

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST SPECIAL SESSION

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1978

S. P. 624

In Senate, January 19, 1976

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Hichens of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SIX

AN ACT Relating to Animal Welfare.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Legislature by the enactment of chapter 499 of the public laws of 1975 incorporated portions of Title 17, chapter 43, "cruelty to animals" into the Criminal Code, effective March 1, 1976; and

Whereas, said chapter repealed other portions of Title 17, chapter 43, "cruelty to animals," effective March 1, 1976, which portions are essential to the proper protection of animals within the State, particularly sections 1055 and 1058 of chapter 43 of Title 17 which had been amended by chapters 155 and 235 of the public laws of 1975; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 17 MRSA § 1055, as repealed and replaced by PL 1975, c. 155, § 2, and as last repealed by PL 1975, c. 499, § 6, is reenacted to read:

§ 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. These provisions shall also apply to any activity associated with or sponsored by the school system.

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. These provisions shall also apply to any activity associated with or sponsored by the school system.

3. Treatment of animals in general in grades kindergarten through 12. Live animals used as class pets or for purposes not prohibited in subsections 1 and 2 in grades kindergarten through 12 shall be housed or 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 violations. Whoever violates this section shall be punished by a fine of not more than \$75.

Sec. 2. 17 MRSA § 1058, as amended by PL 1975, c. 235 and as last repealed by PL 1975, c. 499, § 6, is reenacted to read:

§ 1058. Coloring or dyeing live animals or birds

It shall be unlawful to sell, offer for sale, give away or display within this State any live animals, reptiles or live birds of any kind which have been dyed or otherwise artificially colored or to sell in lots of less than 6, offer for sale, give away, raffle or display any live fowl or turtle under 2 months of age for use as toys or retail premiums or to sell, offer for sale, give away, raffle or display any live animal, fowl or reptile as a fund-raising device. Whoever violates this section shall be punished by a fine of not more than \$50.

Nothing in this section shall be construed to apply to any animal to be used or raised for agricultural purposes by persons with proper facilities otherwise authorized by law.

Sec. 3. 17-A MRSA § 510, sub-§1, ¶ D, as enacted by PL 1975, c. 499, § 1, is amended to read :

D. He owns, possesses, keeps, or trains any animal with the intent that it shall be engaged in an exhibition of fighting, or if he **instigates, promotes, attends or** has a pecuniary interest in or acts as a judge at any such exhibition of fighting animals; or

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect March 2, 1976.

STATEMENT OF FACT

The purpose of this bill is reflected in the emergency preamble.