

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

An Act To Improve the Enforcement of Laws Protecting Dogs

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

Sec. 1. 7 MRSA §3945, as amended by PL 2001, c. 617, §8, is further amended to read:

§ 3945. Use of license fees and court fines retained by municipalities

Except for the \$1 recording fee pursuant to section 3942 retained by the municipal clerk, all fees, including vendor's license fees received under section 4163, subsection 1, and court fines retained by municipalities must be kept in a separate account and must be used for the salaries and costs of animal control, enforcement of licensing laws, care of stray animals that are injured or abandoned and the support of one or more approved animal shelters. Any money not expended for these purposes in a municipality's fiscal year does not lapse, but must be carried over to the next fiscal year.

Sec. 2. 7 MRSA §3947, first ¶, as amended by PL 2009, c. 343, §20, is further amended to read:

Each municipality shall appoint one or more animal control officers whose duties are enforcement of sections 3911, 3912, 3916, 3921, 3924, 3948, 3950, 3950A, 3952 and 4041, 4163 and Title 17, section 1023, responding to reports of animals suspected of having rabies in accordance with Title 22, sections 1313 and 1313A and any other duties to control animals as the municipality may require. A municipality may appoint an employee of an animal shelter as an animal control officer as long as the person meets the qualifications and training requirements of this section.

Sec. 3. 7 MRSA §4015, sub-§6, ¶A, as amended by PL 2007, c. 439, §28, is further amended to read:

A. A shelter must be provided that is fully enclosed except for a portal. The portal must be of a sufficient size to allow the dog unimpeded passage into and out of the structure but may not exceed by more than 3 inches the width and height of the largest dog using the shelter. For dogs other than arctic breeds, the portal must be constructed with a baffle or other means of keeping wind and precipitation out of the interior. The shelter must be constructed of materials with a thermal resistance factor of 0.9 or greater and must contain clean bedding material sufficient to retain the dog's normal body heat; and

Sec. 4. 7 MRSA §4019, as enacted by PL 2007, c. 702, §20, is amended to read:

§ 4019. Removal from unattended motor vehicle

1. Removal authorized. A law enforcement officer, humane agent or animal control officer person may take all steps that are reasonably necessary to remove an animal from a motor vehicle if the animal's safety, health or wellbeing appears to be in immediate danger from heat, cold or lack of adequate ventilation and the conditions could reasonably be expected to cause extreme suffering or death.

2. Notice required. ~~A law enforcement officer, humane agent or animal control officer~~person who removes an animal in accordance with subsection 1 shall, in a secure and conspicuous location on or within the motor vehicle, leave written notice bearing the ~~officer's or agent's~~person's name ~~and office~~ and the address of the location where the animal may be claimed. The owner may claim the animal only after payment of all charges that have accrued for the maintenance, care, medical treatment and impoundment of the animal.

A person who removes an animal in accordance with subsection 1 and who is not a law enforcement officer, humane agent or animal control officer shall take the animal to the nearest law enforcement office or animal shelter.

3. Immunity. ~~A law enforcement officer, humane agent or animal control officer~~person who removes an animal from a motor vehicle pursuant to subsection 1 is immune from criminal or civil liability that might otherwise result from the removal.

Sec. 5. 7 MRSA §4163, sub-§1, as amended by PL 2007, c. 702, §37, is further amended to read:

1. Vendor's license; fee. A person may apply for a vendor's license by completing and submitting to the ~~department clerk for the municipality in which the vendor resides~~ an application form provided by the department. Upon receipt of a completed application, the ~~department~~municipal clerk shall issue a vendor's license and an identifying license number that is valid for a period of 90 days from the date of issuance. A person is entitled to one vendor's license in a 12month period at no charge. A fee of \$25 must be submitted with each additional application for a vendor's license within a 12month period. The municipal clerk shall deposit all vendor's fees into the account kept pursuant to section 3945.

Sec. 6. 7 MRSA §4163, sub-§3, as enacted by PL 2007, c. 439, §34, is amended to read:

3. Violation. A person who fails to comply with this section commits a civil violation for which a fine of not less than ~~\$50~~\$100 nor more than ~~\$200~~\$500 may be adjudged, none of which may be suspended.

Sec. 7. 17 MRSA §1037, sub-§7, ¶A, as amended by PL 2009, c. 343, §26, is further amended to read:

A. A shelter must be provided that is fully enclosed except for a portal. The portal must be of a sufficient size to allow the dog unimpeded passage into and out of the structure but may not exceed by more than 3 inches the width and height of the largest dog using the shelter. For dogs other than arctic breeds, the portal must be constructed with a baffle or other means of keeping wind and precipitation out of the interior. The shelter must be constructed of materials with a thermal resistance factor of 0.9 or greater and must contain clean bedding material sufficient to retain the dog's normal body heat; and

Sec. 8. 29-A MRSA §2087, sub-§2, as reallocated by RR 1999, c. 1, §40, is amended to read:

2. Restrictions. A person driving an open vehicle may not transport a dog in the open portion of that vehicle on a public way unless ~~the dog is protected in a manner that prevents the dog from falling or jumping or being thrown from the vehicle.;~~

A. The dog is crosstethered;

B. The dog is enclosed in a container or cage that is securely attached to the vehicle to prevent sliding; or

C. The open portion of the vehicle has sides and a tailgate or a rail that extends the tail and forms a barrier that extend vertically from the floor to the height of at least 46 inches.

SUMMARY

This bill transfers responsibility for issuing dog or cat vendor's licenses to municipalities. It adds enforcement of the vendor's licensing law to the duties of an animal control officer. It increases the fine for failure to obtain a vendor's license or display a vendor's license number in advertising.

It specifies the dimensions for the portal to a shelter used for dogs confined outside for long periods. It allows any person to remove an animal from a vehicle if the animal's health is in immediate danger. It establishes requirements to ensure the safety of dogs transported in the back of a pickup or other open vehicle.