

Chapter 701: RULES GOVERNING ANIMAL WELFARE

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

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** “Boarding kennel” means any place, building, tract of land or abode in or on which 3 or more privately owned companion animals are kept at any one time for their owners in return for a fee or compensation and includes a facility where 3 or more companion animals are kept for training purposes for compensation.
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. **CAPACITY FOR CARE** “Capacity for care” is the level at which each licensed animal facility in Maine can maintain the ability to meet the needs of every animal in the care of that facility, regardless of purpose, age, health status and personality, and by functioning within this level, are able to ensure the health and wellness of animals in their care.
5. **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.
6. **EXERCISE AREA** - The term "exercise area" refers to an enclosed space which is secured, either in or out of doors, that is designed exclusively for the exercise of animals appropriate of the type and species of animal. It is an area separate and distinct from the animals' sleeping area. It must 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 disinfection.
7. **FACILITY** - The term "facility" refers to pet shops, shelters, kennels, and boarding kennels.
8. **HOUSING FACILITY** – The term “housing facility” means any premises, shed, barn, building, trailer, or other structure or area housing or intended to house animals, including foster homes.

9. IMMEDIATE FAMILY - The term "immediate family" refers to one of the following family relationships: father, mother, brother, sister, son, spouse or daughter.
10. IMPERVIOUS SURFACE – The term “impervious surface” means a surface that does not permit the absorption of fluids. Such surfaces are those that can be thoroughly and repeatedly cleaned and disinfected, will not retain odors, and from which fluids bead up and run off or can be removed without being absorbed into the surface material.
11. KENNEL - "Kennel" means 5 or more dogs kept in a single location under one ownership for breeding, hunting, show, training, field trials, sledding, competition, or exhibition purposes. The sale or exchange of one litter of **less than 16** puppies within a 12-month period alone does not constitute the operation of a kennel.
12. PERSON - The term "person" refers to an individual, corporation, partnership, association, or any other legal entity.
13. PET SHOP - "Pet shop" means a place, or vehicle in or on which any dogs, cats, rodents, reptiles, fish, pet birds, exotic birds or exotic animals not born and raised on those premises are kept for the purposes of sale to the public.
14. PRIMARY STRUCTURE - The term "primary structure" means the main building used for housing or displaying animals.
15. SHELTER - "Animal shelter" means a:
 - a. Facility that houses domesticated animals and operates or the purpose of providing stray, abandoned, abused or owner-surrendered animals with sanctuary or finding the animals temporary or permanent adoptive homes; or
 - b. Rescue group. An organization or individual that receives domesticated animals that have been abandoned, surrendered or removed from an animal facility or that takes in homeless dogs or cats and sells, gives or otherwise places the animals in private homes.
16. VETERINARIAN OF REFERENCE – The term “Veterinarian of Reference” means the veterinarian employed, contracted, or that volunteers with the shelter, rescue group, pet store, or kennel to ensure the health of the animals in its care and ensure proper disease control.

B. LICENSES

1. A license is required for each pet shop, shelter, kennel and boarding kennel.
2. Licenses must be posted in a conspicuous place on the premises of each pet shop, shelter, kennel and boarding kennel.
3. License numbers must be posted in any advertisements and on any websites.

C. RECORDS

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

1. Official Certificates of Veterinary Inspection (CVI) as required by State of Maine statute and rule.
2. The name and address of the person(s) 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 vaccinations, medical treatments, and wellness exams for all animals including wellness exams of all animals that are not for sale or adoption that have been on the property for more than 6 months.
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.
8. Animal fostering agreements with a list of animals fostered, names and locations of foster homes.
9. Records of maintenance, storage and distribution of pharmaceuticals and controlled substances in accordance with the US Department of Justice Drug Enforcement Administration regulations and the Maine Veterinary Practice Act, 32 MRS §§ 4851 et seq.
10. Records, including Certificates of Veterinary Inspection, can be stored electronically.

D. PRIMARY STRUCTURES

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

E. TEMPERATURE CONTROL

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

F. SANITATION

1. Waste facilities must 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 must be disinfected as needed to be kept in a sanitary condition.
3. Animals must be removed from cages/pens during cleaning. Cages/pens must be clean and dry before animals are replaced.

G. FOOD

1. Food supplies must be protected against contamination and deterioration, and refrigeration must be provided for perishable food and supplies.
2. Animals must 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 hip or rib bones showing which is not normal to the breed, must be fed more frequently.
3. Lactating females must be fed daily in sufficient quantity and quality to maintain their body weight while providing sufficient nutrition for the production of milk.
4. Puppies and kittens must be fed at least three times daily once they are able to ingest and metabolize solid food.
5. Clean water must be available at all times and must be in a tip resistant container that is low enough to allow the animals free access.
6. Birds must have food and water available at all times.
7. These requirements must be attended to daily including weekends and holidays.

H. DISEASE CONTROL & ANIMAL WELLNESS

1. Animals with clinical evidence of infectious, contagious, parasitic, or communicable disease must 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 must be established and maintained with the Veterinarian of Reference.
3. All animals owned and kept by the facility that are not for sale or adoption must receive regular annual examinations and recommended treatment as determined by the Veterinarian of Reference to ensure the health of all animals within that facility.

I. NOISE

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

J. VENTILATION

All areas in which animals are kept must be ventilated in such a manner that a movement of fresh 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 must have exposure to artificial or natural daylight a minimum of eight (8) hours per day.

L. SPECIAL INSTRUCTIONS

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

M. HEALTH OF ANIMALS AT THE TIME OF RELEASE

The following conditions 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, except with disclosure and acceptance by the person adopting or potential owner.
5. Animals determined to be unfit for sale or release as described above, must 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, normal state of health, as determined by acceptable veterinary practice, the animal can then be considered for release or sale. (The new owner must be apprised of the condition treated and the treatment provided the animal.)
6. Animals with aggression that pose a risk to public safety that cannot be safely managed by behavioral program shall not be adopted or sold to the public.

N. CAPACITY FOR CARE

1. All facilities licensed under these rules shall demonstrate proper capacity to care for the number of animals under their care upon request from and to the satisfaction of the department. In determining the adequacy of a facilities' demonstration of capacity for care, the department will take into account, among other relevant factors: the type and numbers of animals in the care of the facility; the specific needs of the animals in the care of the facility and whether they require special care; the type of operation; experience of the facility operators and staff; and the size and capacity of the facility; and the occurrence of any emergency or disaster situations.
2. A facility must not exceed its capacity for care by, including but not limited to, housing more animals for which it has demonstrated a capacity to care for or housing and caring for animals that have special needs that the facility operator and/or staff are unqualified or otherwise unable to provide.

O. PERSON MAINTAINING

All facilities licensed under these rules shall provide the department the name and contact information of the person responsible for maintaining the license and operation of the facility. This person must be a current resident of the State of Maine and not be disqualified from facility licensure under 7 M.R.S.A. §3935 (License Prohibited).

P. UNLAWFUL SALE OF PUPPIES AND KITTENS

It is unlawful for any person to sell, adopt, or give away any dog (puppy) or cat (kitten) until eighth (8) week of life.

Q. 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 must immediately notify the Animal Welfare Program. Immediate notification may be oral, but a written confirmation of such oral notification must be sent to the Animal Welfare Program within twenty-four (24) hours.

R. VIOLATIONS

The Animal Welfare Program will, 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, the Animal Welfare Program or the Attorney General may seek enforcement remedies including but not limited to revocation or suspension of the license.

S. AUTHORIZED AGENTS (Access to Facilities)

Authorized agents of the Animal Welfare Program must 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 apply to each of the following categories:

A. PET SHOPS

1. The housing facilities must 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. There must be a separate and suitable exercise area provided that is properly controlled for the safety of the animals.

4. Cages/Pens for birds - Birds must be provided space to allow full expansion of their wings. Birds must 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 must 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 must not be housed together.
8. Dogs and Cats must not be placed in the same cage/pen nor dogs or cats be housed in the same cage/pen with other species of animals.
9. Females with litters must be housed in an area that minimizes disruption to them.
10. All cages/pens must have a clean dry place for the animal to lie down and the flooring must be an impervious surface 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.
13. Isolation areas must be provided and used for all animals being imported from out of state to ensure their health at the time of sale in accordance with rules set forth in Chapter 216 "Rules Governing the Sale of Dogs and Cats and Importation of Dogs and Cats for Resale or Adoption."

B. SHELTERS

1. The housing facilities must 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. There must be a separate and suitable exercise area provided that is properly controlled for the safety of the animals.
4. Animals must 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 must 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 must not be placed in the same cage/pen nor dogs or cats be housed in the same cage/pen with other species of animals.
8. Females with litters must be housed in an area that minimizes disruption to them.
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 an impervious surface 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 must 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).
14. Controlled substances and medications must be securely stored, maintained and logged in accordance with the US Department of Justice Drug Enforcement Administration regulations.
15. Sharps containers must be provided and properly disposed of in accordance with Maine Department of Environmental Protection Chapter 900 Rules, Biomedical Waste Management.
16. Isolation areas must be provided and used for all animals being imported from out of state to ensure their health at the time of adoption in accordance with rules set forth in Chapter 216 "Rules Governing the Sale of Dogs and Cats and Importation of Dogs and Cats for Resale or Adoption." Foster homes used as an isolation area for the purposes of this section must be not intended as the adoptive home

C. KENNELS AND BOARDING KENNELS

1. The housing facilities must 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. There must be a separate and suitable exercise area provided that is properly controlled for the safety of the animals.

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 must 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 must not be housed with males unless requested by owners/keepers.
7. Females with litters must be housed in an area that minimizes disruption to them.
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 an impervious surface 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.
11. Animals used for breeding shall receive an annual health check up from the veterinarian of reference each calendar year.

D. OUTSIDE FACILITIES FOR DOG HOUSE; TETHERING OF ANIMALS

1. A. Any shelter, kennel or boarding kennel owning or keeping a dog that shelters the dog out of doors must 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 must face south or the direction away from which most wind driven precipitation comes. This facility must 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 must 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 must be attached to a well-fitting collar or harness that in no way cuts into the animal's flesh, impedes the circulation, its vocalization, nor ability to ingest food or water.
- B. The gauge of the chain must be appropriate for the size of the animal involved and the chain must be at least five (5) times the length of the animal from the tip of its nose to the base of its tail. The exception is in the case of dogs which are bred and trained as sled dogs, for which the length of the chain must not be 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 must be kept far enough apart to prevent the restraining devices from becoming entangled.
4. For dogs that are tethered at a pivot point permitting a 360 degree area of movement, the tether must be 2 1/2 times the length of the dog from the tip of its nose to the base of its tail.

SECTION III - VIOLATION

Non-compliance with these rules including, but not limited to, any the standards set forth in these rules may, in addition to any other remedies available by law, result in suspension and revocation of the facility license.

SECTION VI - 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, must be provided to protect equines from excessive sun, rain, wind and other inclement weather, that may affect the health of the equine(s). Shelter must be provided at all times if the equine is underweight, is in poor body condition or if the health of the equine is compromised in any way.
2. Any equine must be provided with extra protection by improved housing facilities, blankets or other methods if the equine is underweight or if the health of the equine is compromised in any way.
3. The shelter must be maintained as needed to protect the health of the equine(s) from the elements through regular repair and maintenance of the structure.
4. The shelter must 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.
5. The floor must be dry and suitable for the animals to lie down.
6. Where indoor shelter is provided, that shelter must be adequately ventilated to prevent excessive dust or excessive moisture that may be detrimental to the equine's health.

B. FOOD

1. Equines must have daily access to clean water to maintain normal hydration.
2. Each equine must have sufficient hay, grain, or other feed to maintain its normal bodyweight. Additional feed must be fed to underweight animals to achieve normal weight.
3. If the equine is determined to be underweight the animal must be provided with its own share of feed twice daily until the animal is determined to be in adequate body condition.

4. If the equine is determined to be underweight, all owners/keepers of equine must have on hand at all times enough hay and grain to promote weight gain and achieve normal weight. This may be determined by the Department based upon the condition of the equine(s).

C. VIOLATION

Failure to provide proper food or shelter to an equine as defined in this section that results in harm, or death of the horse can be considered a violation of title 7 §4011. Cruelty to animals or title 17 §1031. Cruelty to animals.

STATUTORY AUTHORITY:

7 M.R.S. §3906-B

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