

# The Governor's Commission on the Humane Treatment of Animals

Meeting Minutes  
March 19, 2018

- 1) Fix agenda and remove Marga and Tom DeRosa
- 2) The regular meeting of the Governor's Commission on the Humane Treatment of Animals was called to order at 1:00 PM in Room 205 of the Legislative Office Building by Chairperson Patricia Morris.

### 3) **Members Present:**

- a) Patricia Morris, Chairperson & Equine Association
- b) Lindsay Hamrick, National Humane Organization & Secretary
- c) **Marga Coulp**, Tom Seymour, Dr. Jeri Zezula, **Tom DeRosa**, Jennifer Eber, Cynthia Collins - General Public
- d) Kristi Atherton, NH Farm Bureau
- e) Chairman John O'Connor, House Representative
- f) Senator Regina Birdsell, Senate Representative
- g) Sheila Johannesen, Animal Control Officers Association of New Hampshire
- h) Chief Dean Rondeau, NH Association of Police Chiefs
- i) Steve Sprowl, Humane Cruelty Investigator
- j) Dot Perkins, UNH Cooperative Extension
- k) Heather Faria, NH Federation of Humane Organizations
- l) Gary Lambert, NH Sportsmen
- m) Dr. Jane Barlow Roy, NH Veterinary Medical Association
- n) Dr. Stephen Crawford, State Veterinarian
- o) Wendy Munroe, NH Veterinary Technician Association

**Public Present:** Lillian Katz, Dick Bouley, Drew Lehan

**Members Absent:** George Cook, Dog Owners of the Granite State; Sheriff Brad Valerino, Sheriff's Association;

- 4) **Secretary's Report:** Lindsay presented the minutes from the February meeting. Sheila corrected the spelling of her last name and clarified that the organization is the Animal Control Officers Association of New Hampshire. Chief Rondeau motioned to approve the minutes as amended and Tom Seymour seconded. All other members voted in favor.

### 5) **Current Cruelty Cases & News**

- a) The Wolfeboro Great Dane cruelty case verdict resulted in 17 guilty convictions by a jury in Ossipee Superior Court. The defendant was previously found guilty of ten counts of cruelty by a Judge in Ossipee District Court. Sentencing will be scheduled soon.
- b) Law enforcement is seeking forfeiture of the German Shepherds seized in the Alexandria and Bristol cruelty cases involving an unlicensed breeder. NHSPCA and the State have requested restitution through the civil process prior to the criminal trial which was approved. Whether the dogs can be forfeit will be determined soon.
- c) The Berlin Pit Bull cruelty case began on February 14<sup>th</sup> and has been continued until April. The dogs were court ordered surrendered to the Conway Area Humane Society last spring.

- d) The NHSPCA has taken multiple animals into temporary protective custody from a case in Farmington involving both livestock and companion animals. The owners allegedly left for 12 days and did not leave someone to care for the animals.

6) **Legislative Updates (see also legislative report draft)**

- a) **HB 1385:** Relative to a Committee to Study Animal Welfare
  - i) Rep. O'Connor reviewed the bill and stated the sponsor's intention was to have more oversight over bills that impact animal cruelty and that the prior discussion was around the multiple bills impacting animal cruelty. Lindsay pointed that SB 569 is the only remaining bill impacting animal cruelty. He also stated it could be a vehicle to further address animal hoarding as other states have filed legislation with penalties specific to hoarding.
  - ii) Dr. Jeri does not think the Commission should endorse policies that criminalize mental illnesses. Lindsay stated that the pending Florida bill, which is the only one filed, has opposition because of the criminal penalties for a mental health issue and that the ACLU has opposed this type of legislation in the past for the same reason. Both felt that prevention work and using the existing animal cruelty laws when other options have been exhausted is more effective.
  - iii) Other members felt that HB 1385 was still a duplication of effort for the Governor's Commission on the Humane Treatment of Animals and that interested legislators are always welcome to the meetings to provide feedback.
- b) **HB 1238:** Relative to Animal Cruelty & Costs of Care for such Animals
  - i) This bill addresses a law that was passed in 1881 which is outdated but the committee wants to move a section on colts to RSA 644:8. Dr. Jeri Zezula didn't think the colt policies belong in the cruelty code. Dr. Crawford confirmed the Dept. of Ag. doesn't get calls on this issue. The horse advocates had requested that it stay in but it might be covered in another portion of Dept. of Ag. laws. (RSA 435:5). Jeri thinks the removal of the other parts of the law were okay because they're covered in other places. The Commission discussed repealing the entire law (RSA 105) and keeping the colt protections in the civil code under RSA 435.
  - ii) The Commission moved to reopen the vote on HB 1238 to review the new language:
    - a) 15 members voted to oppose HB 1238 as now written. Two members abstained (Dr. Barlow Roy and Chairman O'Connor)
- c) **SB 569-FN:** Relative to Animal Cruelty.
  - i) The bill passed Senate Energy 4-0, Senate Finance 4-2 and passed the NH Senate on a vote of 19-4 and will now head to the House of Representatives.
  - ii) The language that passed out of the Senate does the following:
    - a) Further clarifies the definition of a breeding female dog as "an unspayed female dog, 24 months of age or older kept or maintained for the purpose of breeding and selling the dog's offspring. An unspayed female dog that is bred prior to reaching 24 months of age shall be considered a breeding female."
    - b) Raises the number of breeding females that requires licensing as a commercial kennel from five breeding females to seven.
    - c) Requires preponderance of the evidence, rather than probable cause, at the cost of care bond hearing in order to be granted the bond. In other words, law enforcement must show a certain burden of proof that cruelty has occurred before a Judge will require a defendant to pay a reasonable cost of care.
    - d) Clarifies that the appropriation to the Department of Agriculture for two new inspectors goes to the Commissioner, not the State Veterinarian.
    - e) All other language in the bill is either existing law or original language from SB 569

iii) Sen. Birdsell asked if a rescue organization based out of foster homes would have to be licensed by the Department of Agriculture. Dr. Crawford stated that unless an entity is “in the business of transferring animals”, they would not be but if they were, they would need to select one facility to be licensed. Lindsay pointed out that SB 569 includes a study commission to review this very issue, which has been debated and discussed for years and determine what “in the business of transferring animals” means.

**d) Legislative Report Template**

i) Members liked the one page legislative report. Dr. Crawford suggested a column to show the vote count and Lindsay will add this. Members also approved mimicking the House “majority” and “minority” reports where one member will write a blurb on each side (support or oppose) of any bills the Commission did not have a unanimous position.

**7) Cruelty tracking**

- a) Heather confirmed they have good data from the courts and shelters but haven’t been able to pull law enforcement data yet. Chief Rondeau and the subcommittee will work on this in subcommittee. The Commission can play an important role in encouraging law enforcement to keep statistics and data on animal cruelty.
- b) The subcommittee met and discussed the information that we need to start preparing the biannual report. We focused on the difficulty that we are having in obtaining police records of investigations into animal cruelty cases. The Attorney General’s Office, after discussion with Ann Rice, does not have the requested data. We have information when those cases are filed in Court and/or when a humane investigator is involved, but would like to be able to report of police investigations. Chief Rondeau and Jennifer will be working on trying to obtain police records. We may need to make requests to county attorneys and/or look at a data from a few town/cities. We also decided to look at a 10 year window for data from one humane investigator to determine how animal cruelty cases have evolved. Steve will be putting together that data. Heather is finalizing the data from the Federation.

**8) Funding & Education**

- a) The brochures have been reviewed and are being finalized.
- b) The subcommittee needs more information from the Commission on the funding aspect.
- c) The subcommittee discussed the need for certification and training for ACOs. While there are some trainings offered, there is no mandate in NH or designated funding for this.
- d) After the legislative session, the manual and resources will need to be updated to reflect any new laws that have passed. The Commission may need the help of the AG’s office because the endorsement by the AG’s office was crucial to its success. The other manuals on the website are written by the AG’s office which includes feedback from law enforcement, attorneys, court system, etc.

**9) New Business**

- a) The Dept. of Agriculture’s new veterinarian position has been offered for ten days and closes this Friday. If there are veterinarians with small and large animal experience, they are encouraged to apply. The position is based in Concord.
- b) The Commission will review RSA 644:8 at the conclusion of this legislative session. Dr. Jeri also suggested a better mechanism to report out changes and find inconsistencies in the law. For example, the livestock definition which was changed in the agriculture laws and now includes poultry and rabbits and under the cruelty code, a veterinarian must be present for “livestock” seizures. There are also gaps in immunity for veterinarians who are currently protected from

reporting cruelty but aren't specifically protected for reporting bestiality and animal fighting because they fall under different sections.

- c) The legislative session will end by May 24<sup>th</sup> this year. The Commission is required to meet eight times per year and voted to not meet in June, July and August. Senator Birdsell motioned in favor or not meeting during summer months. Chief Rondeau seconded and all voted in favor.

**10) 2018 Meeting Dates**

- a) Monday, April 23<sup>rd</sup>, 2018, 1-3:30pm
- b) Monday, May 21<sup>st</sup>, 2018, 1-3:30pm

**11) Call to the Public**

- a) No comments

Chief Rondeau moved to adjourn the regular meeting at 2:11pm. Sheila Johannesen seconded. All voted in favor.

**Respectfully submitted by:** Lindsay Hamrick, Secretary