

MAINE STATE LEGISLATURE

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Minority
CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 151, L.D. 186, Bill, "An Act Pertaining to the Possession of Animal Fighting Paraphernalia"

Amend the bill in section 2 in subsection 3 in the 3rd line (page 1, line 9 in L.D.) by inserting after the following: "hunting" the following: 'lawful animal competitions, field tests, field trials or shows'

Amend the bill in section 2 in subsection 3 in the 4th line (page 1, line 10 in L.D.) by inserting before the following: "hunting dogs" the following: 'law enforcement or'

Amend the bill by striking out all of section 4 (page 1, lines 18 to 28 in L.D.) and inserting the following:

'Sec. 4. 17 MRSA §1033, sub-§5 is enacted to read:

5. Possession of animal fighting paraphernalia. A person is guilty of possession of animal fighting paraphernalia if that person possesses, manufactures for sale, ships, transports or delivers:

A. An implement designed to be attached in place of a natural spur of a cock or other fighting bird in order to enhance the bird's fighting ability or ability to harm or kill another animal; or

B. A device or equipment solely used to train or condition an animal for participation in an animal fighting contest that the person knows or should have known is intended for use in an animal fighting show, exhibition, program or other activity featuring a fight between 2 or more animals, including, but not limited to, the following: a breaking stick, which is a device designed for insertion behind the molars of a dog for the purpose of breaking the dog's grip on another animal or object; a cat mill, which is a device that rotates around a central support with one arm designed to secure a dog and one arm designed to secure a cat, rabbit or other small animal beyond the grasp of the dog; a springpole, which is a biting surface attached to a stretchable device, suspended at a height sufficient to prevent a dog from reaching the biting surface while touching the ground; a weighted or unweighted chain collar weighing 10 pounds or more; a leather or mesh collar with a strap more than 2 inches in width;

1 a fighting pit, which is a walled area designed to contain a dogfight; and unprescribed
2 veterinary medicine that is a prescription drug.'

3 **SUMMARY**

4 This amendment is the minority report of the Joint Standing Committee on Criminal
5 Justice and Public Safety. The amendment does the following.

6 1. It amends the affirmative defense to prosecution under the Maine Revised
7 Statutes, Title 17, section 1033 to include lawful animal competitions, field tests, field
8 trials and shows and the training and use of law enforcement dogs.

9 2. It amends the new crime of possession of animal fighting paraphernalia to limit its
10 application to devices and equipment solely used to train or condition animals for fighting
11 and to situations in which a person knows or should have known the devices or
12 equipment were intended for use in an animal fighting show or exhibition.

13 3. It also provides examples and descriptions of types of animal fighting
14 paraphernalia.

FISCAL NOTE REQUIRED

(See attached)



124th MAINE LEGISLATURE

LD 186

LR 614(02)

An Act Pertaining to the Possession of Animal Fighting Paraphernalia

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Potential current biennium cost increase - General Fund

Correctional and Judicial Impact Statements

Increases the class of a crime from Class D to Class C

Establishes new Class C crimes; increases correctional and judicial costs

The average cost to state correctional facilities for one Class C crime incarceration is \$80,655.

There have been no charges filed for animal fighting offenses since 2002.