

2019 NEWSLETTER



MAINE FRIENDS OF ANIMALS

# news

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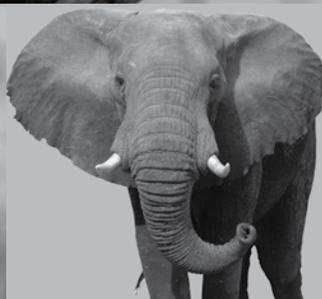
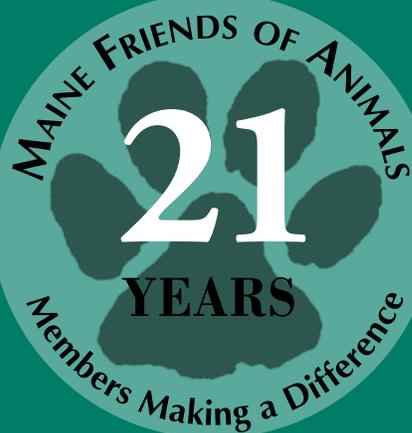
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# Commentary

by Robert Fisk, Jr.



It's different now. Oh, how different. For eight years you have read about, and likely shared, our frustrations in attempting to pass legislation under the LePage administration. The recent election, however, gives animal advocates an exciting, fresh

opportunity to again realize meaningful change.

It seems the Legislature often views MFOA and other animal-related legislation as low priority. Although we passionately try to move the ball forward, we know our chances of success are typically less than 50%, particularly regarding wildlife cruelty issues. But when you begin the session knowing you may have a better than 50% chance of success, your efforts are with decidedly more enthusiasm! We already feel it here in the MFOA office and are energized knowing that our legislative agenda and other animal friendly legislation is going before newly elected representatives who are in general considerably more favorable to our issues and concerns.

We need you to feel our excitement and optimism, too! Our bills will not pass without a strong effort from many individuals. MFOA has been focused on this legislative session for months, but we need active support from you and fellow animal advocates.

Now is the time for renewed energy and commitment. On this page is a short list explaining how you can be a part, a very necessary part, in helping us get these important pieces of legislation across the finish line.

Play reveille, do a Paul Revere run, flap your animal protection wings, be a town crier, and march forward with renewed vigor! We have endured difficult times, but we can succeed again. We must all devote our energy into the opportunity which now presents itself and utilize the right set of circumstances that are before us.

We have proven time and again that we can be successful with a level playing field. Please take some time in the next few months to follow MFOA's actions, updates and alerts on how you can help us in our efforts to be a voice for animals.

## MFOA Attends Democratic Convention

Since 1998, MFOA has attended every Democratic State Convention and many Republican State Conventions to get exposure, inform prospective state legislative candidates of animal welfare issues, and find and cultivate animal-friendly legislators to sponsor and support animal-friendly legislation. In July, MFOA had a booth at the Democratic Convention in Lewiston at the entrance to the main floor, seen on the right of the photo.



## How to Support Animal Protection Legislation

- Know the talking points for the bills which are important to you (ex. see page 6, Harness Racing Fact Sheet)
- Be sure MFOA has your email to receive our Updates and Action Alerts. Follow legislative action on [www.mfoa.net](http://www.mfoa.net)
- Pass along bill information on your social media and ask friends to contact their legislators
- Write Letters to the Editor of your local newspaper(s)
- **Most important:** Contact your State Representative and Senator — send them a letter or email explaining the legislation you hope they will support. Make sure you state the name of the bill and LD # and a brief explanation about what the legislation would do. Concisely explain why the bill is needed and request their support for the bill. Do not make the email too long. If writing a letter, limit the text to one page; you can always reference other supporting material. If you have had some personal experience with any content of the bill, be sure to mention it. Be polite, respectful, and again, concise.
- Attend public hearings for the bill(s) in Augusta and give oral testimony or submit written testimony to the committee.
- Re-contact your two legislators in Augusta just before the vote is taken on the bill in the House and Senate. Leave a short message giving your name, address and simply naming the specific bill you want them to vote for.

House Democratic office (207) 287-1430

Senate Democratic office (207) 287-1515

House Republican office (207) 287-1440

Senate Republican office (207) 287-1505

# Northeast State-based Organizations Meet

The first regional meeting of New England, NY and NJ state-based humane advocacy organizations was held October 26, 2018 at the state capitol in Hartford, Connecticut. It was organized by Connecticut Vote for Animals. Maine Friends of Animals represented Maine as MFOA Executive Director Robert Fisk, Jr. and Board member Bonnie Martinolich attended the day long meeting. Attendees shared experiences as state-based animal protection organizations. The agenda included organizational challenges, legislative successes and failures, political experiences, fundraising, difficulties working with some national organizations, and our proposed legislation for 2019.



## MFOA board positions open

Interested in being a part of Maine's leading animal protection organization? MFOA is a non-profit, board driven organization. Board members do more than give vision and direction, they actively engage all aspects of running an effective advocacy group. You not only serve as an MFOA ambassador, you create and work directly in affecting change. You will be involved with general operations and decisions while also having a specific role within the board. A board member may become involved in a specific, ad hoc and/or general way. We would be happy to provide more information if you think you would like to expand upon your concern and activism in helping create a more humane state. The three openings on the nine member board are fundraising, volunteer coordinator

and an at-large position. You can develop or strengthen your legislative advocacy, leadership, networking, and strategic thinking skills while sharing your expertise and experiences. Although the offices in Falmouth are available to work in, much of the work is done via email and telephone with eight monthly meetings annually.



## Time For a Change in the Membership of the Inland Fisheries & Wildlife Advisory Council

We all recognize that decisions concerning Maine's wildlife are in the hands of a few. A few who are controlled by the Department of Inland Fisheries & Wildlife, its legislative oversight committee, IF&W Advisory Council and the hunting lobby, all of which are connected ideologically, socially, financially and politically.

The majority of Mainers who take pleasure in our state's wildlife have very little input or ability to influence wildlife decisions or legislation. "Majority" meaning people who enjoy wildlife in a non-consumptive way, such as wildlife viewing, nature walks, primitive outdoor camping, bird watching, kayaking, outdoor photography, etc. These forms of eco-tourism generate three times the estimated economic output from the revenues brought in by sportsmen, anglers and hunters.

*Continued on page 7*

## MFOA BOARD OF DIRECTORS

190 U.S. Route 1  
Falmouth, ME 04105  
www.mfoa.net  
info@mfoa.net 207-781-2187

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Secretary (South China)

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At-large (Biddeford)

CASEY WEBSTER  
Legislative (Falmouth)

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Volunteer Coordinator

OFFICE ADMINISTRATION  
Susanna Richer (Portland)

## STAY INFORMED & GET INVOLVED

We make it easy for you to take action and help animals. Get on MFOA's ACTION ALERT Updates list. Send us your email address at info@mfoa.net



## ARE YOU A MFOA MEMBER?

Be a part of Maine's leading animal protection organization. Go to www.mfoa.net and click on DONATION.

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## 129th Legislative Session



### Franky's Law (cruelty case assistance)

Sponsor: Rep. Dale Denno, Cumberland, District 45



Rep. Dale Denno

In late 2016, MFOA learned of first-in-the-nation legislation in which the Connecticut Legislature passed Public Law 16-30, often referred to as "Desmond's Law." Under this legislation, a judge presiding over an animal abuse case involving a dog or a cat has the option of appointing a volunteer,

either a supervised law student or an attorney, to work with the prosecutor to advocate for the animal in the interest of justice. It was outside the box thinking, and MFOA immediately decided to introduce it to the Maine legislature.

Desmond's Law is named for a shelter dog that had been adopted and then repeatedly tortured and ultimately strangled to death in 2012. According to the Hartford Courant, "Despite a recommendation by the prosecutor for prison time, the man charged in the crime received accelerated rehabilitation, which meant that his charges were dismissed and his record was wiped clean." The public outcry was immediate and Desmond's Law was born!

A similar Maine case of animal cruelty occurred against Franky the Pug in Winter Harbor last year and hence the renaming of the Maine bill to "Franky's Law".

The advocate may monitor the case, consult with individuals who may have information helpful to the judge, attend hearings and present information or recommendations to the court pertinent to the interests of justice. A list of attorneys with knowledge of animal issues and the legal system is kept, as well as law students who are or may be interested as serving as a volunteer advocate.

It is no secret that prosecutors are overloaded with other criminal cases viewed to be more pressing, resulting in the under-prosecution of animal cruelty cases. If a cruelty case is pursued, it is often pled out.

This legislation is a win-win in which the

court receives a needed resource, the student advocate receives valuable court experience, and the more animal cruelty cases won, the stronger the deterrent.

If we can adjudicate more people at the animal cruelty level, the greater society will benefit. Overwhelming evidence proves abusers of women and children begins with animal abuse; this bill will help in those prosecutions.

### "An Act to Ban the Sale of Dogs and Cats in Pet Shops"

Sponsor: Sen. Ben Chipman, Portland, District 37



Sen. Ben Chipman

In 2015, MFOA and the activist group "Maine Citizens Against Puppy Mills" joined together to sponsor legislation to ban the sale of dogs and cats in Maine pet shops, addressing in particular "puppy mill" suppliers from out-of-state. The bill passed in the State House and Senate and was

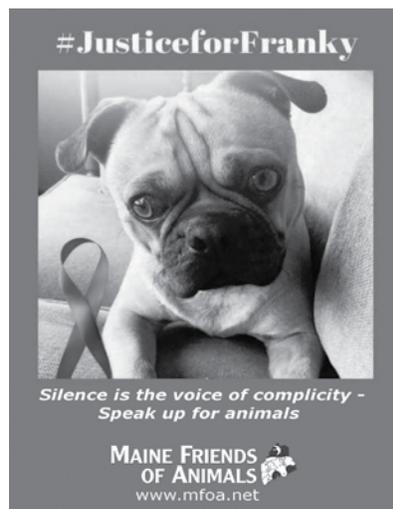
bound to be first-in-the-nation legislation, only to have it vetoed by Governor LePage.

Consumer protection and the humane treatment of animals are the key reasons to support this initiative. By allowing Maine pet stores to sell puppies and kittens sourced from large scale breeding facilities, we support puppy and kitten mills, thereby putting Maine consumers at risk and promoting inhumane treatment of companion animals.

The remaining Maine pet shops that still sell puppies and kittens are few, but they receive the vast majority of their animals from large scale commercial breeding facilities that mass produce puppies/kittens for the sole purpose of selling to pet shops and online buyers.

These facilities operate to maximize profits at the expense of the health of the breeding animals and resulting litters. The animals are simply a commodity. Pet shops wish to obtain products at the lowest possible price to maximize profit and to accomplish this, mill operators skimp on housing, food and veterinary care to keep overhead down. This creates horrible living conditions with little regard to the physical and psychological well-being of the animals.

Research shows that over the past few years, a number of pet shops in Maine selling dogs and cats have closed due to lack of sales/profitability. Others have changed to more viable business models by expanding product lines and supporting local shelters



and rescue groups through on-site adoption events instead of selling puppies and kittens raised in inhumane conditions.

Inhumane puppy mills are now a national issue. Since the MFOA / MCAPM bill in 2015, California, Maryland, Ohio and more than 250 municipalities across the US have passed similar legislation without negative repercussions. New Jersey, New York and Pennsylvania are currently considering similar legislation. In California, pet stores are required to sell only dogs and cats from shelters and rescues.

Maine provides humane and safe options offering purebred dogs and cats to loving families: local animal shelters, local reputable breeders, and breed-specific rescue groups. More than 25% of dogs received by animal shelters are purebred.

"An Act to Ban the Sale of Dogs and Cats in Pet Shops" is important unfinished business that was passed but vetoed four years ago. Maine cannot oversee the large-scale breeding industries in other states. But what Maine can do is enact legislation to stop those animals from being sold in this state and send the message that we are a state that takes animal cruelty seriously.

## "An Act to Review and Reallocate the State Slot Machine Revenue"

**Sponsor: Rep. James Hardy, Lewiston, District 58**



Rep. James Hardy

Following voter approval of a 2003 Citizen Initiative intended to help save the ailing harness racing industry, 39% of slot machine revenue from Maine casinos is annually allocated to the state in a distribution framework sometimes referred to as the "Cascade Fund." Funds

are transferred to a variety of programs including education, agriculture, and healthcare, with the majority going to harness racing in various forms.

In addition to independently increasing the revenue allotted for harness racing, the legislature failed to implement a requirement for the industry to account for how the money was spent.

Although those funds were initially invested in the Bangor and Scarborough racetracks, recent use have shown the money is simply going to cover basic operating costs. If not for slot machine revenue, Scarborough Downs would have been \$1.3 million in the red in 2013. Annual revenue fell from \$4.2 million in 2004 to \$2.8 million in 2015. Yet funding continues, despite the sport's precipitous decline in popularity and revenue.

After off-track betting failed to generate consistent and supportive revenue, the slot machine allotment was implemented to "rescue" the industry yet again. Since it opened in 2005, Hollywood Slots has distributed over \$70 million in slot machine profits to the harness racing industry, directly and indirectly. In 2013, the Cascade Fund gave \$10.6 million to the industry. The infusion of revenue has boosted purses and encouraged horse owners to invest in faster horses, but

attendance and money wagered on harnessing racing has continued to decline.

According to a 2017 economic analysis from the University of Southern Maine, harness racing has experienced a revenue drop of more than 50% over the last 15 years. Moreover, there are other forms of entertainment the industry has to contend with to attract and retain younger fans. Today the stadium is empty while a few participate in off-track betting.

The time is long overdue for legislators to re-examine and re-allocate the slot machine revenue, as well as the wisdom of the state funneling millions of taxpayer dollars - over 120 million as of 2018 - into an industry that has demonstrated a precipitous decline for decades, despite years of substantial financial attempts to revitalize it. With so many other significant state fiscal needs, why do we continue to try to salvage an activity that is outdated, often cruel, and has drastically faded in popularity?

These monies would certainly be better utilized if they were directed toward economic development, infrastructure, education, healthcare, or other worthy services, many of which have been severely reduced or eliminated in recent budgets.

In October 2014, Rep. Louis Luchini (D-Ellsworth), Co-chair of the Veterans and Legal Affairs Committee, which oversees gaming, told The Ellsworth American that, "I'm not convinced this is a responsible use of taxpayer dollars, especially amidst cuts to other important programs. In the next session, we should re-examine all casino tax distributions and ensure they're aligned with Maine's priorities." Four years have passed. A careful analysis of how our public dollars could be more prudently spent is long overdue.

## "An Act to Make Post-Conviction Possession of Animals A Criminal Offense"

**Sponsor: Rep. Donna Bailey, Saco, District 14**



Rep. Donna Bailey

"There are animal abusers where a contempt of court is not enough and more meaningful action is needed." (Rep. Jethro Pease, 2013)

States are realizing that laws that prohibit future ownership of animals are in need of further discussion about the mandatory prohibition for higher levels of animal cruelty, including when appropriate, having contact with, limits, and clear penalties for violations.

In the long run, this law will reduce the burden on the courts and prison systems because it will serve as a deterrent; offenders will face severe consequences for violation of the post-conviction possession ban.

This MFOA legislation passed in 2014 in the House and Senate, but was vetoed by the Governor. Animal-abusers need more of a deterrent than the current contempt of court violations that are often not enforced. For further information, please visit our website at [www.mfoa.net](http://www.mfoa.net).

# "An Act to Review and Reallocate State Slot Machine Revenue"

*Why do taxpayers continue to subsidize Maine harness racing despite its long and precipitous decline?*

## FACT SHEET

- Cascade Funds are distributed to a variety of Maine programs including Fund for a Healthy Maine, Dept. of Education K-12, USM & Community College System Scholarship Funds, Maine Maritime Academy, and tax relief. Its largest allocation by far, however, is via multiple programs associated with the harness racing industry.
- Following heavy lobbying by the industry, the original 11% of 25% of slot revenue approved by the voters resulted in legislative action that doubled the allotment to 22% of 39% of the casino tax distributions being dedicated to shoring up harness racing.
- Maine's harness racing industry has continued in a steady decline despite receiving an average \$9.3 million a year in taxpayer subsidy from slot machine revenue since 2005.
- The industry has had financial problems as far back as the early 1990s. Business as measured by the live handle (total amount wagered) was down over 30%, from \$45.2 million in 1987 to \$29.8 million in 1991.
- The solution was off-track betting parlors, but 25 years later, both harness racing and off-track betting are withering, with revenues down now to a scant \$4 million.
- A Maine State Harness Racing Commission report shows its downward trend continued in 2017, with \$24.5 million wagered. Of that amount, \$21.6 million were bet on races shown on live television from tracks out-of-state. [Portland Press Herald, 5/1/18]
- Since 2003, the number of licensed horse owners has fallen by 40%, betting on racing has dropped by 57% and the number of mares bred is down 44%, despite millions of dollars in state subsidies. [Pine Tree Watch, May 2017]
- In 1980, 10,000 people visited Scarborough Downs and a record \$508,000 was wagered in a single day in 1987. The grandstand has been closed since the 1990s; the track is lucky to get even 300 spectators these days. [seacoastonline.com, 11/6/16]
- The May 2017 Pine Tree Watch Investigation revealed Scarborough was losing \$13,200 each day raced in 2014, or almost \$1.4 million annually.
- Over the years, Scarborough Downs owner Sharon Terry



has justifiably worried about its future:

- MaineBiz, March 2009: "We really feel that the industry is not going to survive unless we continue to pursue the slot machine revenue."
- Harnessracing.com, January 2014: "LD 1111 is crucial for the survival of the harness racing industry in Maine."
- PPH, Nov. 2016: "The Downs is being snuffed out by dwindling profits and attendance, increasing competition from casinos and online gambling, crumbling facilities that have drawn recent scrutiny [EPA violations] from government officials, and continuing controversy with horse owners and trainers."
  - Harness racing has a well-documented checkered history that includes animal cruelty, drugging, and overbreeding, the latter of which results in many "surplus" healthy horses being sent to slaughter plants in Quebec simply because they no longer win races.
- Robyn Cuffey, respected Maine re-trainer of racehorses, is "... still trying to figure out why the people who made all this money off these horses are not putting a dime back into taking care of them afterward." [PPH 12/18/16]
- Allegations of horse drugging spiked to unprecedented levels in 2015, further damaging the public perception of the industry. Drug use, including a nationally banned performance enhancing substance, also drew concerns in the industry about fair competition.
- Racino referendums promoted by the harness racing industry failed voter support in 2008 and 2014. Most recently, a gaming / entertainment venue proposed for York County was denied by voters in November 2017.
- The Oxford County Fair eliminated its long tradition of harness racing from its 2018 fall schedule because the sport was losing \$10,000-\$18,000 a year. [PPH, 12/23/18]
- "Scarborough Downs has received an estimated \$13 million in state subsidies for the past 12 years, and serves as a cautionary tale of what happens when the state subsidizes an industry but fails to set firm goals and ensure accountability." [Pine Tree Watch, May 2017]

# THANK YOU TO OUR DONORS

We want to thank those who have donated financially to Maine Friends of Animals. We could not list all our donors in the space allowed, but all donations large and small are most appreciated, and are used entirely to make the life of Maine's animals a better one. All donations are tax deductible. A special thank you to our major donors in 2017-2018.

Wendy & Raymond Andresen	Robert Lodato
Joyce & Steve Bell	Bonnie Martinolich
Meris Bickford	C. Susan Mason
Nancy Bogenberger	Marian "Bobs" McAleenan
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## RENEW YOUR MEMBERSHIP TODAY!

THANK YOU to all who have joined MFOA over the years in our common quest to end animal abuse in Maine in its many forms. We have accomplished much in the way of education, advocacy and legislation, but unfortunately there remains a great deal more to be done to end animal suffering and cruelty in Maine. Twenty years has given MFOA a tested structure and credibility with the legislature, media and the general public, and we feel positioned to increase the scope and effectiveness of what we do. The only limit is the corresponding funding. You will make a difference by renewing your membership to MFOA by sending in your donation, large or small, that will help increase our ability to protect and aid those that are being needlessly harmed by humans. Donate today and join us in giving Maine animals a voice.

*Continued from page 3, (IF&W Advisory Council)*

Wildlife-associated recreation is an important part of nature tourism, which is the fastest growing segment of the travel industry and it ranks high nationally in resident participation and out-of-state visitors.

A good step to address this limitation would be to restructure the IF&W Advisory Council to allow the representation of other wildlife stakeholders.

MFOA's suggested legislation would change the present regional structure that consists of ten individuals representing Maine's 16 counties to one that represents a variety of wildlife interest groups. Current membership is essentially one of like-minded sportsmen; the new Council would emphasize varied, balanced and diverse groups and opinions, making the Council an active, responsive and independent body to address wildlife issues that are brought before the Department's Commissioner.

Interestingly, the IF&W mission statement includes "the enabling and promoting" of such activities as boating, non-game wildlife, white water rafting, snowmobiling, and wildlife observation, all of which would be considered non-consumptive. We propose the number of members be increased to eleven to represent a:

- hunting organization
- fishing organization
- non-game wildlife organization
- interests in wildlife observation / watching
- interests of hikers, campers, kayakers, and whitewater rafting
- interests of professional guides
- interests of trappers
- interests of boaters
- wildlife habitat conservation
- state animal protection organization
- the Maine Game Warden Service

Many sportsmen view their current full control as justified, given that hunting and fishing license sales are a primary source of funding wildlife management. However, this dedicated funding has engrained a proprietary attitude that has effectively shut out the vast majority from the decision process. Non-consumptive user groups should address that dynamic, but it still does not justify the strangle-hold on the current self-serving process.

As the number of non-consumptive users continues to increase and that of hunters to decrease, the pressure to be more inclusive will only continue to grow. Maine's wildlife resources belong to all her citizens, and requires a more impartial and diverse representation of all those who enjoy Maine's wildlife, not just those who want to hunt, trap or have a vested business interest.



## MAINE FRIENDS OF ANIMALS

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## AVIAN HAVEN Wild Bird Rehabilitation Center [www.avianhaven.org](http://www.avianhaven.org)

Avian Haven is a non-profit wild bird rehabilitation center located in Freedom, ME “dedicated to the return of injured, sick and/or orphaned wild birds of all species to natural roles in the wild.” Founded in 1999, its annual case load has increased from 300 to 2,900 birds in 2018, making it one of the largest avian practices in New England. About 26,000 of 100+ species, from hummingbirds to eagles, have been treated at the center.

This extraordinary facility begins foremost with the individuals who dedicate so much of their time, talent, knowledge and love in caring for these amazing wild creatures.

Co-founders Marc Payne and Diane Winn are wildlife rehabilitators with a combined 50+ years of experience and have published several articles on various aspects of rehabilitation. Terry Heitz, Physical Plant Manager, is an experienced raptor handler and expert photographer. Kim Chavez is the Rehabilitation Manager. Caroline Neville serves as staff veterinarian. Selkie O'Mira helps with rescue, transportation, on-site care, fundraising and managing the Facebook page. Abby Everleth is an experienced rehabilitator.

Avian Haven's work is not simply to provide comprehensive medical care, although its modern, well-equipped clinic is often the first step toward recovery. In addition to incubators, hospital and recovery cages, staff are diligent in meeting dietary needs of all species, at all ages.

Rehabilitation is provided in environments designed to simulate natural conditions.

Fourteen out-buildings comprise multiple habitats and include: The Heights, a modular flight cage; the Pool Hall, a year-round facility for aquatic birds; the Loon Pond, an outdoor three-season aquatic habitat which can be stocked with live fish; the Owl Compound; the Large Raptor Compound, with access to a 160' flyway; a Small Raptor Compound with areas connected by a flight corridor; Casa Corvus for crows/ravens; and the Eagle

Recovery habitat for birds not quite ready for flight exercise.

Avian Haven is permitted by the Maine Dept. of Inland Fisheries & Wildlife and US Fish & Wildlife Service to rehab wild birds, including endangered species. Open 365 days a year, birds of all species are accepted from the general public, along with referrals from veterinarians, wildlife biologists, game wardens, Animal Control Officers, and other Maine rehabilitators. Because all birds are prepared for release to the wild, contact with humans is limited. Avian Haven is not a nature center or zoo.



Its mission includes research and education; presentations are given at state, regional and national conferences for rehabilitators and other professionals, as well as the general public and academic institutions. It also sponsors summer internships for college students.

Sadly, some of the most memorable cases don't have happy endings, such as those involving lead-poisoned loons and eagles. Effective September 1, 2016, Maine law banned the sale of lead sinkers and lures, but lures with covered lead are allowed. Loons with ingested lead sinkers are still admitted, as are eagles. Eagles get lead poisoning primarily from feeding on something like deer carcass or bait piles which contain fragments of lead ammunition. In 2018, Avian Haven admitted five loons and ten eagles with elevated blood lead levels; most recently, two eagles with lead poisoning died.

Most cases end well, however. Avian Haven recognizes the many values that their eco-systems provide, while the relationship between natural and human environments is essential for the harmonious co-existence of all species. In addition to the measurable benefits the center provides, it also conveys the understanding and acknowledgement that people sometimes impact the natural world adversely and a more empathetic view of other sentient beings is essential.