

The Governor's Commission on the Humane Treatment of Animals

Meeting Minutes
April 23, 2018

1) The regular meeting of the Governor's Commission on the Humane Treatment of Animals was called to order at 1:00 PM in Room 206 of the Legislative Office Building by Chairperson Patricia Morris.

2) **Members Present:**

- a) Patricia Morris, Chairperson & Equine Association
- b) Lindsay Hamrick, National Humane Organization & Secretary
- c) Tom DeRosa, Dr. Jeri Zezula, Tom Seymour, 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) Dr. Jane Barlow Roy, NH Veterinary Medical Association
- m) Wendy Munroe, NH Veterinary Technician Association

Public Present: Dick Bouley, NHVMA, Simon Thomson (Sheehan Phinney)

Members Absent: George Cook, Dog Owners of the Granite State; Sheriff Brad Valerino, Sheriff's Association; Marga Coulp and Jennifer Eber, General Public; Sheila Johannesen, Animal Control Officers Association of NH; Gary Lambert, NH Sportsmen; Dr. Stephen Crawford, State Veterinarian

3) **Secretary's Report:** Lindsay presented the minutes from the March meeting. Tom Seymour motioned to approve the minutes. Representative O'Connor seconded. All members voted in favor.

4) **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 has been scheduled for May 11th.
- b) There will be a hearing in May on the motion for animal forfeiture motion in the Bristol German Shepherd case in Grafton Superior Court.
- c) The Berlin Pit Bull cruelty case convicted and sentenced the first of two defendants. He has received a suspended jail sentence, ban on ownership for two years and restitution ordered to the town of Berlin and Conway Area Humane Society for the care of the dogs.
- d) A Manchester jury has convicted a defendant of a Class B felony for intentionally slitting the throat of his cat as an offering to God. The defendant had been on parole for a 1983 murder.

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

- a) **HB 1385:** Relative to a Committee to Study Animal Welfare
 - i) House Environment & Agriculture has this bill in interim study. No changes since last meeting.

- b) **HB 1238:** Relative to Animal Cruelty & Costs of Care for such Animals
 - i) Senate Energy & Natural Resources Committee voted to pass the amended version.
 - 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) Office of Legislative Services is working on a draft now and Chairman O'Connor will distribute to the Commission when it's ready. Work session will be held tomorrow morning at 8:30am in LOB 303 which may lead to an executive session to vote on the bill tomorrow. The deadline for the bill is Thursday.
 - ii) Two public hearings were held which lasted ~six hours each. The bill sponsor provided amendment language and Chairman O'Connor also provided an amendment on the bill.
 - iii) Changes to the bill include:
 - a) The bill will study what a pet vendor is, including the definition of "in the business of transferring animals", cost of animal care, funding for the Department of Agriculture and pet vendor inspections. The study will include members from the House Environment committee, a Senator, NHVMA, an animal shelter, the Dog Owners of the Granite State, Dept. of Agriculture and the AG's office.
 - i) Committee removed the appropriation due to concerns that it wasn't enough money. The Commissioner of Agriculture testified that if staff were approved, they would not be used for pet vendor regulations.
 - ii) Cost of Care – Chairman O'Connor has issues with due process and 4th amendment violations. Interested in studying the issue further, reviewing DAMF's budget and dedicated funds where there may be additional money to use for costs of care. The proposed program would allow municipalities to request funds from the Dept. of Agriculture to cover the costs to care for animals similar to the spay/neuter fund. The ACLU remains neutral on the cost of care policy.
 - iii) The Department has testified previously that the statewide spay/neuter fund runs out of money about halfway through each year.
 - iv) The committee learned about all the types of breeder and have created an exemption for those breeders.
 - b) The committee amendment would add animal hoarding to the cruelty law where a first offense would be a misdemeanor and a second offense a felony.
 - i) Dr. Jeri Zezula raised concerns with this provision and submitted a letter to the committee explaining her concerns. The ACLU, ASPCA, HSUS, local animal shelters, a county prosecutor and law enforcement also raised concerns about criminalizing hoarding as it is a recognized mental health issue.
 - ii) Chairman O'Connor suggested the amendment would create minimum standards of animal care similar to the RI law.
 - c) Commission comments on the proposed committee amendment
 - i) Dr. Zezula asked what the funding options would be for the costs to care for animals without the cost of care law. Chairman O'Connor stated that options could include a license plate/decal, an increase in dog licensing fees or to mimic the pet food surcharge tax in Maine. Dr. Zezula asked if the Department of Agriculture supports administering a cost of care fund and Chairman O'Connor was not sure of their position. Dr. Zezula expressed concerns with criminalizing animal hoarding which could potentially create a defense for the defendant. She stated that Rhode Island's law has not been used yet and is likely to be challenged and the Hawaii law was repealed in 2015. Chairman O'Connor stated that former Chairs of the House Environment & Agriculture Committee came

together in Rhode Island the previous weekend and they were supportive of the hoarding provision.

- ii) Chief Rondeau advised that the legislature keep the original bill and study hoarding in a separate forum. He is concerned about the ability to prove the laws in court and feels the language is unlikely to survive a Court's challenge or Judge's interpretation. Chairman O'Connor has talked with House counsel and will invite AG's office to review language as well.
 - iii) Steve Sprowl commented that in Texas, law enforcement provides evidence to a civil court after seizure and if the courts confirm cruelty occurred, the animals are forfeited immediately and this would go a long way to curbing animal care costs. Vermont has a similar law.
 - iv) Vote on committee amendment
 - (i) Because final language was not prepared for the meeting, the Commission did not vote on their position.
- 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. The Commission was not able to get this accomplished in a timely fashion this session but the legislative subcommittee will determine a process for this in 2019.

6) **Cruelty tracking**

- a) Chief Rondeau provided a report of animal cruelty cases. Last year, there were 78 reported animal cruelty investigations although members of the Commission agree this is underreported as it does not account for the cases that come through the state's animal shelters which may be resolved without law enforcement assistance (ex. providing resources to owners or owners who surrender animals). He suggested that the Commission begin tracking cases via the county attorneys' offices and through the annual report the county attorneys must submit to the AG's office.
- b) Last year, the FBI began tracking animal cruelty in four categories – neglect, purposeful cruelty, animal fighting and animal sexual assault. Commission members asked if we could obtain similar categories from the reports and the tracking subcommittee will look into this.
- c) Trish Morris will work on an endorsement for the tracking request from the NH Bar Association and Chief Rondeau will propose a reporting template for the county attorneys.
- d) The subcommittee will continue working via email and submit a draft report to the Commission in May. The UNH legal intern will also be able to provide a summary after his review of reported cases.

7) **Funding & Education**

- a) If the State builds a dedicated fund for animal cruelty, Dr. Zezula suggested that it allow citizens to donate to the fund.
- b) Other areas in need of funding include animal control officer training via a voluntary certification similar to the veterinary technician process. Dr. Barlow added that education for veterinarians and veterinary technicians would also be helpful similar to requirements under the Prescription Drug Monitoring Program.
- c) The New England Animal Care Humane Academy (NEACHA) is now run by the NH ACO Association. Their conference is held annually in the summer. Dr. Zezula pointed out that NEACHA covers the region as a whole and is not necessarily specific to NH laws. She provides trainings for law

enforcement and animal control officers at the police academy but most ACOs do not hold police powers so training for law enforcement is crucial.

- d) Trish recommends the Commission create an outline of how ACOs can be trained and proposal to achieve this.
- e) Trish also recommended that the Commission review the Cruelty Investigation & Prosecutor Manual after the legislative session and update it. She will assign sections to Commission members for review. 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, may impact the cruelty code in which a veterinarian must be present for the seizure of livestock. 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.

8) 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 legislative session will end by May 24th this year. The Commission is required to meet eight times per year and voted to not meet in June, July and August.

9) 2018 Meeting Dates

- a) Monday, May 21st, 2018, 1-3:30pm

10) Call to the Public

- a) No comments

Senator Birdsell moved to adjourn the regular meeting at 2:01pm. Tom Seymour seconded. All voted in favor.

Respectfully submitted by: Lindsay Hamrick, Secretary