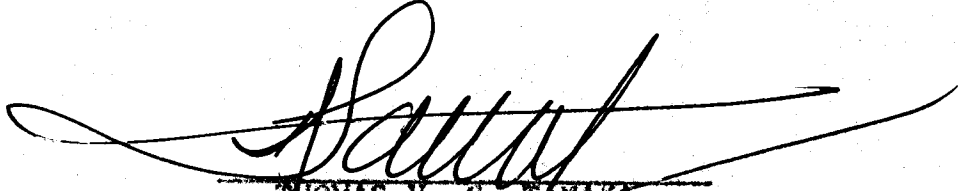


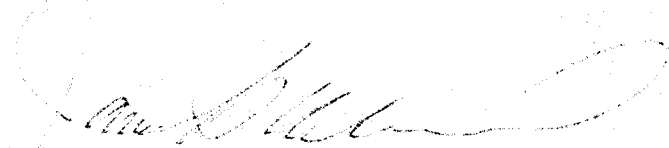
FIFTEENTH GUAM LEGISLATURE
1979 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

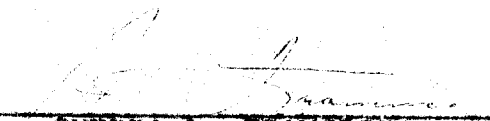
This is to certify that Substitute Bill No. 302, "An Act to add a new Article II to Subchapter O of Title VI of Title X of the Government Code of Guam relative to Humane Treatment of Animals", was on the 5th day of December 1979, duly and regularly passed.


THOMAS V. C. TANAKA
Speaker


ATTESTED:


JAMES H. UNDERWOOD
Legislative Secretary

This Act was received by the Governor, this 5th day of December, 1979, at 9:00 o'clock P.M.


SHERRA L. FRANCISCO
Assistant Staff Officer
Governor's Staff

APPROVED:


PAUL M. GALVO
Governor of Guam

DATED: 1/25/80 10:00 a.m.
P.L. 15-97

FIFTEENTH GUAM LEGISLATURE
1979 (FIRST) Regular Session

Bill No. 302
(As Substituted by the
Committee on Health,
Welfare & Ecology)

Introduced by F. R. Santos

AN ACT TO ADD A NEW ARTICLE II TO
SUBCHAPTER O OF TITLE VI OF TITLE
X OF THE GOVERNMENT CODE OF GUAM
RELATIVE TO HUMANE TREATMENT OF
ANIMALS.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

2 Section 1. A new Article II is added to Subchapter O of
3 Chapter VI of Title X of the Government Code to read:

4 "ARTICLE II

5 Humane Treatment of Animals

6 Section 9640.50. Definitions. As used in this Article:

7 (a) Animal: Any live, non-human vertebrate
8 creature, domestic or wild;

9 (b) Animal Shelter: Any facility operated
10 by a humane society, the government or its
11 authorized agents for the purpose of impounding or
12 caring for animals held under the authority of
13 this subchapter;

14 (c) Auctions: Any place or facility where
15 animals are regularly bought, sold or traded,
16 except for those facilities otherwise defined in
17 this Article. This Section does not apply to
18 individual sales of animals by owners.

19 (d) Circus: A commercial variety show
20 featuring animal acts for public entertainment;

1 (e) Commercial Animal Establishment: Any
2 pet shop, grooming shop, auction, riding school
3 or stable, zoological park, circus, performing
4 animal exhibition or kennel;

5 (f) Grooming Shop: A commercial establish-
6 ment where animals are bathed, clipped, plucked
7 or otherwise groomed;

8 (g) Officer: A member of the Department
9 of Public Safety; a Commissioner and a person
10 authorized by the Director;

11 (h) Kennel: Any premises wherein any
12 person engages in the business of boarding,
13 breeding, buying, letting for hire, training
14 for a fee or selling dogs or cats;

15 (i) Owner: Any person, partnership or
16 corporation owning, keeping or harboring one
17 or more animals. An animal shall be deemed to
18 be harbored if it is fed or sheltered for three
19 consecutive days or more;

20 (j) Performing Animal Exhibition: Any
21 spectacle, display, act or event other than
22 circuses in which performing animals are used;

23 (k) Pet: Any animal kept for pleasure
24 rather than utility;

25 (l) Pet Shop: Any person, partnership
26 or corporation, whether operated separately or
27 in connection with another business enterprise
28 except for a licensed kennel that buys, sells

1 or boards any species of animal;

2 (m) Public Nuisance: Any animal or
3 animals which:

4 1. molests passersby or passing
5 vehicles;

6 2. attacks other animals;

7 3. trespasses on school grounds;

8 4. is repeatedly at large;

9 5. damages private or public
10 property; or

11 6. are left or made to bark, whine,
12 or howl in an excessive, continuous or
13 untimely fashion;

14 (n) Restraint: Any animal secured by a
15 leash or lead or under the control of a
16 responsible person and obedient to that person's
17 commands or within the real property limits
18 of its owner;

19 (o) Riding School or Stable: Any place
20 which has available for hire, boarding and/or
21 riding instruction, any horse, pony, donkey,
22 mule or burro;

23 (p) Veterinary Hospital: Any establish-
24 ment maintained and operated by a licensed
25 veterinarian for surgery, diagnosis and treat-
26 ment of disease and injuries of animals;

27 (q) Vicious Animal: Any animal or animals
28 that constitute a physical threat to human

1 beings or other animals;

2 (r) Wild Animal: Any live monkey (non-
3 human primate), racoon, skunk, fox, leopard,
4 panther, tiger, lion, lynx, or other warm
5 blooded animals and snakes which can normally
6 be found in the wild state;

7 (s) Zoological Parks: Any facility,
8 other than a pet or kennel, displaying or
9 exhibiting one or more species of non-
10 domesticated animals operated by a person,
11 partnership, corporation or government
12 agency.

13 (t) Licensing Authority. The Department
14 of Revenue and Taxation shall be the licensing
15 authority for purposes of this Article.

16 Section 9640.51. Permits. (a) No person,
17 partnership or corporation shall operate a commercial
18 animal establishment or animal shelter without first
19 obtaining a permit in compliance with this Section.

20 (b) The Department of Revenue and Taxation, in
21 conjunction with the Department of Public Health and
22 Social Services, shall promulgate regulations for the
23 issuance of permits and shall include requirements for
24 humane care of all animals and for compliance with
25 the provisions of this Article.

26 (c) Upon a showing by an applicant for a permit
27 that he is willing and able to comply with the
28 regulations promulgated by the licensing authority,

1 a permit shall be issued upon payment of the applicable
2 fee.

3 (d) The permit period shall begin with the
4 fiscal year and shall run for one year. Renewal
5 applications for permits shall be made thirty days
6 prior to, and up to sixty days after, the start of
7 the fiscal year. Application for permit to establish
8 a new commercial animal establishment under the provisions
9 of this Article may be made at any time.

10 (e) If there is a change in ownership of a commercial
11 animal establishment, the new owner may have the current
12 permit transferred to his name upon payment of a Ten
13 Dollars (\$10) transfer fee.

14 (f) Every facility regulated by this Article shall
15 be considered a separate enterprise and requires an
16 individual permit.

17 (g) Persons operating kennels for the breeding of dogs
18 or cats may elect to license such animals individually.

19 (h) No fee may be required by this Article of any
20 veterinary hospital, animal shelter or government-operated
21 zoological park.

22 (i) Failure to obtain a permit before opening any
23 facility covered in this Section shall result in a fine of
24 Two Hundred Dollars (\$200).

25 (j) Any person who has a change in the category under
26 which a permit was issued shall be subject to reclassifi-
27 cation and appropriate adjustment of the permit fee shall
28 be made.

1 (k) The permit required in this Section shall be in
2 addition to the business permit required for the business
3 to operate.

4 Section 9640.52. License and Permit Issuance and
5 Revocation. (a) The Licensing Authority may revoke any
6 permit or license if the person holding the permit or
7 license refuses or fails to comply with this subchapter,
8 the regulations promulgated by the licensing authority or
9 any law governing the protection and keeping of animals.

10 (b) Any person whose permit or license is revoked
11 shall, within ten days thereafter, humanely dispose of all
12 animals owned, kept or harbored and no part of the permit
13 or license fee shall be refunded.

14 (c) It shall be a condition of the issuance of any
15 permit or license that the licensing authority shall be
16 permitted to inspect all animals and the premises where
17 animals are kept at any time and shall, if permission for
18 such inspections is refused, revoke the permit or license
19 of the refusing owner.

20 (d) If the applicant has withheld or falsified any
21 information on the application, the licensing authority
22 shall refuse to issue a permit or license.

23 (e) No person who has been convicted of cruelty to
24 animals shall be issued a permit or license to operate a
25 commercial animal establishment.

26 (f) Any person having been denied a license or permit
27 may not reapply for a period of thirty days. Each
28 reapplication shall be accompanied by a Ten Dollars (\$10) fee.

1 Section 9640.53. (a) Every female dog or cat in heat
2 shall be confined in a building or secure enclosure in such
3 a manner that such female dog or cat cannot come into
4 contact with another animal except for planned breeding.

5 (b) Every vicious animal, as determined by the
6 Department, shall be confined by the owner within a building
7 or secure enclosure and shall be securely muzzled or caged
8 whenever off the premises of its owner.

9 Section 9640.54. Animal Care. (a) No owner shall
10 fail to provide his animals with sufficient good and whole-
11 some food and water, proper shelter and protection from the
12 weather, veterinary care when needed to prevent suffering
13 and with humane care and treatment.

14 (b) No person shall beat, cruelly ill treat, torment,
15 overload, overwork or otherwise abuse an animal or cause,
16 instigate or permit any dogfight, bullfight or other
17 combat between animals with the exception of cockfighting
18 or between animals and humans.

19 (c) No owner of an animal shall abandon such animal.

20 (d) No person shall crop a dog's ears, except when a
21 licensed veterinarian issues a signed certificate that the
22 operation is necessary for the dog's health and comfort and
23 in no event shall any person except a licensed veterinarian
24 perform such an operation.

25 (e) Any person who, as the operator of a motor
26 vehicle, strikes a domestic and wildlife animals shall stop
27 at once and render such assistance as may be possible and
28 shall immediately report such injury or death to the

1 animal's owner. In the event the owner cannot be
2 ascertained and located, such operator shall at once report
3 the accident to an officer.

4 Section 9640.55. Keeping of Wild Animals. (a) No
5 person shall keep or permit to be kept on his premises any
6 wild or vicious animal for display or for exhibition
7 purposes, whether gratuitously or for a fee. This Section
8 shall not be construed to apply to zoological parks
9 performing animal exhibitions or circuses.

10 (b) No person shall keep or permit to be kept any
11 wild animal as a pet.

12 (c) The licensing authority shall have the power to
13 release or order the release of any infant wild animal kept
14 under temporary permit which is deemed capable of survival.

15 Section 9640.56. Performing Animal Exhibitions. (a)
16 No performing animal exhibition or circus shall be
17 permitted in which animals are induced or encouraged to
18 perform through the use of chemical, mechanical, electrical
19 or manual devices in a manner which will cause or is likely
20 to cause, physical injury or suffering.

21 (b) All equipment used on a performing animal shall
22 fit properly and be in good working condition.

23 Section 9640.57. Animal Waste. The owner of every
24 animal shall be responsible for the removal of any excreta
25 deposited by his animal(s) on public walks, recreation
26 areas or private property.

27 Section 9640.58. Sterilization. No unclaimed dog or
28 cat shall be released for adoption without being sterilized

1 or without a written agreement from the adopter guaranteeing
2 that such animal will be sterilized and a deposit of at
3 least Fifteen Dollars (\$15) must be paid at the time of
4 adoption.

5 Section 9640.59. Penalties. Any person violating any
6 provision of this Article shall be deemed guilty of a
7 violation and shall be punished by a fine of not less than
8 Twenty-Five Dollars (\$25) nor more than Five Hundred
9 Dollars (\$500). If any violation be continuing, each day's
10 violation shall be deemed a separate violation.

11 Section 9640.60. The provisions of this Article shall
12 not apply to any operator of a greyhound racing track nor
13 to any greyhound racing dog so long as such greyhound is
14 subject to regulations by the Guam Gaming Commission.

15 Section 9640.61. Severability Clause. If any part of
16 this Article shall be held invalid, such part shall be
17 deemed severable and the invalidity thereof shall not affect
18 the remaining parts of this Article."

19 Section 2. Sections 9640 through 9640.27 designated
20 Subchapter C in Bill 33 passed by the Fifteenth Guam Legislature
21 on November 9, 1979 are redesignated Article I. Wherever the
22 word "Subchapter" appears in said Sections it shall be amended
23 to read "Article".

24 Section 3. The provisions of this Act shall take effect
25 at the same time the provisions of Bill No. 33 passed by the
26 Fifteenth Guam Legislature on November 9, 1979 takes effect.

27 Section 4. The title and preamble and certain sections of
28 P.L. 15-36 (Substitute Bill No. 37) are hereby amended to read:

1 AN ACT TO REPEAL SECTION 12325 OF PUBLIC
2 LAW 13-85 AND TO ADD A NEW ARTICLE II TO
3 CHAPTER IV OF TITLE XIII OF THE GOVERNMENT
4 CODE TO PROVIDE FOR THE CONSERVATION OF
5 RESIDENT ENDANGERED AND THREATENED SPECIES
6 OF PLANTS AND WILDLIFE.

7 Section 1. Section 12325 of Public Law 13-85 is hereby
8 repealed in its entirety and a new Article II is added to
9 Chapter IV of Title XIII of the Government Code to read:

10 Section 12325.7. Enforcement.

11 (a) Any authorized officer or agent
12 empowered by the Department with police
13 powers to serve and execute warrants; to
14 arrest offenders; or, to issue citations
15 throughout Guam; or any officer and agent
16 of Guam Customs and Quarantine, or any
17 police officer of Guam shall have the
18 authority to enforce any of the provisions
19 of this Act or any regulation, rule or
20 order promulgated pursuant hereto.

21 Section 12325.8. Penalties.

22 (c) The Department shall suspend, for
23 a period of one (1) year, any hunting licenses,
24 fishing permits (including shells, corals,
25 shellfish and other fish weirs) or other
26 stamps, certificates, leases or agreements
27 issued to any person or persons who are
28 convicted of a violation of any provision of
this Act or any regulation, rule or order
issued hereunder.

1 (e) All guns, traps, nets and other
2 equipment, vessels, vehicles, aircraft and
3 other means of transportation used to aid
4 the taking, possessing, selling, purchasing,
5 offering for sale or purchase, transporting,
6 delivering, receiving, carrying, shipping,
7 exporting any plants or wildlife in violation
8 of this Act, any regulation made pursuant
9 thereto or any permit or certificate or
10 agreement made or issued thereunder shall be
11 subject to forfeiture to the government of
12 Guam upon conviction of a criminal violation
13 pursuant to Subsections 12325.4, 12325.5, and
14 12325.7.

DATE 12-5-79

15TH GUAM LEGISLATURE

VOTING RECORD

S BILL/RESOLUTION NO. 302

MAIN SPONSOR ERS
NOT VOTING

SENATOR	AYE	NAY	NOT VOTING	ABSENT
AGUON, Katherine B.	✓			
BAMBA, Cecilia C.	✓			
BLAS, Frank F.	✓			
CHARFAUROS, Edward T.		✓		
CRISOSTOMO, Thomas C.		✓		
DUENAS, Edward R.	✓			
ESPALDON, Ernesto M.	✓			
KASPERBAUER, Carmen A.	✓			
LAMORENA, Alberto C., III	✓			
PALOMO, Antonio M.	✓			
PALOMO, Benigno M.	✓			
PEREZ, Peter, Jr.	✓			
QUAN, John F.	✓			
QUITUGUA, Franklin J.	✓			
SAN AGUSTIN, Joe T.			✓	
SANTOS, Francisco R.	✓			
SUDO, Ramon Q.	✓			
TAITANO, Richard F.	✓			
TANAKA, Thomas V. C.	<u>abs</u>			
UNDERWOOD, James H.	✓			
UNPINGCO, Antonio R.			✓	

TOTAL

16 2 2 1