

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 962

H.P. 621

House of Representatives, March 11, 2025

**An Act to Establish the Offense of Aggravated Operating Under the
Influence Resulting in the Death of a Pet**

Received by the Clerk of the House on March 6, 2025. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative WHITE of Ellsworth.
Cosponsored by Senator GROHOSKI of Hancock and
Representatives: BISHOP of Bucksport, CLOUTIER of Lewiston, FRIEDMANN of Bar
Harbor, MCINTYRE of Lowell, SAYRE of Kennebunk, SMITH of Palermo, SWALLOW of
Houlton.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 29-A MRSA §2401, sub-§12-A** is enacted to read:

3 **12-A. Pet.** "Pet" has the same meaning as in Title 7, section 3907, subsection 22-B.

4 **Sec. 2. 29-A MRSA §2411-A** is enacted to read:

5 **§2411-A. Aggravated OUI resulting in death of pet**

6 **1. Aggravated OUI resulting in death of pet.** A person commits aggravated OUI
7 resulting in the death of a pet if the person commits an offense under section 2411,
8 subsection 1-A, paragraph A and, as a result of the offense, the person kills a pet.

9 **2. Penalties.** Notwithstanding section 2411, subsection 5, a person who violates
10 subsection 1 commits a Class C crime for which the following penalties apply:

11 A. A fine of not less than \$2,100 and not more than \$7,000;

12 B. A period of incarceration of not less than 6 months and not more than 2 years;

13 C. A court-ordered suspension of a driver's license for a period of 3 years; and

14 D. Mandatory community service related to animal welfare as determined by the court.

15 **3. Restitution.** In addition to any other penalty, the court shall order the defendant to
16 provide restitution to the owner of the pet killed as a result of an offense under this section
17 for:

18 A. Veterinary costs incurred as a result of the incident;

19 B. The market value of the pet; and

20 C. Emotional distress suffered by the owner of the pet in an amount not to exceed
21 \$3,000.

22 **SUMMARY**

23 This bill creates the offense of aggravated operating under the influence resulting in
24 the death of a pet and provides that it is a Class C crime with a mandatory fine, a period of
25 incarceration, a court-ordered suspension of a driver's license and mandatory community
26 service related to animal welfare. The bill also requires the offender to provide restitution
27 to the owner of the pet, including veterinary costs, the market value of the pet and a sum
28 for emotional distress.