

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 153, L.D. 205, Bill, "An Act to Prohibit and Provide a Penalty for Trespass by Animals"

Amend the bill by striking everything after the enacting clause and before the statement of fact and inserting in its place the following:

'7 MRSA c. 741 is enacted to read:

CHAPTER 741
ANIMAL TRESPASS

§4041. Animal trespass

1. Definitions. As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Animal control officer" or "law enforcement officer" means the animal control officer or law enforcement officer having jurisdiction over the area in which the livestock animal was found.

B. "Livestock animal" means dairy, feeding, beef or breeding cattle; horses; sheep; goats; donkeys; or swine.

C. "Trespass" means that a livestock animal of an owner or keeper has entered or been found on the property of another person.

2. Removal. The owner or keeper of a livestock animal shall be responsible, at the owner's or keeper's expense, for removing any livestock animal found trespassing. An animal control officer or law enforcement officer may, at the owner's or keeper's expense, remove and control a livestock animal found trespassing if:

A. The owner or keeper fails to remove the livestock animal

1 within 6 hours after having been notified by an animal
2 control officer or law enforcement officer that a livestock
3 animal owned or kept by the owner or keeper was trespassing;
4 or

5
6 B. The livestock animal is an immediate danger to itself,
7 persons or another's property.

8
9 3. Civil violation. A person commits a civil violation if a
10 livestock animal owned or kept by that person is found
11 trespassing and:

12 A. That person fails to remove the livestock animal within 6
13 hours after having been personally notified by an animal
14 control officer or law enforcement officer that a livestock
15 animal owned or kept by that person was trespassing; or

16
17 B. A livestock animal of that person had been found
18 trespassing on a prior occasion within the 12 months
19 immediately preceding the present trespass and the owner or
20 keeper had, at that time, been notified by an animal control
21 officer or law enforcement officer of that trespass.

22
23 4. Penalty. A forfeiture of not more than \$500 shall be
24 adjudged for a civil violation under subsection 3. In addition
25 the court may as part of the sentencing include an order of
26 restitution for damages caused by the livestock animal in
27 accordance with section 3964 and for costs incurred in removing
28 and controlling the livestock animal.

29
30 5. Exemption. A person shall not be liable under this
31 section if, at the time of the alleged trespass, that person was
32 licensed or privileged to allow the livestock to be on the
33 property.

34

FISCAL NOTE

35

36 The Judicial Department has indicated that it can absorb the
37 costs of this proposed legislation within existing resources.

38 If enacted, this legislation could result in a potential
39 increase of revenue to the General Fund in an amount which cannot
40 be precisely estimated at this time.

41

STATEMENT OF FACT

42

43 This amendment clarifies the intent of the original bill by
44 making the trespass of livestock on the property of another a
45 civil violation.

46

47 It also adds a fiscal note.