

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

H.P. 347 - L.D. 528

An Act to Address the Rise in Rabies in Animals by Appointing Certified Rabies Vaccine Administrators

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 7 MRSA §1808-A, 2nd ¶, as enacted by PL 2001, c. 308, §1, is amended to read:

An animal vaccinated against rabies by a person who is not a licensed veterinarian ~~or under the direct~~, a certified rabies vaccinator appointed and certified pursuant to section 3920 or a licensed veterinary technician under the direct supervision or indirect supervision of a licensed veterinarian may not be certified as vaccinated against rabies and must be treated as an unvaccinated animal under Title 22, chapter 251, subchapter 5 and rules adopted pursuant to that chapter. For purposes of this section, "direct supervision" has the same meaning as in Title 32, section 4853, subsection 4-A, "indirect supervision" has the same meaning as in Title 32, section 4853, subsection 4-B; "licensed veterinarian" has the same meaning as in Title 32, section 4853, subsection 5; and "licensed veterinary technician" has the same meaning as in Title 32, section 4853, subsection 11.

Sec. 2. 7 MRSA §3906-B, sub-§18 is enacted to read:

18. Training of person appointed by commissioner to vaccinate animals. The commissioner, in consultation with veterinarians employed by the State, shall develop a program to train a person appointed by the commissioner as provided under section 3920 to vaccinate animals. The program must include, but is not limited to, training relating to properly storing and administering rabies vaccines; issuing rabies certificates; and providing information to an owner or keeper of an animal to be vaccinated.

The commissioner shall certify a person who satisfactorily completes the training program.

Sec. 3. 7 MRSA §3907, sub-§9-C is enacted to read:

9-C. Certified rabies vaccinator. "Certified rabies vaccinator" means a person appointed and certified to administer rabies vaccine to animals pursuant to section 3920.

Sec. 4. 7 MRSA §3916, as amended by PL 2021, c. 99, §6 and 7, is further amended to read:

§3916. Rabies vaccinations

1. Required for cats. Except as provided in subsection 4, an owner or keeper of a cat over 3 months of age ~~must~~ shall have that cat vaccinated against rabies. ~~Rabies~~ The rabies vaccine must be administered by a licensed veterinarian or under the supervision of a licensed veterinarian, a licensed veterinary technician under the direct supervision or indirect supervision of a licensed veterinarian or a certified rabies vaccinator. Upon receiving an initial vaccination, a cat is considered protected for one year and an owner or keeper of that cat ~~must~~ shall get a booster vaccination for that cat one year after the initial vaccination and subsequent booster vaccinations at intervals that do not exceed the intervals recommended by a national association of state public health veterinarians for the type of vaccine administered.

1-A. Required for dogs. Except as provided in subsection 4, an owner or keeper of a dog, within 30 days after the dog attains ~~the age of~~ 3 months of age, shall have that dog vaccinated against rabies. ~~The rabies vaccine must be administered by a licensed veterinarian or under the supervision of a licensed veterinarian, a licensed veterinary technician under the direct supervision or indirect supervision of a licensed veterinarian or a certified rabies vaccinator.~~ Upon receiving an initial vaccination, a dog is considered protected for one year and an owner or keeper of that dog shall get a booster vaccination for that dog one year after the initial vaccination and subsequent booster vaccinations at intervals that do not exceed the intervals recommended by a national association of state public health veterinarians for the type of vaccine administered. A wolf hybrid is required to be vaccinated in accordance with this subsection. The procedure prescribed under Title 22, chapter 251, subchapter 5 for a wolf hybrid suspected of having rabies does not change based on proof that the wolf hybrid has received a rabies vaccination.

2. Certificate. A licensed veterinarian who vaccinates or supervises the vaccination of ~~a cat or dog~~ an animal, ~~a licensed veterinary technician who vaccinates an animal under the direct supervision or indirect supervision of a licensed veterinarian or a certified rabies vaccinator who vaccinates an animal~~ shall issue to the owner or keeper a certificate of rabies vaccination approved by the State and shall indicate on the certificate the date by which a booster vaccination is required pursuant to subsection 1 or 1-A, whichever is applicable.

2-A. Notice to department. A veterinarian, licensed veterinary technician under the direct supervision or indirect supervision of a licensed veterinarian or certified rabies vaccinator who issues a certificate of rabies vaccination for a dog pursuant to subsection 2 shall, within 30 days of issuing the certificate, forward by mail, e-mail or fax a copy of that certificate to the department. The department shall send a copy of the certificate by mail, e-mail or fax to the clerk of the municipality in which the owner or keeper resides. If the owner or keeper resides in the unorganized territory, the department shall send a copy of the certificate to the dog recorder in that unorganized territory or, in the absence of a duly authorized dog recorder, to the dog recorder in the nearest municipality or unorganized territory in the same county in which the owner or keeper resides. The department may retain a copy or electronic record of the rabies certificate. The department may accumulate certificates received and distribute them periodically to the appropriate municipalities and dog recorders. Distributions must be made no fewer than 4 times a year.

3. Enforcement. A humane agent, an animal control officer or a law enforcement officer may ask an owner or keeper of a cat or dog to present proof of a certificate of rabies vaccination from the State.

4. Exception. Notwithstanding any provision of this chapter to the contrary, an animal shelter operated by a nonprofit organization is not required to vaccinate an abandoned or stray cat or dog received by the shelter.

An owner or keeper of a cat or dog is exempt from the requirements of subsection 1 or 1-A, whichever is applicable, if a medical reason exists that precludes the vaccination of the cat or dog. To qualify for this exemption, the owner or keeper must have a written statement signed by a licensed veterinarian that includes a description of the cat or dog and the medical reason that precludes the vaccination.

Sec. 5. 7 MRSA §3916-A is enacted to read:

§3916-A. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Direct supervision. "Direct supervision" has the same meaning as in Title 32, section 4853, subsection 4-A.

2. Indirect supervision. "Indirect supervision" has the same meaning as in Title 32, section 4853, subsection 4-B.

3. Licensed veterinarian. "Licensed veterinarian" has the same meaning as in Title 32, section 4853, subsection 5.

4. Licensed veterinary technician. "Licensed veterinary technician" has the same meaning as in Title 32, section 4853, subsection 11.

Sec. 6. 7 MRSA §3917, sub-§1, as amended by PL 1993, c. 468, §10, is further amended to read:

1. Clinic establishment. The department shall facilitate the establishment of low-cost antirabies clinics at locations and on dates as appropriate. At least one low-cost antirabies clinic must be conducted annually in each county. In facilitating the establishment of antirabies clinics, the department shall cooperate with local veterinarians and local organizations. When other arrangements ~~can not~~ cannot be made for a licensed veterinarian to vaccinate or to supervise vaccinations by an animal technician at a low-cost clinic, a veterinarian employed by the department, a licensed veterinary technician under the direct supervision or indirect supervision of a licensed veterinarian or a certified rabies vaccinator shall administer the vaccinations.

Sec. 7. 7 MRSA §3920 is enacted to read:

§3920. Certified rabies vaccinator

1. Appointment and certification. Except as provided in subsection 5, the commissioner, in consultation with the Animal Welfare Advisory Council, as established by Title 5, section 12004-I, subsection 2-C and as described in section 3906-C, shall appoint one or more persons in each county to administer rabies vaccines to animals. Upon initial appointment, a person must complete training in accordance with section 3906-B, subsection 18 in order to become a certified rabies vaccinator. A certified rabies vaccinator

serves in a volunteer capacity unless the person is an employee of the State or an animal shelter licensed under section 3932-A. A certified rabies vaccinator must be under the direct supervision or indirect supervision of a licensed veterinarian to administer rabies vaccines to animals. A humane agent may serve as a certified rabies vaccinator. A certified rabies vaccinator is authorized to act until termination of appointment by the commissioner or until resignation of the certified rabies vaccinator.

2. Scope and duration. A certified rabies vaccinator shall acknowledge in writing that the certified rabies vaccinator understands the scope and duration of service.

3. Immunity from civil liability. A certified rabies vaccinator is not civilly liable to any party for actions made in accordance with this chapter.

4. Rulemaking. The commissioner shall adopt rules to establish procedures for appointment and certification of certified rabies vaccinators. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

5. Animal shelter requests. An animal shelter licensed under section 3932-A may submit a request to the commissioner that a member of the animal shelter's staff be appointed as a certified rabies vaccinator in a limited capacity. The request must be submitted in writing by the animal shelter's veterinarian of reference. A certified rabies vaccinator authorized under this subsection may administer vaccines only to animals in the care of the animal shelter or at an antirabies clinic established pursuant to section 3917.

Sec. 8. 7 MRSA §3922, sub-§3, as amended by PL 2007, c. 439, §12, is further amended to read:

3. Proof of immunization. A municipal clerk may not issue a license for a dog until the applicant has filed with the clerk proof that the dog has been immunized against rabies as provided in section 3916, subsection 1-A and in accordance with rules adopted by the Commissioner of Health and Human Services, except that the requirement of immunization may be waived by the clerk under conditions set forth by the Commissioner of Health and Human Services.

The commissioner shall adopt rules that allow the clerk and the commissioner to accept valid proof of immunization against rabies provided by another state.

Sec. 9. 7 MRSA §3923-B, sub-§2-A, as enacted by PL 1999, c. 254, §5, is amended to read:

2-A. Rabies tags. An owner or keeper shall ensure that a rabies tag obtained from a veterinarian, a licensed veterinary technician under the direct supervision or indirect supervision of a licensed veterinarian or a certified rabies vaccinator for immunization against rabies is securely attached to a collar of leather, metal or material of comparable strength and that the collar is worn at all times by the dog for which the rabies tag was issued, except as provided in subsection 3. For purposes of this section, "direct supervision" has the same meaning as in Title 32, section 4853, subsection 4-A, "indirect supervision" has the same meaning as in Title 32, section 4853, subsection 4-B; "licensed veterinarian" has the same meaning as in Title 32, section 4853, subsection 5; and "licensed veterinary technician" has the same meaning as in Title 32, section 4853, subsection 11.