**01-001 DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY**

**Chapter 702: RULES FOR THE COMPANION ANIMAL STERILIZATION PROGRAM**

**Summary:** This Chapter establishes and implements a Companion Animal Sterilization Program for companion animals. This Chapter contains eligibility requirements for participation in the program, procedures for veterinarian reimbursement, program administration, and performance measurements.

The purpose of the Companion Animal Sterilization 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; and

g) Areas lacking access to veterinary care.

1. **DEFINITIONS.**

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

* 1. CAT – A member of the genus and species known as *Felis catus*.
  2. COMMISSIONER – The Commissioner of the State of Maine Department of Agriculture, Conservation and Forestry.
  3. DEPARTMENT – The Department of Agriculture, Conservation and Forestry.
  4. DOG – A member of the genus and species known as *Canis familiaris*.
  5. FERAL CAT – A cat without owner identification of any kind that consistently exhibits extreme fear in the presence of people.
  6. 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.
  7. LICENSED ANIMAL SHELTER – A facility licensed by the state that houses domesticated animals and operates for the purpose of providing stray, abandoned, abused, or owner-surrendered animals with sanctuary (which includes finding the animals temporary or permanent adoptive homes) or a rescue group licensed by the state.
  8. OVERPOPULATION – A surplus of cats or dogs when compared to the demand for ownership by humans. For purposes of the Companion Animal Sterilization Fund, all feral cat populations are considered an overpopulation.
  9. OWNER – Any person, firm, partnership, association, or corporation that owns, keeps, or harbors a dog or other animal.
  10. PROGRAM – The Companion Animal Sterilization Program established under Title 7, Section 3910-C, subsection 2.
  11. 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.
      1. “Spay” means to sterilize a female animal by removing the animal’s ovaries or to sterilize a female by a nonsurgical method approved by the federal Food and Drug Administration.
      2. “Neuter” means to castrate a male animal by removing the animal’s testicles or to sterilize a male animal by a nonsurgical method approved by the federal Food and Drug Administration.
  12. SPAY/NEUTER EVENT– A scheduled event by a veterinary provider, whether in a mobile clinic, pop-up clinic, or fixed location, where ten or more spay/neuter procedures will be provided per day to eligible Help Fix ME participants.
  13. STRAY ANIMAL – A cat or dog with no known owner that may be lost, deserted, sick, or injured.
  14. VETERINARY PROVIDER- A person licensed to practice veterinary medicine under Title 32, section 4861, or an animal welfare organization that has at least one licensed veterinarian on staff or under contract and regularly provides companion animal sterilization services to the public.
  15. UNWANTED – A cat or dog abandoned or not wanted by its owner or keeper.

1. **PROGRAM ADMINISTRATOR SELECTION PROCESS.**
   1. The Department shall select a suitable animal welfare organization to administer the program through a competitive process. The selected Administrator must meet the statutory requirements set forth in the Companion Animal Sterilization Fund.
   2. In the selection process, the Commissioner shall inquire about the candidate’s prior experience managing programs of similar funding on a statewide basis. The Department shall also assess:
      1. Whether the candidate organization is capable of meeting the statutory requirements for an administrator of the Companion Animal Sterilization Fund;
      2. Whether the candidate organization has the facilities to coordinate the needs of the Companion Animal Sterilization Program;
      3. Whether the candidate organization is staffed by, or has submitted adequate plans to be staffed by, individuals capable of handling government funds and confidential information;
      4. Whether the candidate organization has sufficient staff, or has submitted adequate plans to have sufficient staff, to respond to questions from the public within 10 business days; and
      5. Whether the candidate organization currently is, or has a reasonable plan to be, financially capable of maintaining sufficient staff to administer this program.
   3. The selected Administrator shall be responsible for performing all statutory duties required for administration.
   4. The Commissioner shall deposit all available funds in the Companion Animal Sterilization Fund directly into the Help Fix ME account of the Administrator as determined by the Department of Administrative and Financial Services. The Administrator shall submit quarterly financial reports to the Commissioner. This report shall include a reconciliation of all funding and shall include but not be limited to the number of vouchers issued/redeemed, veterinary provider progress versus funding applications, number and type of spay/neuter procedures performed, geographical distribution of pet owners benefitting from spay/neuter procedures, an accounting of funds dispersed, and balance of the account.
2. **ELIGIBILITY.**
   1. It shall be the responsibility of the Administrator to ensure that all recipients of Companion Animal Sterilization Vouchers meet the eligibility criteria.
      1. The Administrator shall be responsible for verifying the participants’ eligibility to participate in the program either through a Department-approved Maine income-based assistance program, direct income analysis, or the participant’s self-certification thereof under the penalty of perjury.
      2. Eligibility qualification requirements are waived for the spay/neuter of feral cats.
3. **VETERINARIAN PARTICIPATION.**

Fees shall be set by the Department on an annual basis in consultation with the Maine Veterinary Medical Association. The pre-set fee per spay/neuter shall cover the cost of the pre-sterilization examination, sterilization, and rabies vaccination. The veterinary provider may charge up to the pre-set fee for necessary additional approved procedures, including an FVRCP vaccine, a DHLPP vaccine, flea and tick treatment, pain management, and an Elizabethan-collar. The owner shall be responsible for the payment of any additional procedures administered by the veterinarian that are not covered under this program.

1. **PERFORMANCE MEASUREMENT.**

Performance measurement is necessary to determine the program’s success and assess if any changes in the program should be made. To measure the performance of this program, the Department shall require standardized annual reporting of statewide cat and dog intake by type (including but not limited to owner surrenders, strays, seizures, and transfers in from within state and out of state) and euthanasia by type and number to the Department 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. Additional types of reporting may be required. The reporting will be on forms provided by the Department.

1. **DISTRIBUTION OF FUNDS.**

In order for the Companion Animal Sterilization Fund’s (known to the public as the Help Fix ME Fund) funding to be used effectively and reduce animal overpopulation and euthanasia, the apportionment of the funds shall be applied to the program as required by statute. The Commissioner shall consult with Maine humane societies, shelters, and other stakeholders the Commissioner deems appropriate to make the determinations regarding overpopulation and breeds that are difficult to adopt.

STATUTORY AUTHORITY:

7 M.R.S. §3906-B and §3910-B

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