



114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 894

S.P. 333

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In Senate, March 22, 1989

Reference to the Committee on Agriculture suggested and ordered printed.

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JOY J. O'BRIEN Secretary of the Senate

Presented by Senator CLARK of Cumberland. Cosponsored by Senator TWITCHELL of Oxford, Representative PINES of Limestone and Representative PARENT of Benton.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Amend the Animal Welfare Laws.

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

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

4. Criminal or civil prosecution. No person may be 7 arrested or detained for cruelty to animals unless cruelty to any animal is committed in the presence of a sheriff or police 9 officer or until after the issuance of a criminal complaint. The attorney for the State shall elect to charge a defendant with the 11 crime of cruelty to animals under this section or the civil violation of cruelty to animals under Title 7, section 4011. In 13 making this election, the attorney for the State shall consider the severity of the cruelty displayed, the number of animals 15 involved, any prior convictions or adjudications of animal cruelty entered against the defendant and such other factors as 17 may be relevant to a determination of whether criminal or civil sanctions will best accomplish the goals of the animal welfare 19 laws in the particular case before him the attorney for the State. The election and determination required by this subsection 21 shall not be subject to judicial review. The factors involved in such election and determination are not elements of the criminal 23 offense or civil violation of animal cruelty and are not subject to proof or disproof as prerequisites or conditions for 25 conviction under this subsection or adjudication under Title 7, section 4011.

STATEMENT OF FACT

This bill amends the law concerning cruelty to animals to allow arrest or detention of a perpetrator in 2 limited instances. Under this bill, a person could be arrested or detained if the cruelty is committed in the presence of a sheriff or police officer or after a criminal complaint has been issued.