

HB

275

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 5/6/04

FURTHER:

REPORTED OUT
MAY 09 2004
SENATE FINANCE
COMMITTEE

DATE TURNED IN TO OFFICE: 9 May 2004

Finance Committee considered CS FOR HOUSE BILL NO. 275(FIN)

HB 275 ANIMALS AND CRUELTY TO ANIMALS

"An Act relating to animals, and to the care of and to cruelty to animals."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous S CS CS #75 (JUD)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:
 Same Title
 New Title

House Bill:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

NEW FISCAL NOTE(S):

| Department | Date | Fiscal | Indet. | Zero. | FN# |
|------------|------|--------|--------|-------|-----|
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PREVIOUS FISCAL NOTE(S):

| Department | Date | Fiscal | Indet. | Zero | FN# |
|------------|---------|--------|--------|------|-----|
| Law | 3/28/04 | | | ✓ | #1 |
| DEC | 4/2/04 | | | ✓ | #3 |
| DPS | 7/1/04 | | | ✓ | #4 |
| Admin | 4/5/04 | | * | | #5 |
| | | | | | |

APPROPRIATION - no fiscal note

| SIGNATURES AND RECOMMENDATIONS: | DO PASS | DO NOT PASS | NO REC | AMEND |
|---------------------------------|---------|-------------|--------|-------|
| <i>[Signature]</i> | ✓ | | | |
| <i>[Signature]</i> | | | ✓ | |
| <i>[Signature]</i> | | | ✓ | |
| <i>[Signature]</i> | ✓ | | | |
| <i>[Signature]</i> | X | | | |
| COCHAIR: | | | | |
| COCHAIR: <i>[Signature]</i> | ✓ | | | |

MAY 09 2004

SENATE FINANCE
COMMITTEE

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 5
Bill Version: CSHB 275(JUD)
(H) Publish Date: 4/19/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title An Act relating to animals BRU Legal and Advocacy Services
Component Public Defender Agency

Sponsor Reps. Chenault, Gruenberg,...
Requester (H) Judiciary Component No. 1631

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2005 | FY 2006 | FY 2007 | FY 2008 | FY 2009 | FY 2010 |
|------------------------|---------|---------|---------|---------|---------|---------|
| Personal Services | * | * | * | * | * | * |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | * | * | * | * | * | * |

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| CAPITAL EXPENDITURES | | | | | | |
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|-------------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
|-------------------------------|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|---|---|---|---|---|---|---|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | * | * | * | * | * | * |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type--Do not abbreviate) | | | | | | |
| TOTAL | * | * | * | * | * | * |

Estimate of any current year (FY2004) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

This bill would likely have some fiscal impact on the operations of the Public Defender Agency, because in Sections 2 and 3 it criminalizes conduct that does not currently qualify for the crime of cruelty to animals. The bill breaks down the crime of cruelty to animals into two levels of misdemeanor offenses. Criminalizing conduct that is not currently a crime will likely increase the caseload of the Agency. The Agency does not currently handle a significant number of cruelty to animal offenses, but would expect to handle many more if this bill were enacted, but it is impossible to predict the impact with any accuracy. There may also be a fiscal impact to the Agency from Section 4 that adds an aggravator for consideration at sentencing for deliberate cruelty to an animal or exposing an animal to a threat of serious physical injury.

Prepared by: Linda K. Wilson, Deputy Director Phone (907)-334-4416
Division Public Defender Agency Date/Time 4/5/04 12:00 AM
Approved by: Ray Matiashowski, Deputy Commissioner Date 4/5/2004
Agency Administration

MAY 09 2004

SENATE FINANCE
COMMITTEE

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 4
Bill Version: CSHB 275(JUD)
(H) Publish Date: 4/19/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
Title Act Relating to Care and Cruelty of Animals RDU Alaska State Troopers
Component AST Detachments
Sponsor Rep. Chenault
Requester H. Labor & Commerce Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2005 | FY 2006 | FY 2007 | FY 2008 | FY 2009 | FY 2010 |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services | | | | | | |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

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| CAPITAL EXPENDITURES | | | | | | |
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|-------------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
|-------------------------------|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|---|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type--Do not abbreviate) | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

This bill establishes standards of care for animals and processes for investigating complaints of animal cruelty. It also creates the crimes of Cruelty to Animals in the First Degree, a class A misdemeanor, and Cruelty to Animals in the Second Degree, a class B misdemeanor.

The bill also requires that those officers involved in the investigation of cruelty to animal complaints must report child abuse or neglect if such is detected in the course of their investigation.

This is no expected fiscal impact to the Department of Public Safety.

Prepared by: Lt. Al Storey Phone 907-269-4532
Division Alaska State Troopers Date/Time 4/1/04 8:31 AM
Approved by: Commissioner William Tandeske Date 4/1/2004
Agency Department of Public Safety

MAY 09 2004

SENATE FINANCE
COMMITTEE

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 3
Bill Version: CSHB 275(JUD)
(H) Publish Date: 4/19/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Environmental Conservation
Title Veterinarians and animals RDU Environmental Health
Component Laboratory Services
Sponsor Representative Mike Chenault
Requester House Judiciary Committee Component No. 2065

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2005 | FY 2006 | FY 2007 | FY 2008 | FY 2009 | FY 2010 |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Travel | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Contractual | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Supplies | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Equipment | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Land & Structures | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Grants & Claims | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Miscellaneous | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

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| CAPITAL EXPENDITURES | | | | | | |
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|------------------------|-----|-----|-----|-----|-----|-----|
| CHANGE IN REVENUES () | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
|------------------------|-----|-----|-----|-----|-----|-----|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|---|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1003 GF Match | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1004 GF | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1005 GF/Program Receipts | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1037 GF/Mental Health | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Other (Specify Type--Do not abbreviate) | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

| | | | | | | |
|-----------|---|---|---|---|---|---|
| Full-time | 0 | 0 | 0 | 0 | 0 | 0 |
| Part-time | 0 | 0 | 0 | 0 | 0 | 0 |
| Temporary | 0 | 0 | 0 | 0 | 0 | 0 |

ANALYSIS: (Attach a separate page if necessary)

This bill will have no known fiscal impact upon the department.

Prepared by: Kristin Ryan, Director
Division: Environmental Health
Approved by: Kurt Fredriksson, Deputy Commissioner
Agency: Environmental Conservation

Phone (907) 269-7645
Date/Time 4/2/04 1:34 PM
Date 4/2/2004

MAY 09 2004

SENATE FINANCE
COMMITTEE

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 275(L&C)
(H) Publish Date: 4/1/04

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
Title "An act relating to veterinarians and animals." RDU CIVIL
Component Environmental
Sponsor Representative Chenault
Requester House Labor and Commerce Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2005 | FY 2006 | FY 2007 | FY 2008 | FY 2009 | FY 2010 |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services | | | | | | |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

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|----------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|----------------------|--|--|--|--|--|--|

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|------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
|------------------------|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|--|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type-Do not abbreviate) | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2004) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

Under this bill, veterinarians employed by the state would have responsibilities in addition to those outlined in AS 03-25.020, related chiefly to the well being of livestock and domestic animals. The bill also classifies crimes of cruelty to animals and criminal negligence. It adds persons who have a duty under state law or municipal ordinance to investigate animal cruelty, abuse or neglect to those who are required to report suspected harm arising from child abuse and neglect.

Passage of this legislation will have no foreseeable fiscal impact on the Department of Law.

Prepared by: Kathryn A. Daughhete, Director Phone 465-3673
Division Administrative Services Date/Time 3/28/04 11:10 AM
Approved by: Kathryn Daughhete for Gregg D. Renkes, Attorney General Date 3/28/2004
Agency Department of Law

STATE OF ALASKA

REPRESENTATIVE
MIKE CHENAULT

Official Business

Interim:
145 Main St. Loop, Second Floor
Kenai, Alaska 99611
(907) 283-7223
Fax: (907) 283-3075

Session:
Capitol Building, Room 432
Juneau, Alaska 99801-1182
(907) 465-3779
Toll Free: (800) 469-3779
Fax: (907) 465-2833

HOUSE OF REPRESENTATIVES

May 4, 2004

To: Senator Gary Wilken Co-Chair
Senate Finance Committee

Senator Lyda Green Co-Chair
Senate Finance Committee

From: Representative Mike Chenault



Re: Request for Scheduling HB275

Please consider this a request to schedule HB 275 "An Act relating to animals, and to the care and cruelty to animals" in the Senate Finance Committee as soon as possible.

Any questions can be directed to our office 3779. Thank you for your consideration.

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

STATE OF ALASKA

REPRESENTATIVE
MIKE CHENAULT

Official Business

Interim:

145 Main St. Loop, Second Floor
Kenai, Alaska 99611
(907) 293-7223
Fax: (907) 283-3075



HOUSE OF REPRESENTATIVES

Session:
Capitol Building, Room 432
Juneau, Alaska 99801-1182
(907) 465-3779
Toll Free: (800) 469-3779
Fax: (907) 465-2833

SPONSOR STATEMENT

HB - VETERINARIANS AND ANIMALS

Two years ago in Sterling, State Troopers, animal rescuers, veterinarians and a member of my staff witnessed possibly the worst case of mass animal cruelty in Alaska. Dozens of dogs some frozen to the ground, but still alive, were found on a parcel of land in the Sterling area. Some were locked in an abandoned bus, some tied to trees and stakes. None had the bare margin of food, water, or humane shelter. The only bedding was canine feces or ice. *A video is available for viewing with the warning that is quite graphic and not for the faint of heart.*

A week ago, a police officer stopped a drunk driver who had his dog tied to the bumper of his truck. While the dog received emergency medical treatment, it was put down as a result of being dragged for several miles.

It is appalling to find any human being capable of such horror. In fact, many individuals who are later convicted of grave crimes to fellow humans are found to have seriously abused animals at some time in their lives.

I have previously distributed animal cruelty information. I hope one of your staff had the opportunity to read it. The purpose of this memo is to appeal to your humane side and ask for your support to stop cruelty to animals. This is an issue decent human beings should never have to consider. Common sense and compassion dictates how we should treat animals, unfortunately we cannot depend on fellow human beings to be decent and provide basic food, water and shelter for animals. This is not an issue for partisan politics, as most of us have delightful memories of childhood pets.

Please join me in setting an example to stop abuse of animals. You and I have the opportunity to show our children how kind and compassionate animals can be while teaching responsibility of animal care.

My family has a dog-named Destiny that is a loving, mischievous companion to each of us. Although she has to be into what ever I am doing, be it painting or repairing the kitchen sink, the kids are learning the responsibility of caring and providing for another living being, and important part of becoming an adult.

[Fwd: HB 275]

Subject: [Fwd: HB 275]

Date: Mon, 05 Apr 2004 13:15:07 -0800

From: Ethel <donethel@gci.net>

To: Representative_Lesil_McGuire@legis.state.ak.us

Representative Lisel,

This is a hard copy of testimony for HB 275 which was canceled for today. Will try and schedule our time for Tuesday.

Ethel C. Christensen

----- Original Message -----

Subject: HB 275

Date: Mon, 05 Apr 2004 12:37:58 -0800

From: Ethel <donethel@gci.net>

To: donethel@gci.net <donethel@gci.net>

Alaska SPCA supports HB 275 but many have voiced concerns that we agree with and that is there is a need to address heinous crimes, such as the recent continued stabbing of a German Shepherd to death here in Anchorage. Past incidents of this nature was the killing and dismemberment of guard Jogs at Brewsters Depart Store. Another when a bound couple had to watch when their small dogs were stomped to death by intruders For these heinous crimes, there should be a mandatory jail sentence

In other animal cruelty cases, there are mental and drug related problems that the law and courts are still dealing with. A stronger cruelty law would give both law enforcement and the courts more tools to work with..

It is well documented that persons who are cruel to animals are also cruel to children.

Ethel D. Christensen
Director Alaska SPCA
Founder 1966

Subject: HB275

Date: Fri, 2 Apr 2004 18:04:48 -0800 (PST)

From: Carol <busface1999@yahoo.com>

To: Representative_Lesil_McGuire@legis.state.ak.us,
Representative_Tom_Anderson@legis.state.ak.us,
Representative_Jim_Holm@legis.state.ak.us, Representative_Dan_Ogg@legis.state.ak.us,
Representative_Ralph_Samuels@legis.state.ak.us, Representative_Les_Gara@legis.state.ak.us,
Representative_Max_Gruenberg@legis.state.ak.us

4/2/04

Judiciary Committee:

I'm very upset that Representative Kott has decided to make it much more difficult for this long overdue, necessary and excellent bill to pass this session by adding two more committee referrals. I will take that up with him.

I'm asking that you move this bill out of committee **RIGHT AWAY WITH NO AMENDMENTS.**

Animal cruelty is rampant in Alaska. Our one sentence animal cruelty statute is vague, impossible to enforce, and a dismal joke. For every high-profile, horrific case of animal abuse that you hear about, there are hundreds more that go unreported or if reported, ignored. Prosecutors will not take up animal abuse cases because of all the loopholes, and troopers or other law enforcement officers won't take the time to efficiently and quickly investigate. This has to end and this bill is a good start.

Don't listen to Bush legislators who want to kill this bill to protect the continued abuse in their areas. Don't worry about this costing extra money. It won't, but even if it did, most of the public would gladly have money spent to rein in animal abuse.

Too many animals have suffered and died horrible, agonizing deaths! Republicans are known as heartless, cold politicians. This is your chance to try to change this image.

Thank you for your consideration and swift action.

Carol Jensen
4800 E. 112th Avenue
Anchorage, AK 99516
Email: busface1999@yahoo.com
Day phone: 907-244-1979

Do you Yahoo!?
[Yahoo! Small Business \\$15K Web Design Giveaway](#) - Enter today

Debbie Moore

From: Nancy Henriksen <agroomer@ptialaska.net>
To: Debbie Moore <pathways@alaska.net>
Sent: Saturday, December 21, 2002 11:33 AM
Subject: FW: petition

We're the heart of Kenai

—Original Message—

From: Ethel [mailto:donethel@gci.net]
Sent: Wednesday, December 18, 2002 5:01 PM
Subject: petition

TO: 2003 STATE OF ALASKA LEGISLATORS
FROM: THE FOLLOWING ALASKANS AND OUTSIDE
CITIZEN
REF: LACK OF ANIMAL CRUELTY LAWS AND
ENFORCEMENT

WE/I STRONGLY URGE THE 2003 LEGISLATURE TO REVISE AND STRENGTHEN THE ANIMAL CRUELTY LAWS FOR THE STATE OF ALASKA. IN VIEW OF NUMEROUS AND INCREASING TRAGEDIES INVOLVING ANIMALS THIS SHOULD BE NUMBER ONE PRIORITY OF YOUR LEGISLATIVE BUSINESS THIS COMING SESSION. MANY PEOPLE HAVE DECIDED NOT TO INCLUDE ALASKA IN THEIR TRAVEL BECAUSE OF THESE HORRORS.

THE CURRENT STATE LAWS ARE TOTALLY INADEQUATE AND THEY PROMOTE THE MOVEMENT OF PEOPLE WHO ABUSE ANIMALS TO AVOID COMMUNITIES THAT HAVE LOCAL AND STRICT ANIMAL CRUELTY LAWS.

THERE ARE STRICT LAWS, BIG BUDGETS AND ENFORCEMENT OFFICERS TO PROTECT WILDLIFE BUT NOTHING FOR THE DOMESTIC ANIMALS, PARTICULARLY, DOGS, CATS AND HORSES.

WE ARE MOST SERIOUS IN THIS REQUEST.

PRINTED NAME SIGNATURE ADDRESS DATE

Robin Sichel *[Signature]* *Sichel* *12/26/02*

Tom Weaver *[Signature]* *P.O. Box 7913 Kenai* *12-26-02*

Suzanne Thraugher *[Signature]* *Thraugher P.O. Box 704 Nikiski* *12-26-02*

| Printed Name | Signature | Address | Date |
|--------------------|-------------|---------------------------------|----------|
| 1997 Abel | [Signature] | P.O. Box 1325 Kenai, AK 99611 | 12-26-02 |
| Dale Hudson | [Signature] | P.O. Box 1325 Kenai, AK 99611 | |
| Joe Trefren | [Signature] | | 12-26-02 |
| Jim H. H. | [Signature] | Box 7097 Kenai, AK | |
| JESSICA TREFREN | [Signature] | P.O. Box 3048 Kenai AK 99611 | 12/26/02 |
| Debbie Boyle | [Signature] | 49729 DL Busk Dr Kenai AK 99611 | 12-26-02 |
| Thomas Donnan | [Signature] | | 12-26-02 |
| Jacob Newton | [Signature] | | 12-26-02 |
| Jathan Wolf | [Signature] | | 12-26-02 |
| Brian Morris | [Signature] | PO Box 1796 Kenai | 12-26-02 |
| Judith Stolz | [Signature] | P.O. Box 8114 Nikiski | 12-26-02 |
| Phil Blythe | [Signature] | PO Box 8152 Nikiski | 12/26/02 |
| ED ASH | [Signature] | P.O. Box 6894 NIKISKI | 12/26/02 |
| Alex McLaughrey | [Signature] | PO Box 7075 Nikiski | 12/26/02 |
| Kristal McLaughrey | [Signature] | PO. Box 8305 NIKISKI | 12/26/02 |
| Frank E. Eichen | [Signature] | P.O. Box 5081 Nikiski | 12-26-02 |
| Frank Eichen | [Signature] | P.O. Box 48281 Nikiski | 99611 |
| Chris Ellis | [Signature] | P.O. Box 7995 Nikiski | 99611 |
| Donald Gibson | [Signature] | P.O. Box 7067 Nikiski | 99611 |
| Harold Goff | [Signature] | PO Box 3603 Nikiski AK 99611 | |
| Jeremy Goff | [Signature] | P.O. Box 8602 Nikiski AK 99611 | |

776-8300
Debbie Moore

From: Nancy Henriksen <agroomer@ptialaska.net>
To: Debbie Moore <pathways@alaska.net>
Sent: Saturday, December 21, 2002 11:33 AM
Subject: FW: petition

We're the heart of Kenai

—Original Message—
From: Ethel [mailto:donethel@gci.net]
Sent: Wednesday, December 18, 2002 5:01 PM
Subject: petition

TO: 2003 STATE OF ALASKA LEGISLATORS
FROM: THE FOLLOWING ALASKANS AND OUTSIDE
CITIZEN
REF: LACK OF ANIMAL CRUELTY LAWS AND
ENFORCEMENT

WE/I STRONGLY URGE THE 2003 LEGISLATURE TO REVISE AND STRENGTHEN THE ANIMAL CRUELTY LAWS FOR THE STATE OF ALASKA. IN VIEW OF NUMEROUS AND INCREASING TRAGEDIES INVOLVING ANIMALS THIS SHOULD BE NUMBER ONE PRIORITY OF YOUR LEGISLATIVE BUSINESS THIS COMING SESSION. MANY PEOPLE HAVE DECIDED NOT TO INCLUDE ALASKA IN THEIR TRAVEL BECAUSE OF THESE HORRORS.

THE CURRENT STATE LAWS ARE TOTALLY INADEQUATE AND THEY PROMOTE THE MOVEMENT OF PEOPLE WHO ABUSE ANIMALS TO AVOID COMMUNITIES THAT HAVE LOCAL AND STRICT ANIMAL CRUELTY LAWS.

THERE ARE STRICT LAWS, BIG BUDGETS AND ENFORCEMENT OFFICERS TO PROTECT WILDLIFE BUT NOTHING FOR THE DOMESTIC ANIMALS, PARTICULARLY, DOGS, CATS AND HORSES.

WE ARE MOST SERIOUS IN THIS REQUEST.

| PRINTED NAME | SIGNATURE | ADDRESS | DATE |
|-----------------|------------------------|-----------------------|----------|
| LESA JEFFREYS | <i>Lesia Jeffreys</i> | P.O. Box 7533 NIKISKI | 12-26-02 |
| PATRICIA BROWN | <i>Patricia Brown</i> | PO Box 8147 NIKISKI | 12-26-02 |
| Andrea Jeffreys | <i>Andrea Jeffreys</i> | P.O. Box 7533 NIKISKI | 12-26-02 |

| Printed Name | Signature | Address | Date |
|-------------------------|-------------------------|---------------------------------|----------|
| Renee Martine | Renee Martine | Nikiski, AK | 12-26-02 |
| Tina Sullens | Tina Sullens | Nikiski | 12-26-02 |
| Sophia VanLoan | Sophia VanLoan | Nikiski | 12/26/02 |
| Linda Dodge | Linda Dodge | Nikiski | 12/26/02 |
| Erna A. Crowl B. Sumner | Erna A. Crowl B. Sumner | Nikiski | 12/26-02 |
| PANDY ESQUIRO | Randy Esquiro | Nikiski | 12/26/02 |
| NANCY Marshall | Nancy Marshall | P.O. Box 1574 Nikiski | 12-26-02 |
| Marcelle Hurst-Simmons | Marcelle Hurst-Simmons | Nikiski | 12-26-02 |
| Felicia Ault | Felicia Ault | Nikiski | 12-26-02 |
| Byrd L. WARE | Byrd WARE | Nikiski | 12-26-02 |
| Margaret R. ROSS | Margaret R. Ross | Nikiski | 12-26-02 |
| Jason Sully | J. Sully | P.O. Box 8192 N. Kisk. | 12-26-02 |
| Rebecca Flynn | Rebecca Flynn | P.O. Box 8036 N. Kisk. AK 99635 | 12-26 |
| Pamela Lytle | Pamela Lytle | P.O. Box 7556 Nikiski, AK | |
| Holly Zink | Holly M. Zink | PO Box 8174 Nikiski, AK | |
| Twight Ward | Twight Ward | 50190 CORPORATE NIKISKI | |
| Tracy Sanders | Tracy Sanders | JAWLANE NIKISKI | |
| Aur Stephens | Aur Stephens | PO Box 7246 Nikiski | |
| Christine G. Flitt | Christine G. Flitt | Box 8116 Nikiski | 12-26 |
| Will J. C. / J. C. | Will J. C. / J. C. | Box 7216 Nikiski | |
| Brian E. Zink | Brian E. Zink | Box 3001 N. Kisk., AK | |

Debbie Moore

From: "Nancy Hennicksen" <agroomer@ptialaska.net>
To: "Debbie Moore" <pathways@alaska.net>
Sent: Saturday, December 21, 2002 11:33 AM
Subject: FW: petition

We're the heart of Kenai

—Original Message—

From: Ethel [mailto:donethel@pci.net]
Sent: Wednesday, December 18, 2002 5:01 PM
Subject: petition

TO: 2003 STATE OF ALASKA LEGISLATORS
FROM: THE FOLLOWING ALASKANS AND OUTSIDE
 CITIZEN
REF: LACK OF ANIMAL CRUELTY LAWS AND
 ENFORCEMENT

WE/I STRONGLY URGE THE 2003 LEGISLATURE TO REVISE AND STRENGTHEN THE ANIMAL CRUELTY LAWS FOR THE STATE OF ALASKA. IN VIEW OF NUMEROUS AND INCREASING TRAGEDIES INVOLVING ANIMALS THIS SHOULD BE NUMBER ONE PRIORITY OF YOUR LEGISLATIVE BUSINESS THIS COMING SESSION. MANY PEOPLE HAVE DECIDED NOT TO INCLUDE ALASKA IN THEIR TRAVEL BECAUSE OF THESE HORRORS.

THE CURRENT STATE LAWS ARE TOTALLY INADEQUATE AND THEY PROMOTE THE MOVEMENT OF PEOPLE WHO ABUSE ANIMALS TO AVOID COMMUNITIES THAT HAVE LOCAL AND STRICT ANIMAL CRUELTY LAWS.

THERE ARE STRICT LAWS, BIG BUDGETS AND ENFORCEMENT OFFICERS TO PROTECT WILDLIFE BUT NOTHING FOR THE DOMESTIC ANIMALS, PARTICULARLY, DOGS, CATS AND HORSES.

WE ARE MOST SERIOUS IN THIS REQUEST.

| PRINTED NAME | SIGNATURE | ADDRESS | DATE |
|------------------|-------------------------|----------------------------|----------|
| James Bras | <i>James Bras</i> | 703 Swines Rd, Kenai | 12/26/02 |
| Dawn Stetz | <i>Dawn Stetz</i> | P.O. Box 88 Kaslof | 12/26/02 |
| Annie Richardson | <i>Annie Richardson</i> | 34441 2nd Ave Sachwinat | 12-26-02 |

12/23/02

| Printed Name | Signature | Address | Date |
|------------------|-------------|--|-------------------|
| BRANDI HARBAUGH | [Signature] | PO Box 2867 Soldotna | 12/26/02 |
| Amy Falk | [Signature] | PO Box 7667 N. Kistki | 12/26/02 |
| Sney L. Mccoyman | [Signature] | 446 W. ROCKVIEW Dr Soldotna AK | 12/26/02 |
| Sylvia McCoyman | [Signature] | 446 W. Riverview Ave Soldotna AK | |
| Catherine Bush | [Signature] | 225 Richfield Drive, Kenai AK | 99611 |
| Ann M Curtis | [Signature] | PO Box 491 Soldotna AK | 99669 |
| HOLLY CAMPBELL | [Signature] | P.O. Box 512 SOLDOTNA, AK | 99669 |
| Richard Stabls | [Signature] | PO. Box 28 Kenai AK | 99611 |
| Margaret Martin | [Signature] | 368 W Beluga Soldotna AK | 99666 |
| MICHELLE A PRICE | [Signature] | 51200 BISCAYNE KEENA 1 | 99611 |
| Jamie Moore | [Signature] | 235 W. Daisy Ln Soldotna, AK | 99666 |
| De Ann Cain | [Signature] | 319 W. Beluga St. Soldotna, AK | 99669 |
| Ellen Craenover | [Signature] | 319 W. Beluga St. Soldotna AK | 99669 |
| Joy Armstrong | [Signature] | 36345 Shady St Soldotna | |
| Frank Swartz | [Signature] | 36345 Shady St Soldotna | 12/26/02 99669 |
| Mavis Anderson | [Signature] | PO Box 1642 Soldotna AK | 99669 |
| AM STEELE | [Signature] | 289 Lorraine Ct Soldotna AK | 99669 |
| RONNIE HANSON | [Signature] | 298 W KATMAI AVE SOLDOTNA AK | 99669 |
| Varia Hicks | [Signature] | P.O. Box 2544 Soldotna AK | 99669 |
| Katie Crane | [Signature] | 35555 Spur Hwy PMB 246 Soldotna, AK | 99669 |

Debbie Moore

From: Nancy Hennicksen <agroomer@ptialaska.net>
To: Debbie Moore <pathways@alaska.net>
Sent: Saturday, December 21, 2002 11:35 AM
Subject: FW: petition

We're the heart of Kenai

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From: Ethel [mailto:donethel@gci.net]
Sent: Wednesday, December 18, 2002 5:01 PM
Subject: petition

TO: 2003 STATE OF ALASKA LEGISLATORS
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| PRINTED NAME | SIGNATURE | ADDRESS | DATE |
|-----------------|------------------------|---------------------------------|----------|
| Julie Eggemeyer | <i>Julie Eggemeyer</i> | 48950 Tote Rd Soldotna AK 99669 | 12/30/02 |
| Barbara OLSON | <i>Barbara J Olson</i> | 317 Diane Lane Soldotna 99669 | 12-30-02 |
| Kenya Weston | <i>Kenya Weston</i> | Po Box 3755 Soldotna 99669 | 12-31-02 |

12/23/02

| Printed Name | Signature | Address | Date |
|-------------------|-------------------|-----------------------------------|--------|
| Natalie A. Kohler | Natalie A. Kohler | Box 2591, Kenai, AK | 1/9/02 |
| Dawn Davis | Dawn Davis | PO Box 336 Kenai, AK | 1/9/02 |
| Debbie Allen | Debbie Allen | 228 Susieana Ln Kenai AK | 1/10 |
| Donna Lester | Donna Lester | PO 891 Soldotna AK | 4/13 |
| KAREN WELLEN | Karen Weller | SOLDOTNA AK 50630 STUBBLEFIELD | 2/20 |

Debbie Moore

From: "Nancy Henriksen" <agroomer@ptialaska.net>
To: "Debbie Moore" <pathways@alaska.net>
Sent: Saturday, December 21, 2002 11:33 AM
Subject: FW: petition

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| PRINTED NAME | SIGNATURE | ADDRESS | DATE |
|------------------|-------------------------|-----------------------------------|-------------------|
| Curt Morris | <i>Curt Morris</i> | P.O. Box 2010 N.I.C. SIKI AK | 99635 |
| Peter M.D. King | <i>Peter M.D. King</i> | R2 Box 6968 | 12/26/02 AK 99635 |
| Theresa Chalmers | <i>Theresa Chalmers</i> | Kenai Hills P.O. Box 7385 N. SIKI | 12-26-02 |

| Printed Name | Signature | Address | Date |
|-----------------------------------|-----------------------------------|---|--------------------|
| KEVIN THOMAS | Kevin Thomas | PO Box 7248, NIKISKI | 1/03/03 |
| ELLEN BILING | Ellen Baling | P.O. Box 8681 99635 | 1/04/03 |
| Nancy Brown | Nancy Brown | PO Box 1865 Kenai 99611 | 1-4-03 |
| Amy Little | Amy Little | PO Box 7473 NIKISKI 99635 | 1-22-03 |
| David Little | David Little | PO Box 7473 NIKISKI 99635 | 1/24/03 |
| Sharon Thompson | Sharon Thompson | Box 1836 NIKISKI 99611 | 1-24-03 |
| Pam Lettington | Patricia Lettington | Box 8304 NIKISKI 99635 | 1-24-03 |
| Evelyn Cox | Evelyn Cox | 509 Pine Ave Kenai AK 99611 | 1/24/03 |
| Debbie Falk | Debbie Falk | P.O. Box 7332 NIKISKI, AK 99635 | 1/24/03 |
| Steve B Falk | Steve B Falk | P.O. Box 7332 NIKISKI, AK 99635 | 1-24-03 |
| MARIE TAYLOR | Mary C. Taylor | PO Box 7224 NIKISKI AK 99635 | 1-21-03 |
| Marcie Curry | Marcie Curry | POB 7671 NIKISKI, AK 99635 | 1-20-03 |
| Anthony Dushua Sanders | Anthony Dushua Sanders | DOROTHY DANOHE SANDERS Box 8702 NIKISKI AK 99635 | 2/11/03 |

Debbie Moore

From: Nancy Henricksen <agroomer@ptialaska.net>
To: Debbie Moore <pathways@alaska.net>
Sent: Saturday, December 21, 2002 11:33 AM
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| PRINTED NAME | SIGNATURE | ADDRESS | DATE |
|--------------------|------------------------|-----------------------------|----------|
| Leanne King | <i>Leanne King</i> | POB. 3095 K. | 2/1/03 |
| Tyler Johnson | <i>Tyler Johnson</i> | PO Box 764 Seldovia - | 2-2-03 |
| PETER A. MICCICHAR | <i>P. A. Miccichar</i> | PO Box 1544 SOLDOTNA, AK | 776-2024 |

2/23/02

| Printed Name | Signature | Address | Date |
|--------------------|--------------------|---|--------|
| Mendi McCollum | Mendi McCollum | P.O. Box 249 Kenai | 2-6-03 |
| Faanne V. Hardesty | Faanne V. Hardesty | 48271 Wild Rose Lake ^{Nikiski} | 2-8-03 |

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Neighbors say charged couple kept flawed kennel

The Associated Press

ANCHORAGE AP) - Neighbors of two Nikiski collie breeders facing 182 counts of misdemeanor animal abuse say the operation had a notorious reputation in the rural subdivision near Island Lake Road.

But at least two people who bought dogs from Valiant Collies said the animals arrived in fine shape and that they have no complaints.

The kennel was loud and smelled and groups of collies would occasionally escape to roam, according to neighbors interviewed by the Anchorage Daily News.

"I've never, ever, ever seen any one of those dogs in good condition," said Missy Batty, who until recently lived next door to the kennels.

Batty is moving out of the area in part, she said, because of the hassle of living next door to the collie breeders.

The owners, Jonathan Harman, 49, and Athena Ann Lethcoe-Harman, 40, are awaiting a jury trial in Shelby, Mont. They were stopped Oct. 31 at the U.S.-Canada border in Montana while driving from Alaska to Arizona with a semi loaded with 171 dogs and 11 cats.

Authorities say the animals were in bad condition inside the poorly ventilated 40-foot trailer. Many could not walk and some were thin and dirty. One dog was dead.

The Harmans had received a written warning about the condition of their dogs a week earlier while their tractor trailer rig was parked at an Anchorage store, according to Anchorage Animal Control.

The dogs and cats are being fed and walked by residents of Shelby until a trial determines whether the animals can be returned to their owners.

Batty and other neighbors of the Harmans said they didn't like going up to what many call "the collie house" because of its odor, but

their friends.

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sometimes they had to visit to return escaped collies.

"Those dogs, you could hear them all the time. Several would escape from time to time. They were always really stinky," said Patty Gallien, who lives about half a mile away. "In the summer, when you open a window, you can hear the dogs barking half the night."

Nikiski has no local government and the Kenai Peninsula Borough does not have animal control powers.

Gallien said she has lived there for 12 years and the collies have been there the entire time.

Despite citing frustrations over dealing with the nuisance, neighbors of the Harmans expressed empathy for Athena Harman, describing her as a person who loved her dogs but who was so disabled by chronic diabetes that she may not have been able to cope with the responsibility.

A former kennel employee told the Great Falls, Mont. Tribune said he worked for the Harmans for 10 years, until he was 18, but quit in disgust.

Brett Encelewski, 21, said kennel conditions were decent when he started, but worsened over the years. Toward the end, he said, Lethcoe-Harman took special care of about a dozen of her favorite dogs, but kept the rest in overcrowded and filthy pens.

However, collie breeders Darlene Kerr of Regina, Sask., and Dana Giles of Nova Scotia told the Montana newspaper that dogs they acquired from Lethcoe-Harman were healthy, well-cared for and arrived in fine shape. Both said they had not visited her breeding business in Alaska.

"To say her dogs are abused, I'm sorry, I can only speak from what I've seen, but Shiloh (the first dog she got from Lethcoe (Harman)-was in excellent condition," she said.

Lethcoe-Harman is a member of the Normal Eyed Network and has been breeding her dogs to eliminate genetic problems such as Collie Eye Anomaly, an eye disorder that can cause blindness.

Kerr said Shiloh has produced five normal-eyed collies, four of which are champions. She said some breeders are criticizing Lethcoe-Harman harshly on Internet chat rooms.

"This woman is not what they're saying she is," Kerr said. "They're crucifying her. For years, Athena has been outspoken about the thing you can defeat, Collie Eye Anomaly. She has been very vocal about breeding for health."

Giles said she bought three collie puppies from Lethcoe-Harman in 1997 and 1998 and the puppies arrived in excellent shape. She said canine ophthalmologists raved about the dogs and the condition of

their eyes.

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Animal cruelty case points need for tougher laws

Montana volunteers are caring for the collies and other animals found in the Harmans' truck, and the effort is straining local resources.

Lynn Melling

Anchorage, Alaska, Nov. 8 - John and Athena Harman of Nikiski are awaiting trial in Montana, charged with animal cruelty after being arrested at the Canadian border last week.

The SPCA says, as the Harmans were heading out of town, they were stopped by Animal Control and told to clean things up. They left town anyway, only to be stopped at the border.

Volunteers in Montana are now nursing the Harmans' dogs back to health -- nearly 200 of them. The effort is taking a toll on financial and emotional resources there.

Alaska animal advocates are appalled by the Harmans' story, and say the warning signs were sitting in Nikiski for years. They also say it's time to strengthen Alaska's animal cruelty laws.

At the end of a narrow dirt road in the woods outside Nikiski sits the Harman place -- a plot of land littered with

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everything from crates and rugs to old cars. It's the remains of a now defunct dog breeding kennel known as Valiant Collies.

"Like a pigpen, there was just muck everywhere," says Stephanie Batchelder, a dog groomer who worked for the Harmans about 10 years ago.

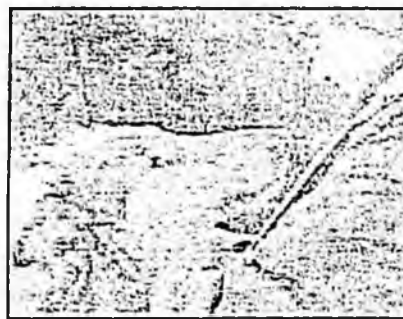
Batchelder says the dogs were in such bad condition, she lasted only a day.

"They had to have been unhealthy, being that wet and having feces on them all the time. They're going to get sores," she said.

There's little evidence now, but pictures show several dogs at a time crammed into small fenced-in areas.

Concerned neighbors only add to the picture. One woman says the place appeared to have been hot-wired -- with jumper cables hung from wire kennels. She suspects they were hooked to a battery and used to jolt the animals, to keep them under control.

It came as no surprise to some in the Nikiski area that the Harmans were arrested for animal cruelty in Sweet Grass, Montana, last week. U.S. Customs officials caught them at the Canadian border on a trip from Alaska to Arizona, with more than 170 dogs and 11 cats packed from top to bottom in a semi-trailer -- sick and living in their own waste.



Courtesy Photo / KTUU

A volunteer in Montana makes a friend

"I could've seen it coming, definitely," says Batchelder.

The Harmans face more than 180 misdemeanor counts of animal cruelty, a situation animal advocates say could have been prevented.

"It's just not right," says Diane Zarfoss of the Alaska Society for the Prevention of Cruelty to Animals. Zarfoss says the SPCA has dealt with complaints about the Harmans for years, but Alaska's laws made it nearly impossible to do anything to stop the neglect.

According to Alaska State Troopers, the law on animal cruelty states: A person cannot "intentionally inflict pain or cause prolonged suffering on an animal," nor can someone fail to care for an animal to the extent it results in the animal's death or suffering.

Violation of this law is a class A misdemeanor offense. Animal advocates say the statute doesn't do animals justice.

"They really can't do a whole lot unless they can prove that they were doing the neglect on purpose," says Batchelder.

Advocates also say the weak law is not the only problem. State enforcement should be stepped up, too.

"We can't rely on troopers to provide this service," says

Zarfoss.

Troopers are responsible for inspecting complaints of animal neglect outside the limits of a city with an animal control operation. Both advocates and troopers themselves say this puts a strain on already thin resources.

"We're short of people and, obviously, the population in this neck of the woods is growing," says First Sgt. Chuck Bartolini of the Soldotna trooper detachment.

Bartolini says they do the best they can to respond to calls of animal cruelty. Fortunately, he says, few such calls are received. He says a trooper inspected the Harmans' kennel almost two years ago, and, in the officer's opinion, the dogs were adequately cared for. Bartolini says that if there appears to be abuse, troopers will call in an animal expert. He'd like to see such a person on the borough's staff.

"It would help us greatly if the borough had some sort of enforcement power, and an animal control officer that could actually investigate these cases and take the time," Bartolini says.

Zarfoss wants to take that idea even further and hire a state humane officer, someone to deal strictly with animal cruelty cases, and who is authorized to step on private property and stop neglect as soon as complaints come in. She says lawmakers could complete the package with more clearly defined laws to support that person.

"It's getting worse. It's getting larger numbers and it's getting way out of hand," says Zarfoss.

She recalls the Carolyn Boughton case, in which a Sterling woman was charged with neglecting 66 dogs and some other animals. The animals were rescued by the SPCA a year ago this month, but the cruelty case has yet to go to trial.

"It's still in the courts. Nothing has been done," says Zarfoss. She fears the Harman case will drag on for a long time, as well.

Meanwhile, the dogs being cared for in Montana still belong to the Harmans unless they're proved guilty in court. In the meantime, the dogs -- now recovering from a traumatic trip across the border -- will have to wait to go home, wherever that turns out to be.

Currently, the Harmans are out on bond. People in the Nikiski area say John Harman may be back in Alaska, but he wasn't at his property when Channel 2 News stopped by, and the couple could not be reached for comment on this story.

To outsiders, the Harmans' breeding operation seemed to be quite professional. The couple has won competitions, and their Web site tells others how to care for dogs.

Some neighbors say they believe the Harmans had good intentions but the operation just spun out of control. Others say, quite frankly, they think the couple was running a puppy mill, breeding huge numbers of dogs to sell. The Harmans' Web site lists prices of up to \$2,000 per dog, or more.

Animal advocates say puppy mills are not unusual in Alaska and the only way they're going to be stopped is if people stop buying puppies from pet stores. Pet stores disagree that the puppies they buy are raised in inhumane conditions.

Another question to be investigated is whether the Harmans' Nikiski operation was cruel, or whether it was simply a matter of how the Harmans chose to transport the dogs as they were moving out of state.

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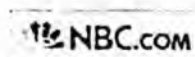
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Animal Abuse Cases - Details

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Hoarding 45 dogs - (Sterling, AK - US)

Crime Date: 10/07/2001
 Case Status: Alleged
 Case Updates: [Available - Click Here](#)
 Case Photos: [Available - Click Here](#)

Accused Abuser(s):

[Caroline Boughton](#)

Case Report

Alaska State Troopers are threatening to seize at least 45 dogs owned by a Sterling woman who has been accused of animal abuse for the last year.

Troopers said they found four dead dogs, two dead cats and scores of dogs needing basic care during a tour on Monday of a wooded lot where Sterling resident Caroline Boughton keeps her animals. They set an ultimatum.

As many as 20 dogs, purebred bouvier des Flandres and Kerry blue terriers, were kenneled in double-decker plywood pens inside a ramshackle Greyhound-style bus that was so fouled by urine and feces that the ammonia-like stench nearly brought tears to the eyes of veterinarian Jerry Nybakken, who assisted troopers serving a search warrant.

Two of the terriers had been killed by a bouvier, which gnawed through the plywood roof of its crate to get at the smaller dogs housed overhead. The body of one of the terriers was firmly wedged in a hole and its legs had been chewed from below, Nybakken said.

The rest of the dogs -- which included a mix of mutts and huskies -- were chained, cabled and roped to trees, trucks and other objects. Some were in much better shape than others.

Few of the dogs had shelter. Food and water bowls were overturned and appeared unattended, Nybakken said. Warm bedding such as straw was absent. Inside the bus, the dogs' fur was matted and covered with feces and every pen was wet with urine, he said.

"I think we have a case here of neglect, bordering on cruelty," Nybakken said on Tuesday. "My personal opinion is, Caroline should never have this many dogs," he said. "If she wants dogs, she's going to have to keep them within her economic means to support them."

Boughton said she still enjoys her dogs, has done nothing wrong and is struggling to juggle the demands of her landlords, whom she said insisted she kennel her dogs in the bus.

Her landlords, Milton and Lee Ross, say Boughton owes them \$1,350 in back rent and pay for helping to feed the dogs. The Rosses live on the lot and agreed to let

Boughton pay them to keep her dogs there, but now say they want her out.

Boughton, who lives nearby, said she has nowhere to go. It's hard finding a rental when you've got dozens of dogs, she said.

The Texas transplant first got into trouble last fall after a Kenai Peninsula animal cruelty organization accused her of neglect for keeping her dogs in a Sterling junkyard. She quickly hired some helpers who got straw for the dogs and began feeding them. At the time, troopers deemed her care adequate.

But after Boughton moved her animals to a 2.6-acre wooded property on Spruce Lane outside Sterling, the barking, fighting and loose dog problem prompted angry calls from her new neighbors.

Two chapters of the Society for the Prevention of Cruelty to Animals, the Alaska chapter based in Anchorage and a newly formed Kenai Peninsula group, have been struggling to help Boughton's dogs, with different tactics.

The Alaska chapter has been working with Boughton for months, helping her reduce her kennel size a few dogs at a time, said Nancy Wall, the chapter's Peninsula volunteer.

The Kenai organization has been more direct. It was the group that first demanded action last fall, and it also called in the troopers this week.

Its founder, Michele DeMilta, accepted four or five of Boughton's sickest dogs. Those dogs were to be taken to a veterinarian for treatment and documentation, Nybakken said. DeMilta declined to comment until the situation is resolved.

Troopers said they would like to come back Friday and see that Boughton is providing adequate care for her animals. But Tressler said that if they get another complaint about her, they will seize her dogs.

Just what would happen with the dogs if they are seized isn't clear. Even the official number of dogs is vague. Troopers estimated that about 45 dogs were on the property. Boughton said she had many more than that. And Nybakken guessed the number might be closer to 100.

"What a mess, huh?," said Judy McConnell of Anchorage, the American Bouvier des Flandres Club's designated rescue person for the region. "This whole thing was been a nightmare for a year, as far as I'm concerned."

If a court were to make to final ruling, McConnell said, the nationwide club has the finances, expertise and contacts to place whatever dogs were deemed suitable.

Alaskans are accustomed to sled dog yards, and while that sort of kennel works with active teams of huskies, it isn't appropriate for bouviers, she said. The independent breed has a tough side and needs a lot of one-on-one love, she said.

McConnell and other bouvier fanciers describe Boughton as a "collector," a person with a good heart who wants to protect animals but lets them breed and gets overwhelmed when their numbers swell.

Two of Boughton's dead dogs are bouviers. One was found at the end of its cable tether wearing a spiked choke collar, but Nybakken said he was unsure what caused the death. The other was found with three of its paws tangled in nylon rope, he said.

Boughton, feeding Atta Boy to her dogs Tuesday evening, said she suspected foul play in both cases and wanted an autopsy on the dogs' frozen carcasses, still laying on the ice. "Both of those dogs were very active the day before yesterday," she said.

"All of a sudden they're dead, overnight. I'd like to learn why."

Troopers said a report would be forwarded to the Kenai district attorney's office for consideration of possible charges of animal cruelty, a misdemeanor. Boughton said she has tried to give away her dogs, but had no luck.

She said she refuses to take them to the pound because some would inevitably be put down. I've got too big of a heart," Boughton said. "All I want for them is a home."

Case Updates

Posted: Apr 22, 2003 - 5:49 PM

The Boughton trial has once again been postponed. The Judge did give admonishment that Ms. Boughton needs to work with her doctors so that she can be lucid even if in some discomfort by the new trial call date of 7/25 and trial set for 8/5.

Posted: Feb 5, 2003 - 9:49 AM

Boughton rescue trial has been postponed until 4/22/03

References

- [Anchorage Daily News](#)

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Sterling woman charged with animal cruelty

ANCHORAGE (AP) -- A Sterling woman has been charged with nine criminal counts of animal cruelty for keeping dozens of underfed, filthy dogs

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Alaska State Troopers found 66 dogs under Caroline Boughton's care in a Sterling yard last November.

According to court documents some of the dogs were found dead, others needed prompt medical care and still others were so sick they had to be euthanized. Troopers seized the dogs.

Boughton, is scheduled to go to trial Oct. 29 in Kenai.

Animal welfare activists who treated **Boughton's** dogs and placed them in new homes say there is easily enough videotape and documentation to support those charges.

"It's pretty cut and dried. We have records on each and every animal on the property that was taken in," said Diane Zarfoss, clinic director of the Alaska Society for the Prevention of Cruelty to Animals.

Boughton was reportedly living in Nikiski and commuting to the site to feed and to provide water for the dogs. Most were bouvier des Flandres and kerry blue terriers. A couple of bouvier carcasses were found tangled in tethers, and two terriers stored in wooden boxes had died and were partially eaten by another dog.

The rest were in varying states of health, but all suffered from malnutrition, Zarfoss said. Many were treated for eczema, skin mites and infections of the ears and eyes.

Dogs that were strong enough to recover have all been placed. The last -- a bouncy, 100-pound malamute mix -- was scheduled to arrive at its new home today, she said.

Search

Boughton was the subject of troopers investigations for a year before she agreed to give up her dogs. In fall 2000, she was criticized for keeping the animals tied to wrecked cars in a Sterling junkyard before moving them across the Sterling Highway to another location.

Troopers were called once more, this time during a cold snap last November that drove temperatures down to 20 below zero.

A troopers report said officers wanted to look inside a large bus that **Boughton** had converted into an animal carrier. She said she forgot the key. They cut a lock off the door and were forced back by the ammonia-like stench of urine until the vehicle was ventilated, the report said.

Sixteen dogs were kept inside wooden boxes in the bus without food, water or dry bedding. They were covered in frozen urine and feces.

A few days after the inspection, an Alaska SPCA volunteer who had worked with **Boughton** over the months persuaded her to turn over her animals voluntarily.

The resulting rescue cost the Alaska SPCA about \$30,000, Zarfoss said. The group wants to see **Boughton** convicted, punished and made an example, she said. Alaska SPCA gets 10 to 12 calls a year about large-scale problems but cannot handle them all.

"She's proved over the last 10 years or plus that she is not a responsible animal owner," Zarfoss said.



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May 07, 2003
Fairbanks, AK

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Article Published: Tuesday, May 06, 2003 - 3:08:15 AM AKST

Convoy transports collies seized in Montana

The Associated Press

GREAT FALLS, Mont.—Nearly 200 collies and other animals that were seized in an animal cruelty investigation involving their Alaska owners have been moved from Shelby to Great Falls, Mont.

The owners, Jon Harman and Athena Lethcoe-Harman, were arrested last fall.

The animals spent six months at Camp Collie, a 4-H barn at the Marias Fairgrounds near Shelby. They'll likely spend the next several months in a 20,000-square foot warehouse--dubbed Camp Collie Great Falls--as the legal case against their owners continues.

About 100 volunteers were there to place the dogs in metal kennels tall enough for people to stand in.

The animals were brought to Great Falls because 4-H'ers needed their barn in Shelby and local residents were worn out from caring for the animals since the Harmans were arrested on Nov. 1.

The animals had ridden 2,240 miles in nine days in a crowded tractor trailer from Nikiski, Alaska, to the Sweet Grass border station when customs officials found them dehydrated, weak, sick and cold.

On Sunday, sheriff's cars with flashing lights led a convoy of 30 horse trailers, vans and animal rescue vehicles down Interstate 15 to deliver the 170 collies, six other dogs and 16 cats to Great Falls.

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May 07, 2003
Fairbanks, AK

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Article Published: Monday, May 05, 2003 - 9:00:07 AM AKST

Convoy transports collies from Shelby to Great Falls

By Associated Press

GREAT FALLS, Mont.

Nearly 200 collies and other animals that were seized in an animal cruelty investigation involving their Alaska owners have been moved Shelby to Great Falls, Mont.

The owners, Jon Harman and Athena Lethcoe-Harman, were arrested last fall.

The animals spent six months at Camp Collie, a 4-H barn at the Marias Fairgrounds near Shelby. They'll likely spend the next several months in a 20,000-square foot warehouse _ dubbed Camp Collie Great Falls _ as the legal case against their owners continues.

"This is way, way nicer," Toole County Undersheriff Don Hale said. "The story's not over, but it just got better for the dogs."

About 100 volunteers were there to place the dogs in metal kennels tall enough for people to stand in. The 16 cats have a separate carpeted room.

The animals were brought to Great Falls because 4-H'ers needed their barn in Shelby and local residents were worn out from caring for the animals since the Harmans were arrested on Nov. 1.

The animals had ridden 2,240 miles in nine days in a crowded tractor trailer from Nikiski, Alaska, to the Sweet Grass border station when customs officials found them dehydrated, weak, sick and cold. The Harmans were moving to Arizona.

On Sunday, sheriff's cars with flashing lights led a convoy of 30 horse trailers, vans and animal rescue vehicles down

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Interstate 15 to deliver the 170 collies, six other dogs and 16 cats to Great Falls.

Toole County, the American Working Collie Association, The Humane Society of the United States and private donations are paying for the animals' care.

The Harmans, who followed the caravan to Great Falls, have pleaded innocent to 181 misdemeanor counts of animal cruelty and their first trial ended with a hung jury in January. A second Justice Court trial is expected to get underway later this month.

The Harmans weren't allowed into the warehouse on Sunday, but will be permitted an hourlong visit each weekday, officials said.

The Harmans have been living in Shelby since December. They would not comment Sunday on whether they plan to move to Great Falls.

As the animals were being loaded in Shelby, Lethcoe-Harman sat behind yellow police tape, dictating into a tape recorder her comments on the conditions of each dog. Her attorney filed a motion last week asking that the charges be dismissed on grounds that authorities have failed to properly keep track of which dogs are kept in what pens.

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May 07, 2003
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Article Published: Thursday, April 24, 2003 - 9:30:28 AM AKST

Judge says nearly 200 dogs can be moved to Great Falls

By Associated Press

CHOTEAU, Mont.

Nearly 200 animals, most of them collie dogs, can be re-located from Shelby to Great Falls beginning as early as Friday, a justice of the peace ruled Wednesday.

Volunteers have spent nearly six months caring for the dogs in a 4-H barn in Shelby, where they've been kept as evidence in an animal cruelty case involving their Alaska owners.

There are 170 collies, five other dogs and 16 cats to be housed in a 30,000-square-foot metal building in Great Falls.

Teton County Justice of the Peace Pete Howard said he'll now go to work finding a place to retry the dogs' owners, Jon Harman and Athena Lethcoe-Harman, on charges they neglected the animals last fall during a trip to Arizona.

The Harmans were charged with 181 counts each of misdemeanor animal cruelty after authorities discovered 166 collies, five other dogs and 10 cats in the rear of their tractor-trailer as the couple tried to cross the Canadian border into the United States on Halloween night.

When they were stopped at the border, the Harmans said they were in the process of moving from Nikiski, Alaska to an area south of Woodruff, Ariz.

Officials said the animals were thin, dehydrated, weak and sick after the nine-day, 2,240-mile trip.

A six-person Toole County Justice Court jury deadlocked in the couple's first trial in January, resulting in a mistrial.

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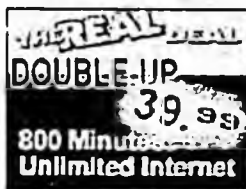
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Howard said he's looking to retry the case in Anaconda, Butte or Helena, all places out of the reach of the Great Falls media, where publicity about the collies could hinder efforts to seat an unbiased jury. Howard hopes to preside over the trial the week of May 12 or May 19, he said.

He scheduled another hearing for the afternoon of May 9 in the Teton County Courthouse in Choteau.

Howard took over the case after Toole County Justice of the Peace Janice Freeland recused herself following the seven-day January trial.

Toole County Undersheriff Don Hale said the animals will be moved in small groups, probably next week but beginning possibly as early as Friday. He said officials intend to meet a May 1 eviction deadline set by Marias Fair officials.

Hale said the Harmans did not object to moving the dogs.

"It's pretty obvious ... it's in the best interest of the dogs and that's what the whole situation is about," he said.

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Tuesday, March 4, 2003

Collie owners to be tried again on animal cruelty charges

By CAROL BRADLEY Tribune Staff Writer

CHOTEAU -- Jon Harman and Athena Lethcoe-Harman of Alaska will be tried a second time on animal cruelty charges stemming from the discovery of 181 collies and other animals in the tractor trailer last fall, a Teton County justice of the peace ruled Monday. The trial is expected to take place in mid to late April after he's had a chance to sort through motions, Judge Pete Howard said. He'll determine the location of the trial in a matter of weeks, depending in part on whether a change of venue is requested. The Harmans asked, but Howard refused to give them custody of their animals in the meantime, with one exception: Lethcoe-Harman, a diabetic, may reclaim a short-haired collie she says helps alert her when her blood sugar is about to drop. Even if the Panache, had no medical intuition, "Dogs are pretty nice to have around," Howard said. That was his only concession to the Harmans of Nikiski, Alaska. The couple was arrested last Nov. 1. U.S. customs inspectors discovered 166 collies, five other dogs and 10 cats crammed into the back of the Harmans' tractor trailer when they arrived at the Sweet Grass border stop late Halloween night. The animals had traveled 2,240 miles over nine days. They were malnourished, dehydrated, shivering, sick and distressed, according to sheriff's deputies. One dog was dead. Toole County charged the Harmans with 181 counts of misdemeanor animal cruelty. Each count is punishable by a fine of up to \$500 and up to six months in jail. A seven-day Justice Court trial ended in a mistrial in January when the six-person jury failed to reach a unanimous verdict. One of the jurors wanted to convict the Harmans. The case has attracted national attention in part because, for four months now, Toole County residents have operated "Camp Collie" at the Montana State Fairgrounds. Supporters from across the country have donated more than \$100,000 to help care for the dogs, and animal lovers from Florida to California have flown to Montana to help feed, water, groom and walk the collies. Spectators whispered "Yes!" under their breaths as Howard denied the Harmans' requests first to dismiss the case and then to let them move their dogs to Arizona while they await a second trial. Whether the dogs can remain in Shelby is another matter, however. Toole County Sheriff Donna Mattoon testified that the local 4-H club wants its building back by the first of April, although she said the organization might be willing to extend that deadline. The regional office of the Humane Society of the United States is scouting for new locations to house "Camp Collie," but no deal has been announced. On the witness stand, Lethcoe-Harman described the 40-foot-by-40-foot metal Quonset hut and four dog runs awaiting the collies on the Harmans' property south of Woodruff, Ariz. Defense attorney Scott Albers presented an affidavit signed by Winslow, Ariz., veterinarian Emerson Scott noting that the Harmans' new kennel had his approval. Contacted later Monday, Scott said the kennel wasn't completed when he visited in December, but he was impressed by the "extremely big" size of the four runs and by the Harmans' interest in treating their dogs humanely. Deputies said interest in Lethcoe-Harman and

Harmans interest in treating their dogs humanely. Parents sold interest Lethcoe-Harman said has given her parents, Jim and Nancy Lethcoe, a secured interest in the dogs in exchange for roughly \$30,000 that she can apply toward her legal bills. The Lethcoes are living in Arizona would be able to care for the dogs while the case against the Harmans continues, Lethcoe-Harman said. She repeated her desire to adopt out about 70 of the collies. Under cross-examination, she acknowledged that the kennel permit granted to her by Navajo County would allow an unlimited number of animals. Albers spent half an hour trying to prove that the record keeping during the first trial was inadequate and therefore grounds for rejecting a second trial. Howard denied the motion. Albers also argued that, given the lack of evidence demonstrated by the hung jury, there was no probable cause to go forward with the case. When he opened a book to cite an argument he hadn't included in his written motion, Howard stopped him and told him to close the book. 'Retrial's appropriate' Montana has a long history of handling mistrials, Howard said. "I can't imagine the legislature or the state Supreme Court would have created a Catch-22 situation" by which a mistrial would negate retrying a case, he said. Albers said he would ask the state Supreme Court to review that decision, but agreed that Howard shouldn't wait to hear the results before proceeding. The bulk of the 2 1/2-hour hearing was spent discussing Lethcoe-Harman's dissatisfaction with the care of the collies in Shelby. She said Toole County authorities not only allowed Jon Harman's personal fox terrier, Kryptonite, to be stolen out from under them and neutered, but they dodged questions about the theft for more than a month. 'The dog disappeared two days after Christmas and was returned on Valentine's Day. Under oath Toole County Undersheriff Don Hale said he didn't disclose the incident earlier because it was still under investigation and he wasn't certain the Harmans themselves hadn't taken Kryptonite. He said he also didn't want to upset Lethcoe-Harman any more than she already was in light of the upcoming trial. He told her of the dog's disappearance the night the mistrial was declared. Hale said the dog was traced to Lethbridge, Alberta, resident Kerry Lee K... felon charges are pending. Didn't know about surgery Lethcoe-Harman, who months ago to be near the dogs, also protested that no one told her or asked for permission to perform surgery on a 10-year-old female collie, Link. The dog died last month, a couple of days after undergoing surgery for an anal-rectal tumor that was obstructing her bowels. Mattoon said she didn't think it was necessary to inform Lethcoe-Harman every time one of her dogs needed medical treatment. "The animals are under my care and custody," Mattoon said. If a problem arises, "We take care of it. We keep a record of it." Albers tried to make an issue of the Humane Society's involvement in looking for new Camp Collie sites. Lethcoe-Harman said Jean Lea, president of the American Working Collie Association -- which has donated tens of thousands of dollars in supplies and manhours toward caring for the collies -- co-owns a collie that has competed against Lethcoe-Harman's at shows. Albers questioned openly whether all of the money raised by the Humane Society and the AWCA on behalf of the collies is actually going to the dogs. 'Dogs too fat' Lethcoe-Harman also complained that life at Camp Collie is making dogs obese. On a veterinarian's scale of 1 to 9, she likes to keep her dogs at a 3 or 4. Lethcoe-Harman said. She said most of the dogs are now at 6 or 7 and some have reached a 9. "One morning one of the bitches could barely stand up, she was so fat," Lethcoe-Harman protested. "That wasn't the same one that had to be carried out of the truck" the night of Nov. 1, asked County Attorney Joe Coble, who's helping prosecute the case. Veterinarians testified during the first trial that a number of the Harmans' dogs were so emaciated they ranked a 2 on the scale. Howard said the dogs were being treated well and humanely under Toole County's care and would remain in the county's custody. 'Agree on care' The judge ordered both sides to draft an agreement addressing the care of the dogs. Among other things, Lethcoe-Harman wants permission to tape the ears of show-worthy collies so they will curl the proper degree. Howard told her she's not allowed to take Panache outside Toole County except to Cut Bank, which Lethcoe-Harman said is a frequent destination. The judge will review motions regarding the trial at 10 a.m. April 4.

Calgary Herald article by Deborah Tetley:

Dog trial juror advises prosecutor to stick to "issues"

Deborah Tetley Calgary Herald

Now that a Montana judge has granted a retrial in the infamous Shelby dog abuse case, a member of the hung jury in the first hearing has advice for lawyers, defendants and jurors involved in the next round. "The trial kept getting run off the rails by issues that had nothing to do with the charges," Dan Roark, 22, said Monday. "We had a responsibility that would change someone's life forever - a really big deal we all took seriously - and a lot of the testimony wasn't about abuse charges." Roark was on the six-person jury that became deadlocked in January after a seven-day animal abuse trial here. He said the charges are unfounded and the dire condition of the dogs described during testimony was an "over-exaggeration." An internationally known collie breeder from Alaska, Athena Lethcoe-Harman, and her husband, Jon Harman, were each charged with 181 counts of animal cruelty on Oct. 31 after they were pulled over at the Alberta-Montana border at Sweetgrass. Experts testified the 171 dogs, mostly collies, and 10 cats were emaciated and dehydrated. "I think that was over-exaggerated," Roark, a dog owner, said. "She did the best she could considering she was moving everything she owned. "If they did abuse the dogs - I don't think they did - the prosecution did not prove it beyond a reasonable doubt," Roark said. He would like to see her get her dogs back." Roark spoke out for the first time on the same day Teton County Justice Pete Howard rejected several motions from the defendant's lawyer, Scott Allers, to dismiss the case. In an unusual twist, however, Howard allowed Lethcoe-Harman to take her 171 dogs to her rental unit in Shelby to live with her until the case wraps up. Court heard the owner is a "brittle" diabetic and the "medical alert" dog, named Panache, is able to detect blood sugar. "I didn't think it was an unreasonable request," Howard said, adding he denied the motion to have all the dogs returned. "I don't doubt her ability to care for this dog and apparently she has a valid medical concern." This is the same dog that gave birth to a litter the night of the seizure. Howard also indicated the defence intends to appeal Monday's ruling to the Montana Supreme Court. Allers could not be reached for comment Monday. Howard plans to set a new trial date April 4. "We are starting anew," he said. "Both parties are in the same position they were back in November." Calgaryian Dee Clair, who's twice volunteered at the Shelby fairgrounds where the dogs are housed, was relieved at the decision. "I was so anxious all day," she said she couldn't stand it anymore so she called the courthouse. "As soon as I heard the news, the knot in my stomach went away." Roark said although the jury voted 5-1 in favour of the defendants, it was as cut and dry as initially thought. Roark said one man couldn't make up his mind. The same man also said he would only find the couple not guilty if the judge imposed a probation provision that would see officials visit the dogs routinely in Arizona and monitor their health. "We didn't have the authority to do that," Roark said, adding the other jurors were "convinced beyond a reasonable doubt" of the couple's innocence. Roark said it should be expected nearly 200 dogs were housed in a 13.7- by 2.4-metre trailer for eight days and 3,800 kilometres would be in bad shape. "Sure, the trip was tough on them," he said. "They were in pens most of the time, but that doesn't mean she treated them any differently than anyone else would." Most of the jury was convinced the couple let the dogs out of the trailer to walk, water and feed them on a regular basis. Roark said. Court heard Harman slept while his wife let the animals out for up to nine hours at a time. Sometimes he would help her move the heavy fencing. "We saw pictures of her at the border freezing in nothing but a poncho and taking care of the animals by herself," Roark said. "I think the evidence we were shown of some dogs was only of the worst conditions." Two veterinarians and the director of the U.S. Humane Society testified the dogs were in some of the worst physical shape they'd seen in their careers. The defence has maintained that an overnight delay at the border caused the animals to become thin, diseased and dehydrated. One dog died after breathing in its own waste. Roark said it didn't matter that the defence admitted lying to several authorities.

along the way about the number of dogs in the truck. "It wasn't enough to convince us she a or neglected her dogs," he said. "I needed more evidence of abuse." Roark initially believed Harmans were guilty and began to change his mind when the trial visited Camp Collie. "She knew all the dogs by name," he said of Lethcoe-Harman. "Maybe she was making it up, but thought that was impressive and showed she cared about them all individually."

tetleyd@theherald.southam.ca

Jan. 22, 2003

UPDATE 1/22/03 on the Montana Collies

Statement by AWCA President Jean Levitt, from Shelby, MT

Permission to crosspost

At 9 AM opening arguments began. Athena Lethcoe-Harman and John Harman were charged with 181 counts of animal cruelty. The original charge of 182 counts was changed because authorities originally thought there were 11 cats instead of 10.

Defense attorney Scott Albers stressed the importance of the Valiant kennel because of genetic work. Ms. Harman was doing over the past 20 years with collie eye anomaly. He explained she needed a large amount of dogs to carry out her work. He explained the Harmans were moving to Arizona: 1, because of the weather; 2, larger population to sell unneeded dogs to keep number of dogs down. He explained the normal practice in Arizona was to just shoot all dogs no longer needed in a kennel. She chose to truck the excess dogs to Arizona rather than shoot them; 3, more stud dogs available; 4, many Europeans are interested in her dogs. In Arizona she can ship more dogs to Europe; 5, she is diabetic and needed a warmer climate.

Albers stressed how carefully the Harmans planned the trip to ensure it would go well because of the importance of AKC registration.

Prosecutor Merle Raph, assisted by Teton County attorney Joe Coble, called U.S. Customs Inspector Russell Hancock of the Port of Sweetgrass. Hancock testified the Harmans said they were transporting 105 dogs, and that each dog had its own kennel except for a few puppies. Concerned that the dogs needed food and water, he stated he discussed this with Ms. Harman. She replied they didn't have any food. The defense pointed out it had only been 12 hours since they had been last fed and watered. He stated she wanted to buy food but that it was 10:30 at night and the nearest open store was about 60 miles away. They had some water in a blue plastic barrel. According to the inspector at Sweetgrass, the only water on the truck was in the bottom of the crates soaked in urine and fecal material. Inspector Hancock testified he detained the Harmans to get a veterinarian to check the overall health of the animals. He said it was an unusual case.

Deputy Sheriff Mike Lamie described inching his way to the back of the truck sideways along the filthy narrow aisle after the chainlink fencing panels were removed. He described the urine and fecal material that dripped onto his uniform from the crates piled up on the sides of the truck. He looked into the pens with his flashlight and saw the collies wet with urine and fecal material. He described the foul smell, the 0 degree temperature, and the frozen condensation on the ceiling of the poorly ventilated truck. He called the Toole County Sheriff's Office in Shelby and reported his findings to then-Undersheriff Donna Matoc. She also called in Dr. Hardee Clark, Shelby veterinarian, to assess the condition of the dogs. The portable fence panels from the truck were set up outside, and about 20 dogs were offloaded. He testified Ms. Harman began giving the dogs water, and attempted to scoop out filth from the bottom of some crates. He described two collies separated from the others, not drinking water, and appearing listless. Deputy Lamie testified Dr. Clark asked Ms. Harman why the two dogs appeared unwell, and were separated. She said they were separated because they were recovering from narcolepsy. Deputy Lamie explained he felt a crime was being

committed.

Defense attorney Albers pointed out Ms. Harman was diligently watering the 15-20 dogs in the pen, and cleaning their empty crates. He reviewed Deputy Lamie's written report and asked him about his statement, Frozen particles of liquid in the dogs fur. Albers explained there had been a flood in Alaska before the Harmans began their trip.

Prosecutor Merle Raph called Dr. James Becker, DVM, the Port of Sweetgrass veterinarian. He described the sanitation: Very filthy, filthy cages, filthy animals, and some cleaning taken place before I got there. He assessed the overall condition of the dogs, saw one dog basically OUT, couldn't get up, died shortly. His decision: Must clean up situation as soon as possible and get those dogs treated. He further stated, Dogs were definitely on the thin side. He wanted to see if these critters were able to stand. He testified he asked Ms. Harman, What happened? She explained, Fire. He testified he asked if she had considered aborting the mission. He testified that she said she didn't think they would make it through the winter in Alaska.

Court was then adjourned until 9 AM Thursday. The trial is expected to last through Friday.

Thea Sperline, professional groomer Kay Bullard, and I drove out to Camp Collie today to see the dogs at lunchtime. They are clean, well fed, and of course continuing to receive veterinary care. The dog with the most serious hernia has had surgery and is recovering nicely. AWCA is proud to be able to pay his bill, and we thank the animal community for making that possible.

Calmly, Jean Levitt, President AWCA Lisa King, AWCA Director AWCA Rescue Officer and Members of AWCA

If you would like to assist AWCA with this rescue effort, you may send a check to:

Bethany Burke AWCA Treasurer 2807 Lee Trevino Court Shalimar, FL 32579

Make the check out to AWCA and in the memo area note: collie rescue-medical, collie rescue-stainless steel, or collie rescue-general.



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Saturday, March 22, 2003

Attorney asks high court to reject collie retrial

By CAROL BRADLEY
Tribune Staff Writer

The attorney for accused collie abusers Jon Harman and Athena Lethcoe-Harman is asking Montana's Supreme Court to rule out a retrial of the animal cruelty case on grounds that the Harmans shouldn't be tried twice for the same alleged crime.

Even if the Supreme Court votes down the motion it could delay the second trial, which was tentatively planned for mid- to late-April.

The high court typically gives the opposing side 15 to 30 days to respond to such motions, then acts on the case a month or two later, assistant clerk Joni Holliday said. In this case, Toole County Attorney Merle Raph said he'll ask the high court to expedite matters in hopes of meeting the scheduled trial date.

Teton County Justice of the Peace Pete Howard said Albers' motion definitely could affect the trial date.

Howard took over the case after Toole County Justice of the Peace Janice Freeland recused herself when the first trial ended in a hung jury in January. He rejected a similar "double jeopardy" motion from defense attorney Scott Albers on March 3, siding instead with Raph, who argued that jury verdicts must be unanimous in Montana and that double-jeopardy theories don't apply to hung juries in Justice Court.

The Supreme Court received Albers' motion Thursday.

Meanwhile, Raph is asking Howard to hold the trial somewhere other than Shelby, where publicity about the case has made it difficult to find jurors who haven't already formed an opinion about the Harmans' guilt.

Toole County sheriff's officials arrested the Harmans, a Nikiski, Alaska, couple, Nov. 1 after U.S. Customs inspectors discovered 166 collies, five other dogs and 10 cats crowded into the back of the couple's tractor trailer

when they tried to cross the Canadian border into the United States.

The Harmans were headed to a new home in Arizona. They had transported the animals 2,240 miles over nine days. The dogs were dehydrated, weak and sick. One died later that day.

The Harmans each face a maximum of six months in jail and-or a \$500 fine for each of 181 counts of misdemeanor animal cruelty.

Since their arrest, most of the couple's collies have been housed at the Marias Fairgrounds just outside Shelby, where paid search and rescue workers and a small core of volunteers have kept them fed, watered and exercised.

The fair's livestock committee wanted the dogs out of the 4-H building by April 1, but agreed to extend the deadline until May 1, Undersheriff Don Hale said. Officials are eyeing a couple of possible alternative sites in Toole County to move the dogs as well as a possible site in Great Falls.

The facility in Great Falls has five fenced acres -- ideal for walking the dogs -- and is near North Star Boulevard, Linda Hughes, director of the Humane Society of Cascade County, confirmed Friday. She did not have the exact address.

Moving the dogs to Great Falls would give a much-needed break to Shelby residents, who have borne the brunt of the animals' care. But "we have to remember that even though they are beautiful animals, they're also evidence," Hughes said.

Toole County Sheriff Donna Mattoon ultimately will decide where to move the dogs.

Housing is necessary because, even if the second trial is over by May 1, the verdict could be appealed to District Court.

The American Working Collie Association is now paying for two to three workers to clean the pens of the dogs, but a half dozen volunteers -- more on weekends -- devote hours a day to walking them.

Toole County Extension Agent Tyler Lane said 4-H folks need time to sanitize the building and pour a concrete floor before the fair starts in mid-July. The floor was planned before the collies' arrival.

"The quicker the dogs are moved the less chance of disease being transferred to livestock," Lane said.

The collies have suffered from a half dozen parasites, including giardia, coccidia, ear mites, ringworm and hookworm. The worst is hookworm, said Dr. Hardee Clark, the Shelby veterinarian who has been treating the

dogs.

Aside from the collies, "we just don't have hookworm in this area," Clark said. "But now we've got contaminated ground there. If we have a mild, moist summer we could really cause an infestation of hookworm."

He added, however, that hookworm is "very species specific" and that while dogs and cats might be at risk, the collies' hookworm would not spread to horses, cattle, sheep or pigs.

Roughly 70 cattle, 80 pigs and 25 lambs from Toole, Liberty, Glacier and Pondera counties are expected to be shown in the facility during fair week July 16-20, Lane said.

Clark said collie caregivers have been "pretty good" about scooping poop in the field next to the barn where the dogs are walked. He said harrowing the soil around the building would help dry out the soil and prevent the spread of parasites.

Legal maneuvering continues behind the scenes as well. When a second collie died March 7, Albers filed a motion asking that a forensic autopsy be performed. Howard ruled that a necropsy would suffice.

What difference an autopsy would make was unclear. Albers was not available for comment Friday.

The results of the necropsy aren't yet back from the state, Clark said Friday.



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Tuesday, March 4, 2003

Collie owners to be tried again on animal cruelty charges

By CAROL BRADLEY
Tribune Staff Writer

CHOTEAU -- Jon Harman and Athena Lethcoe-Harman of Alaska will be tried a second time on animal cruelty charges stemming from the discovery of 181 collies and other animals in their tractor trailer last fall, a Teton County justice of the peace ruled Monday.

The trial is expected to take place in mid to late April after he's had a chance to sort through motions, Judge Pete Howard said. He'll determine the location of the trial in a matter of weeks, depending in part on whether a change of venue is requested.

The Harmans asked, but Howard refused to give them custody of their animals in the meantime, with one exception: Lethcoe-Harman, a diabetic, may reclaim a short-haired collie she says helps alert her when her blood sugar is about to drop.

Even if the dog, Panache, had no medical intuition, "Dogs are pretty nice to have around," Howard said.

That was his only concession to the Harmans of Nikiski, Alaska.

The couple was arrested last Nov. 1 after U.S. customs inspectors discovered 166 collies, five other dogs and 10 cats crammed into the back of the Harmans' tractor trailer when they arrived at the Sweet Grass border stop late Halloween night.

The animals had traveled 2,240 miles over nine days. They were malnourished, dehydrated, shivering, sick and distressed, according to sheriff's deputies. One dog was dead.

Toole County charged the Harmans with 181 counts of misdemeanor animal cruelty. Each count is punishable by a fine of up to \$500 and up to six months in jail.

A seven-day Justice Court trial ended in a mistrial in January when the six-person jury failed to reach a unanimous verdict. Only one of the jurors

wanted to convict the Harmans.

The case has attracted national attention in part because, for four months now, Toole County residents have operated "Camp Collie" at the Marias Fairgrounds. Supporters from across the country have donated more than \$100,000 to help care for the dogs, and animal lovers from Florida to California have flown to Montana to help feed, water, groom and walk the collies.

Spectators whispered "Yes!" under their breaths as Howard denied the Harmans' requests first to dismiss the case and then to let them move their dogs to Arizona while they await a second trial.

Whether the dogs can remain in Shelby is another matter, however. Toole County Sheriff Donna Mattoon testified that the local 4-H club wants its building back by the first of April, although she said the organization might be willing to extend that deadline.

The regional office of the Humane Society of the United States is scouting for new sites to house "Camp Collie," but no deal has been announced.

On the witness stand, Lethcoe-Harman described the 40-foot-by-40-foot metal Quonset hut and four dog runs awaiting the collies on the Harmans' property south of Woodruff, Ariz. Defense attorney Scott Albers presented an affidavit signed by Winslow, Ariz., veterinarian Emerson Scott noting that the Harmans' new kennel met his approval.

Contacted later Monday, Scott said the kennel wasn't completed when he visited it in December, but he was impressed by the "extremely big" size of the four runs and by the Harmans' interest in treating their dogs humanely.

Parents sold interest

Lethcoe-Harman said she has given her parents, Jim and Nancy Lethcoe, a secured interest in the dogs in exchange for roughly \$30,000 that she can apply toward her legal bills. The Lethcoes are living in Arizona and would be able to care for the dogs while the case against the Harmans continues, Lethcoe-Harman said.

She repeated her desire to adopt out about 70 of the collies. Under cross-examination, she acknowledged that the kennel permit granted to her by Navajo County would allow an unlimited number of animals.

Albers spent half an hour trying to prove that the record-keeping during the first trial was inadequate and therefore grounds for rejecting a second trial. Howard denied the motion.

Albers also argued that, given the lack of evidence demonstrated by the

hung jury, there was no probable cause to go forward with the case. When he opened a law book to cite an argument he hadn't included in his written motion, Howard stopped him and made him close the book.

'Retrial's appropriate'

Montana has a long history of handling mistrials, Howard said.

"I can't imagine the legislature or the state Supreme Court would have created a Catch-22 situation" by which a mistrial would negate retrying a case, he said.

Albers said he'll ask the state Supreme Court to review that decision, but agreed that Howard shouldn't wait to hear the results before proceeding.

The bulk of the 2½-hour hearing was spent discussing Lethcoe-Harman's dissatisfaction with the care of the collies in Shelby. She said Toole County authorities not only allowed Jon Harman's personal fox terrier, Kryptonite, to be stolen out from under them and neutered, but they dodged questions about the theft for more than a month.

The dog disappeared two days after Christmas and was returned on Valentine's Day. Under oath, Toole County Undersheriff Don Hale said he didn't disclose the incident earlier because it was still under investigation and he wasn't certain the Harmans themselves hadn't taken Kryptonite. He said he also didn't want to upset Lethcoe-Harman any more than she already was in light of the upcoming trial.

He told her of the dog's disappearance the night the mistrial was declared.

Hale said the dog was traced to Lethbridge, Alberta, resident Kerry Lee King and said felony charges are pending.

Didn't know about surgery

Lethcoe-Harman, who moved to Shelby three months ago to be near the dogs, also protested that no one told her or asked her permission to perform surgery on a 10-year-old female collie, Link. The dog died last month, a couple of days after undergoing surgery for an anal-rectal tumor that was obstructing her bowels.

Matoon said she didn't think it was necessary to inform Lethcoe-Harman every time one of her dogs needed medical treatment.

"The animals are under my care and custody," Matoon said. If a problem arises, "We take care of it. We keep a record of it."

Albers tried to make an issue of the Humane Society's involvement in looking for new Camp Collie sites. Lethcoe-Harman said Jean Leavitt,

president of the American Working Collie Association -- which has donated tens of thousands of dollars in supplies and manhours toward caring for the collies -- co-owns a collie that has competed against Lethcoe-Harman's at shows.

Albers questioned openly whether all of the money raised by the Humane Society and the AWCA on behalf of the collies is actually getting to the dogs.

'Dogs too fat'

Lethcoe-Harman also complained that life at Camp Collie is making her dogs obese. On a veterinarian's scale of 1 to 9, she likes to keep her dogs at a 3 or 4, Lethcoe-Harman said. She said most of the dogs are now at 6 or 7 and some have reached a 9.

"One morning one of the bitches could barely stand up, she was so fat," Lethcoe-Harman protested.

"That wasn't the same one that had to be carried out of the truck" the night of Nov. 1, asked Teton County Attorney Joe Coble, who's helping prosecute the case.

Veterinarians testified during the first trial that a number of the Harmans' dogs were so emaciated they ranked a 2 on the scale.

Howard said the dogs were being treated well and humanely under Toole County's care and would remain in the county's custody.

'Agree on care'

The judge ordered both sides to draft a joint agreement addressing the care of the dogs. Among other things, Lethcoe-Harman wants permission to tape the ears of show-worthy collies so they will curl the proper degree.

Howard told her she's not allowed to take Panache outside Toole County except to Cut Bank, which Lethcoe-Harman said is a frequent destination.

The judge will review motions regarding the new trial at 10 a.m. April 4.

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Saturday, February 1, 2003

County will retry collie case

By CAROL BRADLEY
 Tribune Staff Writer

Stymied by a mistrial, Toole County will go to court a second time to try collie owners Jon Harman and Athena Lethcoe-Harman of Alaska on cruelty-to-animal charges, County Attorney Merle Raph announced Friday.

The trial may be held somewhere else this time around, however. Justice of the Peace Janice Freeland, who presided over the seven-day trial that ended Wednesday, has recused herself, according to Undersheriff Don Hale.

Raph said it's possible a second trial could be in four to eight weeks, but details have yet to be worked out.

The Harmans pleaded not guilty to 181 misdemeanor counts of animal cruelty. The first trial ended in a mistrial after the six-person jury was unable to reach a unanimous verdict. Five of the six wanted to acquit the Harmans. One juror wanted to convict.

The jurors made a pact not to identify which jurors voted guilty and which voted not guilty, forewoman Michelle Edwards said. The other five jurors were Toole County residents Joe Hofer, Terry Parsons, Della Dubbe and Daniel Roark.

Raph said he decided to seek a second trial after discussing the issue for the past two days with assisting prosecutor Joe Coble of Teton County and Toole County sheriff's officials.

Scott Albers, the attorney for the Harmans, declined comment, saying he's still discussing the matter with his clients.

The news assuaged animal lovers like Jean Levitt of Vermont who is president of the American Working Collie Association. The organization has raised thousands of dollars and provided elbow grease from around the country to care for the Harmans' 172 collies, five other dogs and 10 cats.

The animals have been in Toole County's custody since the Harmans were

arrested on Nov. 1.

"We wanted this news, we expected this news and we're very pleased that (Toole County) has done this," Levitt said from her hotel room in Shelby.

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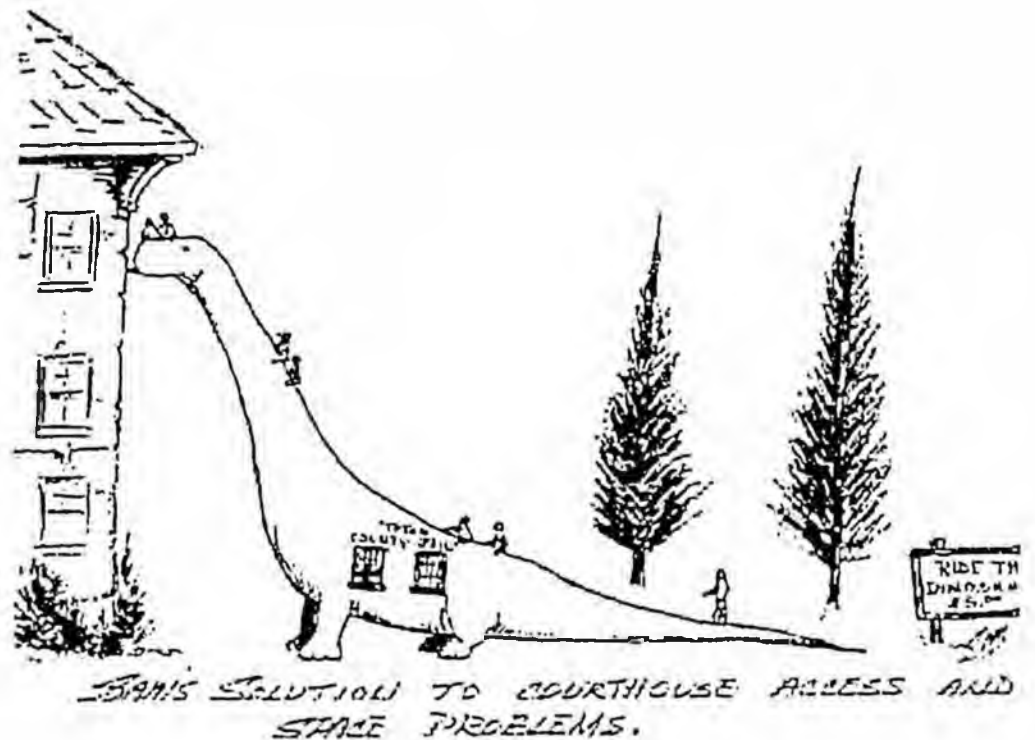
County Attorney

Joe Coble - Teton County Attorney
 Diane Graf - Legal Assistant
 P.O. Box 899
 Choteau 59422
 406-466-2860
 E-mail: joec@3rivers.net or diane@3rivers.net

Joe Coble, the Teton County Attorney is a full-time elected official. He represents both the county and the state of Montana and Teton County. As County Attorney, Joe is responsible for the prosecution of all felony crimes occurring in Teton County, and is also responsible for defending or prosecuting all civil claims for or against Teton County. Joe advises County departments regarding legal matters and, when necessary, represents the County in legal suits.

Please note that full-time County Attorneys are prohibited by law from:

1. Private practice
2. Representing private clients
3. Giving legal advice to private citizens.



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| 59422-0610 | |
| STREET ADDRESS | 110 SOUTH MAIN STREET |
| EMAIL ADDRESS | Sexton: tetoncc@3rivers.net |
| TELEPHONE NUMBER | 466-2151 |
| FAX NUMBER | 466-2138 |
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Report Animal Cruelty

Washington laws

Washington has two state animal-cruelty laws. They are RCW 16.52.205, animal cruelty in the first degree, and RCW 16.52.207, animal cruelty in the second degree.

RCW 16.52.205 Animal cruelty in the first degree.

(1) A person is guilty of animal cruelty in the first degree when, except as authorized in law, he or she intentionally (a) inflicts substantial pain on, (b) causes physical injury to, or (c) kills an animal by a means causing undue suffering, or forces a minor to inflict unnecessary pain, injury, or death on an animal.

(2) Animal cruelty in the first degree is a class C felony.

RCW 16.52.207 Animal cruelty in the second degree.

(1) A person is guilty of animal cruelty in the second degree if, under circumstances not amounting to first degree animal cruelty, the person knowingly, recklessly, or with criminal negligence inflicts unnecessary suffering or pain upon an animal.

(2) An owner of an animal is guilty of animal cruelty in the second degree if, under circumstances not amounting to first degree animal cruelty, the owner knowingly, recklessly, or with criminal negligence:

(a) Fails to provide the animal with necessary food, water, shelter, rest, sanitation, ventilation, space, or medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure; or (b) Abandons the animal.

(3) Animal cruelty in the second degree is a misdemeanor.

(4) In any prosecution of animal cruelty in the second degree, it shall be an affirmative defense, if established by the defendant by a preponderance of the evidence, that the defendant's failure was due to economic distress beyond the defendant's control.

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FURTHER: Finance

DATE TURNED
IN TO OFFICE: 5/6/04

Judiciary Committee considered CS FOR HOUSE BILL NO. 275(FIN)

HB 275 VETERINARIANS AND ANIMALS

"An Act relating to animals, and to the care of and to cruelty to animals."

and recommends:

- be replaced with 5 CS CS HB 275 (JUD)
- adopt previous _____ CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:

- Same Title
- New Title

House Bill:

- Same Title
- Technical Title Change
- New Title w/ SCR # _____

NEW FISCAL NOTE(S):

| Department | Date | Fiscal | Indet. | Zero | FN# |
|------------|------|--------|--------|------|-----|
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PREVIOUS FISCAL NOTE(S):

| Department | Date | Fiscal | Indet. | Zero | FN# |
|------------|------|--------|--------|------|-----|
| LAW | 3/28 | | | ✓ | 1 |
| DEC | 4/2 | | | ✓ | 2 |
| DPS | 4/1 | | | ✓ | 4 |
| ADM | 4/5 | | ✓ | | 5 |
| | | | | | |

APPROPRIATION - no fiscal note

| SIGNATURES AND RECOMMENDATIONS: | Do PASS | Do NOT PASS | No REC | AMEND |
|---------------------------------|---------|-------------|--------|-------|
| Ogen | | | X | |
| French | | | X | |
| | | | | |
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| Seelins CHAIR: | ✓ | | | |