

The Governors' Commission on the Humane Treatment of Animals

Meeting Minutes
11 September 2017

- 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:** Dr. Jane Barlow Roy, NH Veterinary Medical Association; Patricia Morris, Chairperson & Equine Association; Lindsay Hamrick, National Humane Organization & Secretary; Chief Dean Rondeau, NH Police Chiefs Association; Sheila Johannesen, NH Animal Control Association; George Cook, Dog Owners of the Granite State; Marylee Gorham, NH Federation of Humane Organizations; Steve Sprowl, Humane Cruelty Investigator; Wendy Munroe, NH Veterinary Technician Association; Cynthia Collins, Marga Coulp and Jennifer Eber, General Public; Dot Perkins, UNH Cooperative Extension; Chairman John O'Connor, House Representative.

Public Present: Heather Faria, Executive Director at Pope Memorial SPCA; Dennis Ward, President of NH Farm Bureau; Rob Johnson, legislative aide to NH Farm Bureau; Harold Parker, Governor Sununu's office; Eliot Gault, Director of Appointments to Governor Sununu; Sheila Johannesen's mother
- 3) **Members Absent:** Dr. Stephen Crawford, State Veterinarian; Senator Regina Birdsall, Senate Representative; Dr. Jeri Zezula, public
- 4) **Member Introductions**
 - a) Dr. Jane Barlow Roy – immediate past President of NHVMA, Chair of NHVMA legislative committee, 2nd term on Governor's Commission
 - b) Trish Morris – Chair of Governor's Commission since 2009, Licensed attorney specializing in animal law in NH and MA, Professor of animal law at UNH
 - c) Lindsay Hamrick – NH State Director for The Humane Society of the United States, registered lobbyist, former Chief Operating Officer for The Animal Rescue League of NH, certified pet dog trainer, M.S. in Animals & Public Policy from Tufts Veterinary School
 - d) Chief Rondeau – 34 year Army veteran including three deployments, specialized in infantry and military intelligence, FBI graduate
 - e) Sheila Johannesen – Animal Control Officer for the towns of Hampstead and Danville, Founder & past President of the NH ACO Association, 2nd term on Commission
 - f) George Cook – long distance musher and dressage trainer, represents the Dog Owners of the Granite State and NH Musher's Association, 3rd term on Commission
 - g) Marylee Gorham – President of the NH Federation of Humane Organizations, Executive Director of the NH Humane Society in Laconia, NH
 - h) Steve Sprowl – Cruelty investigator employed by the NH SPCA in Stratham, 4th term on Commission, former law enforcement, decades of experience investigating animal cruelty in NH
 - i) Wendy Munroe – Veterinary Technician on the Seacoast, former Vet Tech at CAVES in Concord, 3rd term on Commission
 - j) Cynthia Collins – Dressage horse competitor, volunteer with the Cocheco Valley Humane Society in Dover
 - k) Marga Coulp – Serves on the board of directors for the Cocheco Valley Humane Society in Dover
 - l) Jennifer Eber – Attorney at Orr & Reno specializing in animal law, served on the boards of directors at The Animal Rescue League of NH (Bedford) and the Pope Memorial SPCA (Concord)
 - m) Dot Perkins – UNH Cooperative Extension, decades of experience consulting on backyard agriculture operations, homesteader for over 40 years, member of the Dairy Forages & Livestock team
 - n) Rep. John O'Connor – Current Chairman of the House Environment & Agriculture Committee, decades of experience with the dairy industry and agriculture, serves on the UNH Advisory Council
- 5) **The minutes from March meeting** were not approved due to the change in the membership of the Commission. Lindsay will serve as Secretary for the Commission.

6) Review of proposed new Executive Order:

a) DISCUSSION:

- i) The Commission worked under the Director of Governor Lynch's EO for many years and completed the mandated charges and therefore, was not active until the new EO was created by Governor Hassan in fall of 2016. Governor Sununu has signed a new EO which has made the following changes:
 - a) Modification of appointments
 - b) Requires tracking of cruelty investigations which is no longer limited to cruelty convictions
 - c) Directs the Commission to suggest legislation rather than only review legislation to ensure the safety and welfare of domestic animals and wildlife and to support legislation to prevent and address animal cruelty and neglect.
 - d) Mandates eight meetings per year and sets a quorum
- ii) The Commission will function under Robert's Rules, a majority vote is a 2/3 vote and the Chairperson is impartial

b) EO Revision Suggestions:

i) Appointments:

- a) Inclusion of the Farm Bureau
- b) Inclusion of the Department of Fish & Game per the addition of wildlife in the EO
- c) Similarly, inclusion of a wildlife rehabilitator
- d) Inclusion of an additional public member
- e) Inclusion of the Sheriff's Association due to the jurisdictional directives of the cruelty law
- f) If the total number of appointments changes, a change in quorum
- g) Discussion of term limits – terms are set by the Governor in that new appointments can be made at any time

- ii) Clarify I(a) to ensure the Commission isn't charged with "ensuring the safety and welfare of NH citizens"

7) Commission Charges

a) Biennial Report – Cruelty Tracking

- i) Number of animal cruelty related convictions & the number of cruelty cases
 - a) The Commission discussed the definition of a "case" and determined it does not need to be a court docketed case but rather any situation where resources are given to investigate. In cases pending an outcome, defendants will be kept anonymous in reports.
 - b) The NH Federation of Humane Organizations will be tracking cases that go through the twelve animal shelters. Chief Rondeau will talk with the County Attorneys about tracking cases in the courts through the IMC public safety software. Each law enforcement department creates an end of year report for all incidences and arrests and this can be compiled for cruelty. New FBI requirements mandate a selection of animal cruelty in the National Incident-Based Reporting System (NIBRS) into four categories – gross neglect, torture, organized abuse and sexual abuse. Jennifer Eber can help track the court dockets.
 - c) The Commission should draft a methodology for collecting and summarizing the data. Lindsay can send the current format used by the NH Federation as a template.
 - d) Reporting by law enforcement and animal control should be a future conversation. Not every ACO has access to report their work, especially if they are considered a town employee rather than a police department employee. Similarly, a future conversation on the role of ACOs and pros/cons of police powers.
- ii) **Subcommittee: Steve Sprowl, Lindsay Hamrick, Marylee Gorham, Sheila Johannsen, Chief Dean Rondeau, Jennifer Eber**

b) Biennial Report - Legislation

- i) Document the relevant proposed legislation and rulemaking & suggested legislation by the Commission
 - a) 2018 House deadline to submit legislation = September 22nd
 - b) 2018 Senate deadline to submit legislation = November 2nd

- c) The Commission is unlikely to propose legislation for 2018 to provide more time for discussion among new members but will review proposed legislation. The Commission should create a written protocol to describe the process by which the Commission will weigh in on a legislative issue and clarify the role of individual members who may also weigh in on legislative proposals as well as how the Commission will submit testimony (written, verbal or both). Jennifer Eber & Trish Morris will draft these protocols for review.
- d) Note: Major changes were made to RSA 437 during the 2017 budget proposal. Lindsay and Rep. O'Connor will send the updated language as it has not been updated online yet.
- ii) Rulemaking changes go through the [Joint Legislative Committee on Administrative Rules \(JLCAR\)](#)
- iii) Website has been managed by Dr. Jeri Zezula for many years
- iv) **Subcommittee: Senator Birdsell, Representative O'Connor, Lindsay Hamrick, Dr. Crawford, George Cook, Dr. Barlow, Trish Morris**

c) **Research, evaluate & determine funding sources for animal cruelty related costs & training**

- i) All committee members are encouraged to brainstorm funding options for the October meeting
 - a) License plates – while efforts to pass a license plate bill have failed in the past, [House Bill 500](#) would create a decal system by which non-profits could request a decal to fund programs. The bill is currently retained in the House Transportation Committee
 - b) Examples include: Utilizing UNH law students to help with training and court cases, jail programs to care for seized animals, discussing pros/cons of humane investigators holding police powers, reviewing other state training models (ex. VT)

8) **2018 Legislative Review**

- a) In response to the cruelty case in Wolfeboro, NH, The Humane Society of the United States (HSUS) and other stakeholders are working with Senator Bradley on comprehensive reform of two of the animal-related statutes. Lindsay reviewed the goals of the proposal and Commission members gave feedback. Senator Bradley also held a stakeholder meeting last week with many of the Commission members and will hold a follow-up meeting on 9/21 before submitting legislation. Anyone with additional comments can send them to Lindsay at lhamrick@humanesociety.org.
- b) **RSA 437 changes:**
 - i) Redefine a commercial breeder from one which sells ten litters or 50 puppies in a year to one which has five breeding females. The HSUS feels this standard is in line with Maine's definition and is easier to enforce than finding health certificates for puppies to prove sales.
 - ii) Seeks to reinsert/clarify portions of RSA 437 which were removed during the 2017 budget including mandatory inspections (which were made voluntary) and health certificate requirements and exemptions.
 - iii) Inserts animal care requirements for commercial breeding operations
- c) **RSA 644:8 changes:**
 - i) Adds felony penalties for extreme bodily injury and death
 - ii) Outlines the cost of animal care process
 - iii) Requires mandatory reporting of animal cruelty by veterinarians
- d) **Cost of Animal Care**
 - i) Animals are only seized by law enforcement in two scenarios under RSA 644:8. 1. If the animal is in "imminent danger" (aka high risk of dying if not removed immediately) which must be verified by a licensed veterinarian and 2. If there is probable cause of animal cruelty which is verified by a court prior to the seizure. A veterinarian must be present for the seizure of livestock and are regularly present, though not required, for the seizure of other domestic animals.
 - a) Preponderance of the evidence = 51% certainty
 - b) *Probable cause* = 86% certainty – this is required for the seizure of animals
 - c) Beyond a reasonable doubt = 98%+
 - ii) Animals are the only living form of evidence which must be held during a criminal investigation. Currently, the town (and taxpayers) in which the cruelty occurs is financially responsible for paying for the costs to care for the animals. The new bill would create a system by which a civil hearing is held within three weeks of the petition and a judge must review 1) that the seizure was done legally and 2) determine a reasonable payment for the defendant to make to care for the animals.

- iii) The bill does not require a cost of animal care hearing, it simply allows law enforcement to file if they would like
- iv) This bill would create a civil process concurrent to a criminal process
- v) Member Feedback:
 - a) Farm Bureau will review on Monday. HSUS has requested exemption language for agricultural operations for cost of animal care
 - b) Dog Owners of the Granite State have concerns with the surrendering of animals prior to a conviction.
- e) Veterinary Reporting of Animal Cruelty
 - a) NHVMA will review this week. Currently NH has an immunity provision for veterinarians who report cruelty but does not require reporting. Need to clarify situations in which neglect led to euthanasia or treatment. Ex. An owner doesn't know how to care for an exotic pet and the animal needs to be euthanized due to untreatable neglect. Similarly, Dot Perkins pointed out that many of her consultations are with owners who do not know how to adequately care for backyard farm animals. Is this reportable? Lindsay stated that generally reporting is mandatory when citizens are *not* accessing help or animal care so in cases where they are seeking assistance with an issue, it would likely not reach the level of cruelty under 644:8. Similarly, the law requires that veterinarians report when there is a "reasonable suspicion" of cruelty. Their role is not to decide whether it is cruelty but to report to law enforcement for their (and their prosecutor's) determination. Dr. Barlow also emphasized the importance of confidentiality/anonymity when reporting. Jennifer Eber asked whether reporting should be more broad to include other fields? Chief Rondeau described the levels of negligence: 1. Simple negligence is ignorance without intent, 2. Gross negligence is an owner knew better or should have known better. This bill's goal is to ensure reporting of gross negligence.

9) Member Action Items

- a) All members are encouraged to review the documents and manuals available on the Commission website including the animal care brochures – www.nh.gov/humane – and to review RSA 644:8 (the animal cruelty code) and RSA 437 (the sale of pets code).

10) Next Meeting: The Commission will meet on the 3rd Monday of each month from 1-3:30pm in the Legislative Office Building, Concord.

- a) October 16th
- b) November 20th
- c) December 18th

11) ADJOURNED: 3:12 PM

- a) MOTION: Trish Morris motioned to adjourn the meeting at 3:12pm. Seconded by George Cook. All voted in favor.

12) Respectfully submitted by: Lindsay Hamrick, Secretary