

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
107TH LEGISLATURE

HOUSE AMENDMENT "A " to H.P. 457, L.D. 561,
Bill, "AN ACT for the Humane Treatment of
Animals in Schools, Public and Private."

Amend said Bill by striking out everything
after the enacting clause and inserting in place
thereof the following:

'Sec. 1. 17 MRSA §1051, as last repealed
and replaced by PL 1973, c. 788, §69, is
repealed and the following enacted in place
thereof:

§1051. Authority; definitions

The Commissioner of Agriculture or his agent
shall, as provided in Title 7, section 2, en-
force all provisions of this chapter, and,
wherever used in this chapter, unless otherwise
specified, the word "commissioner" means the
Commissioner of Agriculture or his agent.

In this chapter and in every law relating
to or affecting animals, the following words
shall have the following meanings or shall
include:

1. Animal. "Animal" shall include every
living sentient creature;

2. Chelonian. "Chelonian" shall mean
belonging or pertaining to the order Chelonia,
comprising the turtles;

3. Mammal. "Mammal" shall mean any
vertebrate of the class mammalia that feeds its
young with milk from the female mammary glands,
that has the body more or less covered with
hair and that, with the exception of the
monotremes, brings forth living young rather
than eggs;

4. Masculine. "Masculine" shall include the feminine;

5. Owner or person. "Owner or person" shall include corporations as well as individuals;

6. Singular. "Singular" shall include the plural;

7. Torment, torture and cruelty. "Torment, torture and cruelty" shall include every act, omission or neglect, whether by owner or other person, whereby unjustifiable physical pain, suffering or death is caused or permitted;

8. Vertebrate. "Vertebrate" shall mean a subphylum of chordate animals, comprising those having a brain enclosed in a skull or cranium and a segmented spinal column, including mammals, birds, reptiles, amphibians and fish.

Sec. 2. 17 MRSA §1055 is repealed and the following enacted in place thereof:

§1055. Vivisection prohibited in public and private schools

1. Use of animals in elementary schools. No school principal or headmaster shall allow any live vertebrate to be used in grades kindergarten through 8 of any public or private school as part of a scientific experiment or for any other purpose in which said vertebrates are experimentally medicated or drugged in a manner to cause painful reactions or to induce painful or lethal pathological conditions. No live vertebrate shall be used as part of a scientific experiment or for any other purpose in grades kindergarten through 8 in which said vertebrates are injured through any other type of treatment, including but not limited to anesthetization or electric shock.

2. Use of animals in secondary schools. No school principal or headmaster shall allow any live mammal, bird or chelonian, excepting bird eggs, to be used in any scientific experiment or for any other purpose in grades 9 through 12 in which said mammals, birds or chelonians are subjected to treatment and conditions prohibited in subsection 1.

3. Treatment of animals in general, in grades kindergarten through 12. Live animals used as class pets or for purposes not prohibited in section 1055, subsections 1 and 2 in grades kindergarten through 12 shall be housed and cared for in a safe and humane manner. Said animals shall not remain in school over periods when such schools are not in session, unless adequate care is provided at all times.

4. Standards of treatment. Any animal, whose use is permitted under this section, shall be treated in accordance with a set of ethical and humane standards to be promulgated by the Commissioner of Agriculture, Division of Animal Welfare after the consultation with representative groups in the State having an interest or expertise in the field of animal welfare, biology and education.

5. Enforcement. Enforcement shall be the responsibility of the Commissioner of Agriculture in consultation with the Commissioner of Educational and Cultural Services.

6. Penalty for violation. Whoever violates this section shall be punished by a fine of not more than \$75.'

Statement of Fact

This amendment will provide for more effective regulation of animal usage in the public and private schools and will permit the humane use of some animals for educational purposes.

Filed by Mr. Davies of Orono.

Reproduced and distributed under the direction of
the Clerk of the House.
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