|                          | L.D. 335   |
|--------------------------|--|
| Da                       | te: (Filing No. H- )   |
|                          | AGRICULTURE, CONSERVATION AND FORESTRY   |
| R                        | Reproduced and distributed under the direction of the Clerk of the House.  |
|                          | STATE OF MAINE   |
|                          | HOUSE OF REPRESENTATIVES   |
|                          | 127TH LEGISLATURE  |
|                          | FIRST REGULAR SESSION  |
| -                        | COMMITTEE AMENDMENT "" to H.P. 229, L.D. 335, Bill, "An Act To ibit the Sale of Dogs and Cats in Pet Shops"  |
| A                        | Amend the bill by striking out the title and substituting the following:   |
| 'An A                    | 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 nary and inserting the following:   |
| 'S                       | Sec. 1. 7 MRSA §4164 is enacted to read:   |
| <u>§416</u>              | 4. Restriction of sale in pet shops  |
|                          | . Restriction of sale in pet shops. Except as provided in subsection 2, a pet shop not sell, deliver, offer for sale, barter, auction or otherwise dispose of a cat or dog.  |
| <u>2</u><br><u>shop:</u> | <b>Exceptions.</b> The provisions of subsection 1 do not apply to a pet shop if the pet  |
| <u>n</u><br>0            | A. Attests in writing that the cat or dog comes from a public or private charitable<br>conprofit animal shelter, humane society or animal rescue organization. For purposes<br>of this paragraph, "humane society" has the same meaning as in Title 17, section<br>011, subsection 15-A; |
| <u>E</u><br><u>a</u>     | 3. Is offering a cat or dog owned by an entity in paragraph A for purposes of doption of the cat or dog by a member of the public; or  |
| 2                        | C. Has been licensed in accordance with section 3933 continuously since June 1,<br>015 under the same ownership and in the same location, as long as the pet shop<br>ttests 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 $\underline{\text{dog:}}$   |

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## **COMMITTEE AMENDMENT**

| 1<br>2 | (a) Meets the minimum standards established pursuant to rules adopted under section 3906-B as certified by the commissioner; and |
|--------|--|
| 3      | (b) Holds a Class A license issued by the United States Department of  |
| 4      | Agriculture pursuant to the federal Animal Welfare Act, 7 United States  |
| 5      | Code, Section 2131 et seq. that has not been suspended at any time during the  |
| 6      | past 5 years and has not received from the United States Department of   |
| 7      | Agriculture, as indicated on any inspection report issued in connection with   |
| 8      | the Class A license during the prior 2 years:  |
| 9      | (i) A citation for a direct violation;   |
| 10     | (ii) Three or more distinct citations or a repeat citation for indirect  |
| 11     | violations that directly pertain to the health and welfare of animals and  |
| 12     | that are not administrative in nature; or  |
| 13     | (iii) A repeat citation for failure to provide inspectors access to property   |
| 14     | or records.  |
| 15     | 3. Attestation of compliance. The written attestations required under subsection 2,  |
| 16     | paragraphs A and C must be provided to a buyer with the record required under section  |
| 17     | 3933, subsection 3 and must be provided to the buyer with the statement of consumer  |
| 18     | rights required under section 4160.  |
| 19     | 4. Penalties. A person who violates this section commits a civil violation for which   |
| 20     | a fine of \$500 must be adjudged and is subject to the penalties under section 4162,   |
| 21     | subsection 2.  |
| 22     | 5. Preemption. Nothing in this section preempts or limits the authority of any   |
| 23     | county, municipality or other unit of local government to adopt ordinances that are more   |
| 24     | stringent than the provisions set forth in this section.'  |
| 25     | SUMMARY  |
| 26     | This amendment, which is the majority report, replaces the bill. It creates a process  |
| 27     | whereby pet shops are required to attest in writing as to the origin of a cat or dog, which                                      |
| 28     | may come only from a public or private charitable nonprofit animal shelter, humane   |
| 29     | society or animal rescue organization. It provides an exception for existing pet shops,  |
| 30     | who may also sell or otherwise dispose of a cat or dog from a breeder if the breeder meets                                       |
| 31     | certain conditions and the existing pet shop attests to the origin in writing. Additionally,                                     |
| 32     | it reduces the penalty for a violation from \$2,500 to \$500.  |

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## **COMMITTEE AMENDMENT**