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## AGRICULTURE, CONSERVATION AND FORESTRY

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# STATE OF MAINE <br> HOUSE OF REPRESENTATIVES <br> 127TH LEGISLATURE <br> FIRST REGULAR SESSION 

COMMITTEE AMENDMENT " " to H.P. 229, L.D. 335, Bill, "An Act To Prohibit the Sale of Dogs and Cats in Pet Shops"

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

## 'An Act To Restrict the Sale of Dogs and Cats in Pet Shops'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:
'Sec. 1. $\mathbf{7}$ MRSA $\S 4164$ is enacted to read:

## §4164. Restriction of sale in pet shops

1. Restriction of sale in pet shops. Except as provided in subsection 2 , a pet shop may not sell, deliver, offer for sale, barter, auction or otherwise dispose of a cat or dog.
2. Exceptions. The provisions of subsection 1 do not apply to a pet shop if the pet shop:
A. Attests in writing that the cat or dog comes from a public or private charitable nonprofit animal shelter, humane society or animal rescue organization. For purposes of this paragraph, "humane society" has the same meaning as in Title 17 , section 1011, subsection 15-A;
B. Is offering a cat or dog owned by an entity in paragraph A for purposes of adoption of the cat or dog by a member of the public; or
C. Has been licensed in accordance with section 3933 continuously since June 1, 2015 under the same ownership and in the same location, as long as the pet shop attests in writing that the cat or dog comes from one of the following sources:
(1) A source authorized pursuant to an exception in paragraph A or B; or
(2) A breeder based in any state that, on the date the pet store received the cat or dog:
(a) Meets the minimum standards established pursuant to rules adopted under section 3906-B as certified by the commissioner; and
(b) Holds a Class A license issued by the United States Department of Agriculture pursuant to the federal Animal Welfare Act, 7 United States Code, Section 2131 et seq. that has not been suspended at any time during the past 5 years and has not received from the United States Department of Agriculture, as indicated on any inspection report issued in connection with the Class A license during the prior 2 years:
(i) A citation for a direct violation;
(ii) Three or more distinct citations or a repeat citation for indirect violations that directly pertain to the health and welfare of animals and that are not administrative in nature; or
(iii) A repeat citation for failure to provide inspectors access to property or records.
3. Attestation of compliance. The written attestations required under subsection 2, paragraphs A and C must be provided to a buyer with the record required under section 3933, subsection 3 and must be provided to the buyer with the statement of consumer rights required under section 4160.
4. Penalties. A person who violates this section commits a civil violation for which a fine of $\$ 500$ must be adjudged and is subject to the penalties under section 4162 , subsection 2.
5. Preemption. Nothing in this section preempts or limits the authority of any county, municipality or other unit of local government to adopt ordinances that are more stringent than the provisions set forth in this section.'

## SUMMARY

This amendment, which is the majority report, replaces the bill. It creates a process whereby pet shops are required to attest in writing as to the origin of a cat or dog, which may come only from a public or private charitable nonprofit animal shelter, humane society or animal rescue organization. It provides an exception for existing pet shops, who may also sell or otherwise dispose of a cat or dog from a breeder if the breeder meets certain conditions and the existing pet shop attests to the origin in writing. Additionally, it reduces the penalty for a violation from $\$ 2,500$ to $\$ 500$.

