

01-001 DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES

DIVISION OF ANIMAL HEALTH & INDUSTRY

Chapter 701: RULES GOVERNING ANIMAL WELFARE

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Chapter 701: RULES GOVERNING ANIMAL WELFARE**PURPOSE**

To insure that only healthy animals, including birds, are offered for sale and that all animals, within the scope of the Commissioner's authority, shall receive proper care, housing facilities, disease control, records of sales and purchases, euthanasia records and licenses will be monitored by Animal Welfare.

SECTION I - GENERAL**A. DEFINITIONS**

1. **BEDDING MATERIAL** - The term "bedding material" means those dry materials with low conductivity and not detrimental to the animal.
2. **BOARDING KENNEL** - The term "boarding kennel" means any place, building, tract of land, abode or vehicle in or on which 3 or more privately owned dogs or other pets, or both, are kept for their owners in return for a fee.
3. **CAGE/PEN** - The terms "cage" and "pen" are synonymous and refer to a portable enclosure or a fixed permanent enclosure located within a primary structure, designed for securing animals. This enclosure is used primarily as the animals' sleeping area and is a separate structure from exercise areas, dog runs or other enclosures used in the keeping of animals. The cage/pen consists of side walls, a top and bottom and a latched gate or door consisting of wire mesh or rods, all constructed of materials harmless to the well-being of the animal.
4. **CRATE** - The term "crate" refers to a portable enclosure designed for securing animals on a temporary basis for purposes of transport, exhibition, or medical treatment.
5. **EXERCISE AREA** - The term "exercise area" refers to an enclosed space which shall be secured, either in or out of doors, that is designed exclusively for the exercise of animals. It is an area separate and distinct from the animals' sleeping area. It shall be constructed of materials that are not harmful to animals and that are suitable for efficient removal of animal waste and for effective sanitation and disaffection.
6. **FACILITY** - The term "facility" refers to pet shops, shelters, kennels, and boarding kennels.
7. **IMMEDIATE FAMILY** - The term "immediate family" refers to one of the following family relationships: father, mother, brother, sister, son, spouse or daughter.

8. **KENNEL** - The term "kennel" means one pack or collection of dogs kept in a single location under one ownership for breeding, hunting, show, training, field trials and exhibition purposes. The sale or exchange of one litter of puppies within a twelve month period shall not be considered a kennel.
9. **PERSON** - The term "person" refers to an individual, corporation, partnership, association, or any other legal entity.
10. **PET SHOP** - The term "pet shop" means any place, building, tract of land, abode or vehicle in or which any dogs, cats, rodents, reptiles, fish, pet birds, pet animals, exotic birds or exotic animals are offered for sale by the vendor.
11. **PRIMARY STRUCTURE** - The term "primary structure" means the main building used for housing or displaying animals.
12. **SHELTER** - The term "shelter" means any building or physical structure or part of any building or physical structure, other than a private dwelling, that houses dogs or other animals and is not used for agricultural purposes or as a laboratory research facility, medical facility or educational institution.

B. LICENSES

1. A license shall be required of each pet shop, shelter, kennel and boarding kennel.
2. Licenses shall be posted in a conspicuous place on the premises of each pet shop, shelter, kennel and boarding kennel.

C. RECORDS

Each pet shop, shelter, kennel and boarding kennel, shall make and maintain for at least two (2) years the following records of their activities:

1. Official Certificates of Veterinary Inspection as required by State Statute and Rule.
2. The name and address of the person from whom the animal was received.
3. The name and address of the person(s) receiving or buying the animal, excluding fish and rodents and lagomorphs.
4. Records of vaccination or medical treatments given to the animal.
5. Mortality records and causes of mortality.
6. Records of veterinary services.
7. Records of euthanasia must be kept for positive identification of every animal euthanized.

D. PRIMARY STRUCTURES

All pet shops, shelters, kennels and boarding kennels shall be comprised of a primary structure that is in good repair and structurally sound. All primary structures shall have available running water, heat, and electricity.

E. TEMPERATURE CONTROL

1. The inside minimum temperature shall be kept at a level to maintain good general health and condition for animals housed in the facilities.
2. Outside facilities shall provide shade exclusive of the housing structure by either natural or manufactured devices for 0 animals kept out of doors.

F. SANITATION

1. Waste facilities shall be cleaned in such a manner as to minimize vermin, insect infestation, disease, and odor.
2. Cages/pens, food and water dishes, and other utensils shall be disinfected as needed to be kept in a sanitary condition.
3. Animals shall be removed from cages/pens during cleaning. Cages/pens must be clean and dry before animals are replaced.

G. FOOD

1. Food supplies shall be protected against contamination and deterioration, and refrigeration shall be provided for perishable food and supplies.
2. Animals shall be fed at least twice a day or as directed by owner/keeper in the case of a boarded animal(s), with a wholesome and nutritionally complete food and of sufficient quantity to meet the requirements for their age, size, breed, and condition. Animals that have been determined by a veterinarian to be malnourished or which have prominent hippo rib bones showing which is not normal to the breed, shall be fed more frequently.
3. Lactating females shall be fed daily in sufficient quantity and quality to maintain their body weight while providing sufficient nutrition for the p reduction of milk.
4. Puppies and kittens are to be fed at least three times daily once they are able to ingest and metabolize solid food.
5. Clean water shall be available at 0 times and must be in a tip resistant container that is low enough to allow the animals free access.
6. Birds shall have food and water available at all times.
7. These requirements must be attended to daily including weekends and holidays.

H. DISEASE CONTROL

1. Animals with clinical evidence of infectious, contagious, parasitic, or communicable disease shall be separated from others in order to minimize the spread of disease.
2. Effective programs for the control of disease, insects, external parasites, and other pests shall be established and maintained.

I. NOISE

All noise shall be kept at a minimum to prevent auditory discomfort and restlessness.

J. VENTILATION

All areas in which animals are kept shall be ventilated in such a manner that a movement offers air is present to prevent noxious fumes, chemical odors, heat buildup, smoke or odors of excrement and urine from being detectable.

K. LIGHTING

All animals shall have exposure to artificial or natural daylight a minimum of eight (8) hours per day.

L. SPECIAL INSTRUCTIONS

The seller/provider of any animal shall furnish written instructions as to the proper feeding, care, health information, and any special needs associated with the animal purchased or acquired.

M. HEALTH OF ANIMALS AT THE TIME OF RELEASE

The following conditions shall make an animal unfit for sale or release:

1. Obvious clinical sign of infectious, contagious, parasitic or communicable disease or abnormality.
2. Obvious signs of starvation or malnutrition.
3. Congenital abnormalities, except with disclosure and acceptance by the person adopting or potential owner.
4. Blindness. (Exception: under 3 above.)
5. Animals determined to be unfit for sale or release as described above, shall be isolated and treated by/or at the direction of a licensed veterinarian or euthanized in a humane manner. If the treatment for any of the above conditions brings about recovery to a good to normal state of health, as determined by acceptable

veterinary practice, the animal can then be considered for release or sale. (The new owner shall be apprised of the condition treated and the treatment provided the animal.)

N. UNLAWFUL SALE OF PUPPIES AND KITTENS

It shall be unlawful for any person to sell, adopt, or give away any dog (puppy) or cat (kitten) until completion of its seventh week of life.

O. QUARANTINE NOTIFICATION

When a licensed veterinarian, not employed by the State, quarantines a pet shop, shelter, kennel or boarding kennel, then both the veterinarian and the holder of the license shall immediately notify Animal Welfare. Immediate notification may be oral, but a written confirmation of such oral notification shall be sent to Animal Welfare within twenty-four (24) hours.

P. VIOLATIONS

Animal Welfare shall, upon written complaint by any person alleging violation of these Rules, or upon its own motion if it has reason to believe such a violation exists, cause an investigation to be made. If a violation is found to exist, Animal Welfare or the Attorney General may file a complaint with the Administrative Court for revocation or suspension of the license.

Q. AUTHORIZED AGENTS (Access to Facilities)

Authorized agents of Animal Welfare shall at all reasonable times be allowed access to the physical premises and the records maintained by any pet shop, shelter, kennel and boarding kennel.

SECTION II - SPECIFIC RULES BY CATEGORY OF ACTIVITY

In addition to the general regulations listed in Section I, the following specific regulations will apply to each of the following categories:

A. PET SHOPS

1. The housing facilities should be structurally sound and maintained in good repair to protect the animal from injury and to contain the animal.
2. Dogs must be removed from the cage a minimum of twice every twenty-four hour period.
3. A separate and suitable exercise area properly controlled for the safety of the animals placed in same shall be required.

4. Cages/Pens for birds - Birds shall be provided space to allow full expansion of their wings. Birds will be housed only with other compatible species unless housed singularly.
5. Cages/Pens for cats - Confinement areas must allow a minimum of four (4) square feet per cat inclusive of the area occupied by the litter boxes which offers enough room to comfortably stand. Cats must have litter boxes with ample clean litter available at all times. When multiple Cats are kept in a common area there must be at least one 1 1/2 square foot litter box or equivalent for every three cats.
6. Animals or birds shall not be placed in cages/pens over other animals or birds unless the enclosure is properly constructed to prevent excreta from entering the lower enclosure.
7. Males and females capable of reproduction shall not be housed together.
8. Dogs and Cats shall not be placed in the same cage/pen nor shall dogs or cats be housed in the same cage/pen with other species of animals.
9. Females with litters shall be housed in an area that would minimize disruption.
10. All cages/pens must have a clean dry place for the animal to lie down and the flooring must be of solid type material without perforations. There must be clean and sufficient bedding material to retain the animal's body heat. Manufactured grids that will not potentially injure the feet are acceptable.
11. The primary structure must have provisions for proper disposal of dead or euthanized animals.
12. The design and location of a cage and exercise area must be of such nature as to permit ready and convenient access for cleaning, sanitation and care of animals.

B. SHELTERS

1. The housing facilities shall be structurally sound and maintained in good repair to protect the animal from injury and to contain the animal.
2. Dogs must be removed from the cage a minimum of twice every twenty-four hour period.
3. A separate and suitable exercise area properly controlled for the safety of the animals placed in same shall be required.
4. Animals shall not be placed in cages/pens over other animals unless the enclosure is properly constructed to prevent excreta from entering the lower enclosure.
5. Males and females capable of reproduction shall not be housed together.

6. Cages/Pens for cats - Confinement areas must allow a minimum of four (4) square feet per cat inclusive of the area occupied by the litter boxes. Cats must have litter boxes with ample clean litter available at all times. When multiple Cats are kept in a common area there must be at least one 1 1/2 square foot litter box or equivalent for every three cats.
7. Dogs and cats shall not be placed in the same cage/pen nor shall dogs or cats be housed in the same cage/pen with other species of animals.
8. Females with litters shall be housed in an area that would minimize disruption.
9. Areas housing puppies from birth to two (2) weeks old must be kept at a high enough ambient temperature to maintain their normal internal temperature. Manufactured grids that will not potentially injure the feet are acceptable.
10. All cages/pens must have a clean dry place for the animal to lie down and the flooring must be of solid type material without perforations. There must be clean and sufficient bedding material if it is necessary to retain the animal's normal body heat.
11. The primary structure must have provisions for proper disposal of dead or euthanized animals.
12. The design and location of a cage and exercise area must be of such a nature as to permit ready and convenient access for cleaning, sanitation and care of animals.
13. Shelter managers and staff shall diligently try to locate the owner of any animal in their custody including utilizing any type of identification (tattoos, name tags, rabies tags, microchips or any other identifying characteristics).

C. KENNELS AND BOARDING KENNELS

1. The housing facilities shall be structurally sound and maintained in good repair to protect the animal from injury and to contain the animal.
2. Dogs must be removed from the cage a minimum of twice every twenty-four hour period.
3. A separate and suitable exercise area properly controlled for the safety of the animals placed in same shall be required.
4. Cages/Pens for cats - Confinement area must allow a minimum of four (4) square feet per cat inclusive of the area occupied by the litter boxes. Cats must have litter boxes with ample clean litter available at all times. When multiple cats are kept in a common area there must be at least one 1 1/2 square foot litter box or equivalent for every three cats.
5. Animals shall not be placed in cages/pens over other animals unless the enclosure is properly constructed to prevent excreta from entering the lower enclosure.

6. Females shall not be housed with males unless requested by owners/keepers.
7. Females with litters shall be housed in an area that would minimize disruption.
8. Areas housing puppies from birth to two (2) weeks old must be kept at a high enough ambient temperature to maintain their normal internal temperature.
9. All cages/pens must have a clean dry place for the animal to lie down and the flooring must be of solid type material without perforations. There must be clean and sufficient bedding material to retain the animal's normal body heat. Wire floor does not include manufactured grids that will not potentially injure the feet.
10. The design and location of a cage and exercise area must be of such nature as to permit ready and convenient access for cleaning, sanitation and care of the animal.

D. OUTSIDE FACILITIES FOR DOG HOUSE; TETHERING OF ANIMALS

1.
 - (a) Any shelter, kennel or boarding kennel owning or keeping a dog who shelters the dog out of doors shall have outside housing facilities consisting of a four (4) sided structure and roof made of waterproof and windproof material with an R factor of .9 (example: .9 = 3/4" thickness (wood)). There shall be a portal of entry of sufficient size to allow the dog unimpeded passage, which shall include a baffled or appropriate sheltered entrance.
 - (b) This opening should face south or the direction away from which most wind driven precipitation comes. This facility shall have a solid floor at least three (3) inches above the ground level, with clean and sufficient bedding material to retain the animal's normal body heat.
2.
 - (a) When animals are confined by a chain or similar device, the chain shall be attached to both the animal and the anchor by a swivel or similar device so the chain will not become entangled or twisted. The chain or similar device shall be attached to a well fitting collar or harness that in no way cuts into the animal's flesh, impinges the circulation, ability to ingest food, water or vocalization.
 - (b) The gauge of the chain shall be appropriate for the size of the animal involved and the chain shall be at least five (5) times the length of the animal from the tip of its nose to the base of its tail, except in the case of dogs which are bred and trained as sled dogs, the length of the chain shall be not less than 1 1/2 times the length of the dog from the tip of its nose to the base of its tail if tied on a pivot and 3 times the length of the dog from the tip of its nose to the base of its tail to a stationary point.
3. Multiple animals kept in such fashion shall be kept far enough apart to prevent there straining devices from becoming entangled.

4. Dogs that are tethered at a pivot point permitting a 360 degree area of movement will be 2 1/2 times the length of the dog from the tip of its nose to the base of its tail.

SECTION III - CIVIL VIOLATION

A. PET SHOPS, KENNELS AND BOARDING KENNELS

Any pet Shop, kennel or boarding kennel which violates Chapter 723 of Title 7 of the Maine Revised Statutes Annotated, or these Rules, commits a civil violation for which a forfeiture of not less than fifty (\$50.00) dollars nor more than two hundred (\$200.00) dollars a day may be adjudged.

B. SHELTERS

Any shelter which violates Chapter 719 of Title 7 of the Maine Revised Statutes Annotated, or these Rules, commits a civil violation for which a forfeiture of not less than fifty (\$50.00) dollars nor more than two-hundred (\$200.00) dollars may be adjudged.

SECTION IV - VETERINARIAN EXEMPTION

Veterinarians and their facilities shall be exempt from these Rules. If any portion of a veterinarian's facility is used as a kennel or boarding kennel, that separate portion of their facility shall be subject to the Rules for kennels.

SECTION V - PIG SCRAMBLES

- A. Any person or organization planning to hold a pig scramble shall obtain a permit from the Department no later than ten (10) days prior to the event.
- B. To obtain a permit, the applicant must specify and list the precise location of the event, the time it is to be held (plus or minus one hour) and the person or persons who will be in charge of the event.
- C. **RULES**
 1. The person in charge of the event shall be responsible for the animals being "well cared for" prior to, during, and after the event until such time as the new owners remove the animals from the premises.
 2. No lubricant may be used on the pig or the contestant.
 3. The pigs shall not weigh less than sixteen (16) pounds for 8-10 age group, and not less than twenty two (22) pounds for the 10-12 age group.

4. The contestants shall not be over the age of 12.
5. The event shall not last more than ten (10) minutes.
6. The bags or sacks used shall be burlap to give the animal adequate breathing and cooling air.
7. The manager of the event shall have someone available to purchase or take the animals if an animal is caught by someone who does not have adequate facilities to care for the animals at their residence.
8. The area/ring being used will be no less than 3,000 square feet.
9. A pig may only be used for one event per day.

RULES MUST BE POSTED IN A CONSPICUOUS PLACE AT EVENT SITE

**PERMITS PERIODS WILL NOT EXCEED TEN (10) DAYS FOR MULTIPLE
EVENTS SPONSORED BY ANY PRIVATE OR PUBLIC ORGANIZATION**

SECTION VI - CALF SCRAMBLES

- A. Any person or organization planning to hold a calf scramble shall obtain a permit from the Department no later than ten (10) days prior to the event.
- B. To obtain a permit, the applicant must specify and list the precise location of the event, the time it is to be held (plus or minus one hour) and the person or persons who will be in charge of the event.
- C. **RULES**
 1. The person in charge of the event shall be responsible for the animals being "well cared for" prior to, during, and after the event until such time as the new owners remove the animals from the premises.
 2. The calves shall not weigh less than 300 pounds or over 600 pounds.
 3. The contestants shall be restricted to the age of 14 to 17 years. (Age 17, as of January 1st of the year the event is held.)
 4. The event shall not last more than twelve (12) minutes.
 5. Nothing will be attached to any portion of the animal for removal by contestants from the animal during competition.
 6. The manager of the event shall have someone available to purchase or take the animals if an animal is caught by someone who does not have adequate facilities to care for the animals at their residence.

7. The manager of this event shall have the facilities to hold the calves which have been won until the winning contestant is ready to leave the premises.
8. The area/ring being used will be no less than 3,000 square feet.
9. A calf may only be used for one event per day.

RULES MUST BE POSTED IN A CONSPICUOUS PLACE AT EVENT SITE

**PERMITS PERIODS WILL NOT EXCEED TEN (10) DAYS FOR MULTIPLE
EVENTS SPONSORED BY ANY PRIVATE OR PUBLIC ORGANIZATION**

**SECTION VII - STANDARDS FOR THE HOUSING AND CARE OF HORSES (ALL
EQUINE)**

A. HOUSING

1. A constructed shelter, with a minimum of three sides and a waterproof roof, shall be provided at all times to protect equines from sun, rain, wind and other inclement weather.
2. The roof shall be waterproof.
3. The shelter shall be of sufficient height and size so that the animals may stand upright in their normal position, with safe head clearances, and accommodate all animals comfortably at all times.
4. The floor shall be dry and suitable for the animals to lie down.
5. Any animal shall be provided with extra protection by improved housing facilities, blankets, or other methods, if the health of the animal is compromised in any way.
6. Where indoor shelter is provided, that shelter shall be adequately ventilated to prevent excessive dust or excessive moisture that may be detrimental to the equine's health.

B. FOOD

1. Equines shall have unlimited access to clean water to maintain normal hydration.
2. Each equine shall have sufficient hay, grain, or other feed to maintain its normal bodyweight. Additional feed shall be fed to underweight animals to achieve normal weight.
3. The feeding arrangements shall be such that each animal gets its own proper share of food twice a day.

4. All owners/keepers of equine shall have on hand at all times enough hay and grain to maintain all equine in a healthy condition.

SECTION VIII - THE SPAY/NEUTER REIMBURSEMENT PROGRAM

Summary: The purpose of this section is to establish rules that will allow reimbursement to animal shelters for extended days that stray dogs and cats must stay to be spayed or neutered before being given up for adoption.

A. **DEFINITIONS:** For the purpose of this chapter the following words mean:

1. "Spay/neuter" means to sterilize a female animal by removing the ovaries or to castrate a male animal by removing the testicles.
2. "Animal shelter" (see and use definition in the Animal Welfare Laws 7 M.R.S.A. Section 3907, 5-A).
3. "Strays" means a cat or dog with no known owner that may be deserted, sick, or injured.
4. "Reimbursement" means to compensate part of the expense of sterilizing an animal.
5. "Dog licensing fee" means a fee collected by a municipal clerk or dog recorder for the issuance of a dog license authorized under 7 M.R.S.A. Section 3923.

B. **FUNDING**

Funds for the reimbursement are to be allocated from the dog-licensing fee and from private or public donations. This fund shall be a separate, non-lapsing account and shall be named - Animal Welfare Fund: Spaying/Neutering Account.

C. **PROCEDURE**

Upon receiving a letter from the animal shelter requesting reimbursement for a stray dog that has been in their possession for at least six (6) days minimum or a stray cat that has been in their possession for at least 48 hours minimum and that particular animal was neutered or spayed, the state shall reimburse that shelter at the rate of ten dollars (\$10.00) per dog and the rate of five dollars (\$5.00) per cat. The animal shelter must attach to the letter a copy of a Certificate of Neutering signed by a licensed veterinarian.

STATUTORY AUTHORITY: 7 M.R.S.A. §3906-B. Section 10

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