

Chapter 702: RULES FOR THE LOW INCOME SPAY/NEUTER PROGRAM

Summary: This Chapter establishes and implements a low-income spay/neuter program for cats and dogs. Eligibility requirements for participation in the program and procedures for veterinarian reimbursement, and program administration and performance measurements are contained in these rules.

The purpose of the low-income spay/neuter program is to reduce:

- a) Stray and unwanted cats and dogs
 - b) Cat and dog euthanasia rates
 - c) Dog bites
 - d) Feral cats
 - e) Threats to public health and safety from rabies and other zoonotic diseases.
 - f) Community and state animal control costs
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1. DEFINITIONS

- A. CAT – A member of the genus and species known as felis catus.
- B. COMMISSIONER – The Commissioner of the State of Maine Department of Agriculture, Food and Rural Resources.
- C. DEPARTMENT – The Department of Agriculture, Food and Rural Resources.
- D. DOG – A member of the genus and species known as canis familiaris.
- E. DOG LICENSE – A State of Maine license obtained by the owner or keeper of a dog at the age of 6 months or more, on or before January 1st of each year.
- F. FERAL CAT – A cat without owner identification of any kind that consistently exhibits extreme fear in the presence of people.
- G. KEEPER – A person in possession or control of an animal becomes the keeper of a stray domesticated animal, other than a dog or livestock, if the person feeds that animal for at least 10 consecutive days.
- H. LICENSED ANIMAL SHELTER – A facility, licensed by the state, which includes a physical structure or part of a physical structure that provides temporary or permanent shelter to stray, abandoned, abused, or owner-surrendered animals.
- I. OWNER – Any person, firm, partnership, association or corporation that owns, keeps or harbors a dog or other animal.
- J. PROGRAM – The Low-Income Spay/Neuter Program for dogs and cats.

- K. SPAY/NEUTER – To sterilize a female animal by removing the ovaries or to castrate a male animal by removing the testicles or by FDA approved pharmaceutical sterilization.
- L. STRAY ANIMAL – A cat or dog with no known owner that may be deserted, sick, or injured.
- M. UNWANTED – A cat or dog abandoned or not wanted by its owner or keeper.

2. ELIGIBILITY

- A. To be eligible for the low-income spay/neuter program a person must:
 - 1. Be an independent adult (18 years or older and not declared as a dependent for tax purposes by another person);
 - 2. Be a Resident of the State of Maine;
 - 3. Be the owner or keeper of the cat or dog being spayed or neutered by a participating veterinarian;
 - 4. Make a co-payment determined on an annual basis by the Commissioner. The requirement for a co-payment may be waived if the Director of the Animal Welfare Program and/or the Administrator determines that its payment by the owner or keeper of the animal would create a financial hardship; and
 - 5. Have a household income less than 133% of the federal poverty level. If program funding allows, the Commissioner may increase the household income limit for the purposes of this requirement up to 150% of the poverty level.
- B. Determination and the approval of any government public assistance program that may be used to indicate eligibility shall be at the Commissioner's discretion.
- C. Dogs and cats imported or transferred from out of state are not eligible for participation in the program.

3. VETERINARIAN PARTICIPATION

- A. Any veterinarian licensed in this state may participate in the program established under this Chapter. To participate, a veterinarian must file a signed agreement with the Commissioner on a biennial basis on a form provided by the Commissioner agreeing to all pre-set fees and program conditions. Pre-set fees shall be set by the Commissioner on a biennial basis in consultation with the Maine Veterinary Medical Association.
- B. For all cats and dogs sterilized under this program the Commissioner shall reimburse the veterinarians for services on a monthly basis in accordance with the pre-set amount. The pre-set fee shall cover the cost of the pre-surgical exam, the spay/neuter surgery and a rabies vaccination. The owner shall be responsible for the payment of any additional procedures administered by the veterinarian that are not covered under this program.

4. PROGRAM ADMINISTRATION

- A. The Department's Animal Welfare (AWP) or an organization or individual that meets the statutory requirements of Title 7 M.R.S. §3910-B ¶1-A Companion Animal Sterilization Fund shall administer the program for the Commissioner and shall be responsible for:
1. Issuing vouchers;
 2. Procuring veterinarian participation agreements and maintaining positive relations with the veterinarians;
 3. Maintaining a list of participating veterinarians;
 4. Determining individual owner eligibility;
 5. Notifying participating veterinarians of the co-payment as determined by the Commissioner on a yearly basis;
 6. Collecting of co-payments; and
 7. Reimbursing veterinarians in accordance with the agreements and those rules.
- B. If the program is contracted to an organization or individual, the Commissioner shall deposit all funds in the Companion Animal Sterilization Fund directly into the Help Fix ME account of the organization or individual as determined by the Department of Administrative and Financial Services. The contracted organization or individual shall submit quarterly financial reports to the Commissioner. This report shall include but not be limited to the number of vouchers issued.

5. PERFORMANCE MEASUREMENT

Performance Measurement is necessary to determine the success of the program and to assess if any changes in the program should be made. To measure the performance of this program, the AWP shall require standardized reporting of statewide cat and dog intake and euthanasia numbers to the AWP by licensed animal shelters, which are required to keep and maintain such information in accordance with 01-001 CMR Chapter 701: Rules Governing Animal Welfare 1C. The reporting will be on forms provided by the Department.

6. DISTRIBUTION OF FUNDS

- A. In order for the Companion Animal Sterilization Fund /Help Fix ME funds to be used effectively and reduce animal overpopulation and euthanasia, the apportionment of the funds to be shall be applied to the program shall be determined as follows:
1. The Director of the Animal Welfare Program and/or Administrator shall apportion available funds between cats and dogs according to the need to control overpopulation of cats or dogs.

2. If one species is overpopulated but not the other, then no more than 10% of the program's funds can be spent on that species that is not overpopulated, with priority given to those breeds that are most difficult to place for adoption.
3. If there is no overpopulation of either species, then the funds shall be expended according to requests for assistance from qualifying low-income applicants.
4. The Commissioner shall consult with Maine humane societies, shelters and other stakeholders the Commissioner deems relevant to make the determinations regarding overpopulation and breeds that are difficult to adopt.

7. FUNDING

A Low-Income Spay/Neuter Fund shall be established for this program. Any monies received by the Commissioner in accordance with the authority provided by 7 M.R.S. §3906-B(13) shall be deposited into a separate, non-lapsing account and shall be dedicated for use by the Commissioner exclusively for implementation of this program, including veterinarian reimbursement, administration, promotions and other costs associated with the program. Interest earnings credited to the assets of the fund shall become part of the fund.

STATUTORY AUTHORITY: 7 M.R.S. §3906-B and §3910-B

EFFECTIVE DATE:

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