

MAINE STATE LEGISLATURE

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L.D. 894
(Filing No. S-110)

STATE OF MAINE
SENATE
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 333, L.D. 894, Bill, "An Act to Amend the Animal Welfare Laws "

Amend the bill by striking out the title and inserting in its place the following:

'An Act to Improve Enforcement of Animal Welfare Laws'

Further amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

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

Whereas, the inability of law enforcement personnel to arrest perpetrators for violations of animal welfare laws has allowed perpetrators to avoid punishment for their crimes; and

Whereas, criminal violators of the animal welfare laws commit reprehensible acts deserving of thorough and just prosecution; 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:

17 MRSA §1031, sub-§4, as enacted by PL 1987, c. 383, §4, is amended to read:

4. Criminal or civil prosecution. No A person may be arrested or detained for the crime of cruelty to animals in accordance with the rules of criminal procedure. No person may

COMMITTEE AMENDMENT "A " to S.P. 333, L.D. 894

1 be arrested or detained for the civil violation of cruelty to
2 animals. The attorney for the State shall elect to charge a
3 defendant with the crime of cruelty to animals under this section
4 or the civil violation of cruelty to animals under Title 7,
5 section 4011. In making this election, the attorney for the State
6 shall consider the severity of the cruelty displayed, the number
7 of animals involved, any prior convictions or adjudications of
8 animal cruelty entered against the defendant and such other
9 factors as may be relevant to a determination of whether criminal
10 or civil sanctions will best accomplish the goals of the animal
11 welfare laws in the particular case before ~~him~~ the attorney for
12 the State. The election and determination required by this
13 subsection shall not be subject to judicial review. The factors
14 involved in such election and determination are not elements of
15 the criminal offense or civil violation of animal cruelty and are
16 not subject to proof or disproof as prerequisites or conditions
17 for conviction under this subsection or adjudication under Title
18 7, section 4011.

19

20 **Emergency clause.** In view of the emergency cited in the
21 preamble, this Act shall take effect when approved.'

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23

STATEMENT OF FACT

24

25 The amendment clarifies the intent of the original bill that
26 arrest powers apply in cases of criminal cruelty to animals
27 committed in the presence of a law enforcement officer or after a
28 criminal complaint has been issued. The amendment changes the
29 bill to emergency legislation and will take effect upon approval.
30
31

Reported by Senator Kany for the Committee on Agriculture.
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(5/11/89) (Filing No. S-110)