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## Laws to protect dogs a tricky task

However well-intentioned, some can have unintended consequences

*By J.L. MILLER  
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DOVER -- The General Assembly tackles plenty of thorny issues -- tax increases, spending cuts, gay rights -- but when lawmakers try to regulate dogs it can come back to bite them.

Seemingly simple bills aimed at protecting dogs from mistreatment suddenly face criticism from unexpected quarters, while Delaware's upstate-downstate divide consigns other well-intended bills to the doghouse.

Despite those difficulties, several legislators are determined to craft bills this session to protect man's best friend -- while not arousing the ire of the many different constituencies that care deeply about dogs.

Rep. Melanie George Marshall, D-Bear and owner of a Lab-Great Dane mix named Freedom, is one of them.

Concerned about puppy mills -- high-volume breeding operations with inhumane conditions -- Marshall introduced House Bill 95 to prohibit owning more than 25 breeding dogs at a time.

But that bill, which also would limit female dogs to one litter per year and ban all but vets from cropping ears or tails, ran into problems almost immediately. Breeders opposed it. Kennel clubs opposed it. Veterinarians opposed it.

The fact that it adopted recommendations from the Humane Society of the United States didn't help. The society, which operates no shelters but lobbies state and federal lawmakers on animal-rights issues ranging from egg farms to the fur trade, is viewed by some as a fringe organization.

"The puppy mill bill, when we first introduced it, it did generate a lot of conversation," Marshall said.

"We definitely had conversations with folks within the agricultural community, within the kennel community, within the veterinary community," Marshall said, adding that she "heard very loudly from all the various groups that they wanted to make sure they weren't being painted with a broad brush."

Mike and Diane Sponaugle were among those who made their voices heard. The Sponaugles own The Happy Woofer, a kennel south of Harrington where they sell breeds spanning the alphabet from basset hounds to Yorkshire terriers.

The Sponaugles have 86 breeding dogs at their kennel, which is licensed and inspected by the state and Kent County.

Marshall's bill "would kill us," Mike Sponaugle said.

Ethical, professional breeders invest a lot of money in their facilities, Sponaugle said, and Marshall's bill would place unrealistic limits on them.

"You're spending a couple hundred thousand dollars," Sponaugle said. "If you limit us to, say, 45 dogs, only let us breed the females once a year, there is absolutely no way you could afford to run a business and employ people." The Happy Woofers has two full-time employees and one part-timer.

Backyard breeders, meanwhile, can undercut legitimate breeders' prices while avoiding burdensome regulation, he said.

Martha Doerner, treasurer and show chairman of the Wilmington Kennel Club, made her objections known as well.

Unlike the Sponaugles, Doerner shows dogs and isn't in the business of breeding dogs to sell. She has 23 wirehaired dachshunds -- and once, with a partner, had more than 100.

"When you breed a litter here ... the idea of breeding that litter is to get a better wirehaired dachshund, not a litter to sell," Doerner said.

"These bills, a lot seem reasonable -- but if you stop and pick them apart they would make it impossible for us to do what we do," Doerner said.

"The thing is, a lot of these bills are started by animal-rights groups and they would really like to put show-dog people right out of business," she said.

According to its Web site, the Humane Society of the United States supports laws "designed to regulate, deter, and reduce companion animal breeding. ... The HSUS opposes the sale of dogs, cats, and other animals through pet stores and other commercial operations."

Marshall acknowledged that some view the humane society as hostile to traditional notions of pet ownership, but she said she feels comfortable taking the society's advice.

"I absolutely do," Marshall said. "I was grateful that they brought the issue to us, because frankly it started a dialogue."

And that, she said, was her aim: to start a dialogue and try to build consensus on a bill that everyone can agree on.

"I think we're in the process right now of incorporating that bill either into a substitute bill or a big amendment," she said.

On June 30, the last session day until January, Marshall introduced House Bill 293, which would prohibit keeping a dog outdoors from 11 p.m. to 6 a.m. or in extreme weather.

That bill came in response to a case in which a pit bull puppy was left outside in bitterly cold weather and froze to death.

Marshall said she introduced that bill, which also is catching flak from dog owners, on June 30 to give people a chance to read it and suggest changes during the legislative break.

Rep. Bryon H. Short, D-Highland Woods, is another legislator who has found the subject of dogs to be a lot more difficult than he'd expected.

Short sponsored House Bill 77, which would let judges award custody of a pet to someone seeking a protection-from-abuse order. He said he had spoken about the issue with Sen. Patricia M. Blevins, D-

Elsmere, another sponsor of dog-related bills, who told him that "abused spouses often won't leave because of a pet."

That bill passed the House, but hit a snag in the Senate -- on the definition of "pet." Some senators were concerned the term could be broadly construed to cover farm animals -- perhaps a stable of harness horses or a herd of cows -- and an amendment is pending.

Short also waded into the puppy-mill fray, and found that the dog community's bite is as bad as its bark.

At a constituent's request, Short sponsored House Bill 78, which would ban the sale of puppies younger than 8 weeks old. But he soon heard from breeders and veterinarians who had problems with the bill.

"I had vets tell me, 'Listen, Bryon, it'd be really tough for me to pick up a dog and say this is 9 weeks old,'" Short said.

Short also sponsored House Bill 278, which would make it illegal to sell a dog or cat in an open-air market. But he found that even that bill has its critics.

"These animal issues are very sensitive, I learned," Short said. "The breeders have a lot to say -- very particularly strong views. Someone, particularly like myself from New Castle County, has to be very sensitive to the agricultural business and people in the lower part of the state."

Betsy Archer, president of the Diamond State German Shorthaired Pointer Association, said no dog lover wants to see dogs mistreated, but legislators "should consult people, all the different parties involved," before drafting legislation.

Archer said she could support such bills "as long as they don't go to extremes. I think there's ways of dealing with animal cruelty."

Dachshund breeder Doerner agrees.

"The problem with these bills is we all want people to take care of their dogs right, but we want to do what we do," said Doerner, who has shown her dogs at the Westminster Kennel Club Dog Show. "We promote responsible dog ownership. We're not part of the problem."

Breeder Sponaugle, though, would rather see the legislators find something else to do.

"The government tries to govern everything. It's like the laws that govern guns. The laws to govern people are already out there," Sponaugle said. "If you don't house your dog properly, if you don't treat your dog properly, all those laws are already in place."

But Marshall, for one, plans to continue working to protect Delaware's dogs.

One of her passions has been her legislative work with the Kids Caucus, and she sees speaking up for dogs as akin to speaking up for kids.

"They don't have a voice. Their bodies feel the same kind of physical pain that any other living creature would. Society has to set a minimum standard of how we want living creatures, the level of pain we want them to have to endure. That's kind of my goal. I feel for their pain, particularly at the hands of a human," Marshall said.

"I think most of the folks that we're trying to regulate, they understand and appreciate where we're coming from," she said. "We all recognize that we're trying to stop the bad things. How we get there is

a matter of long discussions."

## **LEGISLATURE NOT SHORT OF EFFORTS TO PROTECT DOGS**

Dog-related bills pending in the General Assembly:

- House Bill 2: Increases penalties for animal fighting and attendance at animal fights. In Senate Judiciary Committee.
  - Senate Bill 21: Mandatory six-month prison term for animal fighting, possession of fighting animals and providing a premises for animal fighting. In Senate Judiciary Committee.
  - House Bill 77: Makes it clear that courts can award custody of a pet to a petitioner for a protection-from-abuse order. In Senate Judiciary Committee.
  - House Bill 78: Prohibits the sale of puppies less than 8 weeks old. In House Judiciary Committee.
  - House Bill 95: Prohibits the possession of more than 25 breeding dogs at one time. In House Agriculture Committee.
  - House Bill 278: Prohibits the sale of dogs and cats in open-air markets. In House Judiciary Committee.
  - House Bill 293: Prohibits keeping a dog outside in extreme weather, also regulates tethering and enclosures. In House Housing and Community Affairs Committee.
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