapped in a season, which may not be more than one by trapping or 2 in total.
6. It establishes a daily bag limit of one bear by hunting.

7. It provides that, beginning January 1, 2022, to obtain a bear trapping permit, a person must either have successfully completed a bear trapping education course or have previously held a valid Maine bear trapping permit in any year prior to 2022.
8. It provides that a resident may hunt bear without a valid permit during the open firearm season on deer.
9. It allows a person who holds a license authorizing hunting big game to obtain a bear trapping permit.
10. It provides that a bear hunting permit is required for each bear when the bag limit on bear is more than one.

Passes and signed by Governor **See 12 MRSA §11251, sub-§1,**

LD 361 An Act to Establish a Permanent Appointment of a Member of the Wabanaki Tribes to the Inland Fisheries and Wildlife Advisory Council

This bill increases the membership of the Inland Fisheries and Wildlife Advisory Council by adding a member who represents the Wabanaki Tribes. **Became law. See 12 MRSA §10151, sub-§1**

LD 547 An Act Regarding Nuisance Beavers

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and Whereas, this legislation must take effect in time for the 2021 growing season; and Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, Be it enacted by the People of the State of Maine as follows: Sec. 1. 12 MRSA §12404, sub-§2, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §242 and affected by §422, is repealed. Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved. SUMMARY Current law makes it a Class E crime to take or kill a nuisance beaver. This bill repeals that law.

SUMMARY This amendment changes the bill to provide that the Commissioner of Inland Fisheries and Wildlife may at any time authorize a landowner, a person on behalf of the landowner or an agent of the Department of Inland Fisheries and Wildlife to take or kill nuisance beaver.

Passed and Signed by Governor **See 12 MRSA §12404, sub-§2**

LD 1012 An Act To Fund Wildlife Rehabilitators

This bill provides \$75,000 from the unappropriated surplus of the General Fund in each year of the biennium to support the Maine Outdoor Heritage Fund program. Under the program, grants are made to various project categories, including for endangered and threatened species conservation. Wildlife rehabilitators may receive grants under this category.

Passed by House and Senate and signed by the Governor

1031 An Act To Create an Administrative Review Process for Hunting Violations

This bill establishes a procedure for the Commissioner of Inland Fisheries and Wildlife to take administrative action regarding civil trespass while hunting without first requiring a criminal conviction or civil adjudication. If a person alleged to have committed a violation of the Maine Revised Statutes, Title 12, section 10657 while hunting is not charged with violating section 10657, the commissioner may initiate administrative proceedings, which include notice and an opportunity to be heard, and impose administrative penalties including revocation of a license to hunt for up to 3 years. If the person violates section 10657 while hunting and does not hold a hunting license, the commissioner may refuse to issue a hunting license to that person for up to 5 years. The decision of the commissioner 40 may be appealed to Superior Court.

An amendment makes 2 clarifying changes to the bill.

1. It replaces references to the director of the Bureau of Warden Service with references to the Game Warden Colonel.
2. It provides that the administrative process for license suspension created under the bill is initiated when the Game Warden Colonel determines, after consultation with the district attorney, that a person the Game Warden Colonel has probable cause to suspect has violated the law prohibiting trespassing while hunting will not be charged with that violation by the district attorney.

Passed and Signed by the Governor **See 12 MRSA §10657, sub-§4 12 MRSA §10902-A**

Judiciary Committee

LD 535 An Act To Provide for the Well-being of Companion Animals upon the Dissolution of Marriages

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 19-A MRSA §953, sub-§10 is enacted to read:

10. Companion animals. In the disposition of property pursuant to subsection 1, the court, with respect to a companion animal, shall consider the well-being of the companion animal and all relevant factors, including, but not limited to:

A. The basic daily needs of the companion animal;

B. The amount of time each party has spent with the companion animal during the marriage tending to the companion animal's nutritional, grooming, physical and medical needs;

C. The ability of a party to continue to own, financially support and provide adequate care for the companion animal;

D. The emotional attachment of a party to the companion animal;

E. The emotional attachment of any child in the household to the companion animal and the benefit to the child of the companion animal's remaining in the primary residence of the child;

F. Any domestic violence between the parties or in the household of the parties; and

G. Any history of animal abuse or other unsafe conditions for the companion animal.

For the purposes of this subsection, "companion animal" means an animal kept primarily for companionship rather than as a working animal, service animal or farm animal kept for profit.

SUMMARY

This bill provides that in a proceeding for legal separation or divorce, in the disposition of property a court must consider the well-being of a companion animal and all relevant factors and specifies a number of factors that the court must consider.

Passed by the House and the Senate. Became law without the Governor's signature!

Committee on Environment and Natural Resources

LD 1023 An Act To Define Intentional Balloon Releases as Litter

This bill prohibits the intentional release outdoors of balloons.

SUMMARY

This amendment, which is the majority report of the committee, replaces the bill. The amendment does the following.

1. It amends the State's litter control law to clarify that waste materials resulting from the outdoor release or abandonment of a balloon constitute litter under that law.

2. It provides that it is a violation of the litter law for a person to intentionally release outdoors a balloon that is inflated or filled with a gas that is lighter than air, except for a balloon carrying scientific instrumentation, a balloon used for meteorological observation by a governmental or scientific organization or a hot air balloon that is recovered after launching.

3. It applies a civil penalty of not less than \$100 and not more than \$500 for the illegal intentional release of up to 10 balloons and a civil penalty of not less than \$500 for the illegal intentional release of more than 10 balloons.

Passed by the House and the Senate. Became law without Governor's signature.

See 17 MRSA §2263-A, sub-§1

Innovation, Development, Economic Advancement and Business Committee

1551 An Act To Ban the Sale of Cosmetics That Have Been Tested on Animals

This bill prohibits manufacturers from selling or offering to sell a cosmetic if the cosmetic was developed or manufactured using cosmetic animal testing.

Passed to Be Enacted by the House and the Senate and Signed By the Governor See **10 MRSA c. 233**

2022 (The Short Session)

Agriculture, Conservation and Natural Resources Committee

LD 1744 An Act to Increase Funding for the Animal Welfare Fund by Increasing Certain Fees.

This bill changes how revenue from fees collected on registrations to distribute commercial feed in the State is distributed between the Animal Welfare Fund (AWF) and the General Fund. Currently, 50% of the fee is credited to the AWF and 50% is credited to the General Fund. This bill changes the distribution to 20% credited to the General Fund and 80% credited to the AWF. Changing the split will reduce budgeted General Fund revenue by \$201,512, from \$425,000 to \$223,448, beginning in fiscal year 2022-23. Other Special Revenue Funds revenue to the AWF will increase by \$335,232 beginning in fiscal year 2022-23. The bill also increases the daily compensation for animal shelters holding animals pending court decisions from \$5 to \$15 for dogs and cats, from \$8 to \$18 for female cats or dogs with unweaned litters and from \$10 to \$20 for equines. It also increases from \$8 to \$20 the upper limit of daily compensation for

holding livestock animals, excluding equines, fowl and rabbits. The bill includes allocations of \$335,232 to the Department of Administrative and Financial Services beginning in fiscal year 2022-23 to allow expenditure of the additional revenue, which will be sufficient to cover the higher compensation paid to animal shelters.

Passed by the Legislature and signed by the Governor.

LD 1828 An Act Requiring a Contract for the Administration of the Department of Agriculture, Conservation and Forestry's Low-cost Spaying and Neutering Program.

Public Hearing January 11th Last Work Session March 2nd Voted Ought to Pass-with an Amendment.. Reported out of committee.

The bill requires the Commissioner of Agriculture, Conservation and Forestry to contract for the administration of the Companion Animal Sterilization Fund but requires the department to administer the fund if a suitable 3rd-party administrator cannot be found.

The amendment requires the commissioner to develop procedures to pay a person, regardless of income, 100% of the cost for the spaying or neutering of a feral cat. The amendment also specifies that a copayment may not be required for the spaying or neutering of a feral cat.

The amendment requires the commissioner, in consultation with the Animal Welfare Advisory Council, to issue a request for proposals no later than August 1, 2022 to contract the administration of Companion Animal Sterilization Fund. The amendment requires that the initial contract be for 36 months. The amendment requires the Department of Agriculture, Conservation and Forestry to conduct an evaluation of the initial 36-month contract and to submit a report to the joint standing committee of the Legislature having jurisdiction over animal welfare matters no later than January 1, 2026. The joint standing committee is required to submit a bill to the Second Regular Session of the 132nd Legislature relating to the subject matter of the report. The amendment also adds an appropriations and allocations section.

Passed in both houses. Signed by the Governor.

LD 1944 An Act To Provide the State Harness Racing Commission Greater Efficiency in Rules Enforcement

This bill provides that the State Harness Racing Commission may enter into consent agreements to resolve violations of the laws relating to harness racing.

An amendment adds an emergency preamble and emergency clause to the bill. The bill provides that a consent agreement may be entered into only with the consent of the licensee, the alleged violator, the

State Harness Racing Commission and the Department of the Attorney General. The amendment removes the alleged violator from the list of those whose consent is required for the execution of a consent agreement.

Passed by the Legislature and signed by the Governor

Criminal Justice and Public Safety Committee

LD 1348 An Act to Limit the decibel Level of Fireworks Near Working Farms

Feb 11, 2022 Voted OTP-AM Amendment creates a Resolve to study the impact of consumer fireworks. Reported Out of Committee

This amendment replaces the bill with a resolve that directs the State Fire Marshal to convene a stakeholder group to review matters relating to the impacts of consumer fireworks use. On or before January 15, 2023, the State Fire Marshal is required to submit to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters a report outlining the findings and any recommendations of the stakeholder group, including any proposed legislation, and the committee is authorized to report out legislation relating to the report to the First Regular Session of the 131st Legislature

Passed in the Senate and the House. Signed by the Governor.

Education and Cultural Affairs Committee

LD 1885 An Act To Increase Maine's Veterinary Workforce

Student Financial Assistance Programs 0653 Initiative: Provides additional ongoing funding for the Maine Veterinary Medicine Loan Program to increase the number of loans awarded annually from 2 to 3 and to increase the maximum loan amount available under the program to each participant from \$25,000 to \$35,000 per year for a period of 4 years. GENERAL FUND 2021-22 2022-23 All Other \$0 \$220,000 _____ GENERAL FUND TOTAL \$0 \$220,000

Passed and signed by the Governor

Health Coverage, Insurance and Financial Services Committee

LD 482 An Act Regarding Pet insurance,

Thursday, February 24th Work Session March 2nd. Voted Ought to Pass Reported out of Committee.

The bill enacts requirements for the sale of pet insurance in this State, using model legislation developed by the National Association of Insurance Commissioners. The bill does the following.

1. It defines terms used in pet insurance policies and contracts.
2. It requires insurers to make specific disclosures to consumers about the terms and conditions of a pet insurance policy and how claims are paid and gives policyholders the right to return a policy within 15 days.
3. It allows pet insurance policies to include exclusions for preexisting conditions as long as they are disclosed to consumers.
4. It allows pet insurance policies to include a waiting period for illnesses or orthopedic conditions but not accidents and provides that the waiting period may not exceed 30 days. An insurer must waive a waiting period if the covered pet undergoes a medical examination paid for by the policyholder.
5. It prohibits insurers and producers from marketing wellness programs as insurance and marketing wellness programs while selling, soliciting or negotiating pet insurance. Insurance producers must also be trained before selling pet insurance.

The requirements take effect January 1, 2023 and apply to pet insurance policies that are sold, solicited, negotiated or offered in this State and to policies issued to any resident of the State and certificates delivered or issued for delivery in this State.

Passed and signed by the Governor.

Inland Fisheries and Wildlife Committee

L.D. 116, “An Act To Allow the Commissioner of Inland Fisheries and Wildlife To Authorize the Hunting of Antlerless Deer without a Permit in Certain Areas” became “An Act Relating to the Hunting of Antlerless Deer”

The initial bill simply authorized the Commissioner of Inland Fisheries and Wildlife to allow hunters to take antlerless deer without an antlerless deer permit in certain areas of the State.

The amendment adds the following provisions to the bill.

1. It creates a \$12 antlerless deer permit fee. The revenue from the \$12 antlerless deer permit fee, less administrative costs, is deposited in the Maine Deer Management Fund.

2. It allows super pack license holders to use their antlerless deer permits in wildlife management areas where 2,000 or more antlerless permits are issued.

3. It eliminates swaps and transfers of permits for game animals, except moose. It eliminates resident hunter antlerless deer permit transfers and antlerless deer permit transfers to junior hunters.

4. It repeals the provisions that temporarily permit the use of crossbows to hunt deer during the open archery season and turkey during the fall turkey season. Instead, the use of crossbows is allowed on an ongoing basis during the open archery season and during the fall turkey hunting season.

5. It authorizes the Commissioner of Inland Fisheries and Wildlife to allow hunters to take antlerless deer without an antlerless deer permit in certain areas of the State. The amendment provides that if the commissioner establishes by rule a lottery for issuing antlerless deer permits, the commissioner may also allow direct purchase of additional antlerless deer permits in certain areas of the State.

6. It directs the Department of Inland Fisheries and Wildlife to determine the statutory changes needed to remove the distinction between a crossbow and a bow and arrow for purposes of the hunting laws and to report these changes, along with the anticipated cost and timeline for the changes, to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters by January 3, 2023. The committee is authorized to report out a bill related to crossbows to the 131st Legislature in 2023.

The amendment also adds an appropriations and allocations section.

Passed by the House and the Senate and signed by the Governor

LD 1951 An Act Related to Hunting Dogs and Civil Trespass

Public hearing was on Monday, February 28 Work Session March 2nd voted Ought To Pass
Reported out of Committee.

1. It requires a person to obtain a permit to train a hunting dog on bear, fox or raccoon or hunt bear, coyote, bobcat, fox or raccoon with a dog. It exempts from the permit requirement a person with a junior hunting license and persons hunting or training with a

guide. It provides for penalties for failure to have a permit and provides that permit fees are deposited into the Landowner Relations Fund.

2. It requires a person training a dog in pursuit of a bear, fox or raccoon to have a collar on the dog with a functioning global positioning system tracker and a collar that legibly provides the name, telephone number and address of the owner of that dog.

3. It requires a person hunting with a dog in pursuit of a bear, coyote, bobcat, fox or raccoon to have a collar on the dog that has a functioning global positioning system tracker and adds foxes and raccoons to the list of wild animals a person may not hunt with a dog unless the dog has a collar that legibly provides the name, telephone number and address of the owner of the dog.

4. It limits hunting foxes or raccoons with dogs to not more than 6 dogs.

5. It prohibits certain types of trespass by a hunting dog. A person may not turn a hunting dog loose in pursuit of a bear, coyote, bobcat, fox or raccoon:

A. Onto the property of another if the property is posted or if the landowner has notified the dog handler that hunting dogs are not allowed on the property; or

B. In a manner that results in the hunting dog entering the property of another, if a hunting dog has been previously found on that property and any dog handler of the hunting dog has been notified in writing by a law enforcement officer within the previous 365 days that the landowner does not permit hunting dogs on the property.

Passed by the House and Senate. Signed by the Governor

Marine Resources Committee

LD 1916 An Act to Create a Legal Defense Fund for the Maine Lobster industry

Public Hearing February 8th Work Session February 22 Voted Ought Not to Pass *Work Session March 2nd Voted Ought To Pass* As Amended Reported Out of Committee April 1st House voted Ought to Pass.

Provides ongoing allocations to support the State's lobster industry by reimbursing a statewide association of individuals engaged in commercial lobster fishing and the labor union representing individuals engaged in commercial lobster fishing in the State for legal costs incurred and paid in legal

proceedings involving the regulations of the United States Department of Commerce, National Oceanic and Atmospheric Administration implementing the Atlantic Large Whale Take Reduction Plan.

For 2 years 20% of license surcharges currently credited to the Lobster Promotion Fund (LPF) are to be credited to the LLDF

Signed by the Governor after changes in the Appropriation's Committee