

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 1349

H.P. 960

House of Representatives, April 18, 1995

**An Act to Clarify Animal Welfare Laws Relating to Euthanasia by Owners.**

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Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24.

Received by the Clerk of the House on April 13, 1995. Referred to the Committee on Agriculture, Conservation and Forestry and ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative KILKELLY of Wiscasset.  
Cosponsored by Senator: CASSIDY of Washington.

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

4 **Sec. 1. 7 MRSA §4011, sub-§1**, as enacted by PL 1987, c. 383,  
§3, is repealed:

6 **1. Cruelty to animals.** A person, including an owner or the  
owner's agent, is guilty of cruelty to animals if that person:

8  
10 **A. Kills or attempts to kill an animal belonging to another**  
**person without the consent of the owner or without legal**  
**privilege. A person, including an owner or the owner's**  
**agent, may not kill or attempt to kill an animal by a method**  
**that causes undue suffering. If a person, including an**  
**owner or the owner's agent, kills or attempts to kill an**  
**animal by a method that causes undue suffering or that does**  
**not cause instantaneous death, that person is guilty of**  
**cruelty to animals. The owner or occupant of property may**  
**use reasonable force that does not cause undue suffering to**  
**eject a trespassing animal;**

20  
22 **B. Injures, overworks, tortures, torments, abandons, gives**  
**poison, drugs or alcohol to, cruelly beats or mutilates an**  
**animal or exposes a poison with the intent that it be taken**  
**by an animal;**

26  
28 **C. Deprives an animal that the person owns or possesses of**  
**necessary sustenance, necessary medical attention, proper**  
**shelter, protection from the weather or humanely clean**  
**conditions; or**

30  
32 **D. Keeps or leaves a domestic animal on an uninhabited or**  
**barren island lying off the coast of Maine during the month**  
**of December, January, February or March without providing**  
**necessary sustenance and proper shelter.**

36 **Sec. 2. 7 MRSA §4011, sub-§1-A** is enacted to read:

38 **1-A. Animal cruelty.** A person, including an owner or the  
owner's agent, is guilty of cruelty to animals if that person  
40 **kills or attempts to kill a cat or dog:**

42 **A. By a method, agent or device that is different from that**  
**permitted by Title 17, section 1042; or**

44 **B. By shooting by a firearm unless:**

46 **(1) The animal is restrained in a humane manner;**

2                   (2) Shooting is performed by a person utilizing a  
4                   weapon and ammunition of suitable caliber and other  
                  characteristics to produce instantaneous death by a  
                  single shot;

6                   (3) Maximum precaution is taken to protect the general  
                  public, employees and other animals; and

8                   (4) The restraint and shooting do not cause undue  
10                   suffering.

12                   This subsection does not apply to veterinarians, pet shops,  
14                   shelters, kennels and boarding and breeding kennels.

**Sec. 3. 7 MRSA §4016**, as amended by PL 1993, c. 81, §1, is  
16 further amended to read:

18                   **§4016. Violation**

20                   Any A person who--violates, firm or corporation found in  
22                   violation of this chapter commits-a-civil-violation-for-which-a  
                  forfeiture-of-not-less-than-\$100-or-more-than-\$1,000-for-each  
24                   offense-must-be-adjudged-and-for-which-such-other-relief-as-may  
                  be--necessary--to--restore--the--animal--to--good--health--or--to  
26                   ameliorate-the-effects-of-cruelty-and-to-ensure-that-the-animal  
                  is-well-cared-for-may-be-ordered is guilty of a Class D crime.

28                   **Sec. 4. 17 MRSA §1031, sub-§1**, as enacted by PL 1993, c. 383,  
30 §4, is repealed and the following enacted in its place:

32                   **§1031. Cruelty to animals**

34                   1. Cruelty to animals. A person, including an owner or the  
                  owner's agent, is guilty of cruelty to animals if that person:

36                   A. Kills or attempts to kill an animal belonging to another  
                  person without the consent of the owner or without legal  
38                   privilege. A person, including an owner or the owner's  
                  agent, may not kill or attempt to kill an animal by a method  
40                   that causes undue suffering. If a person, including an  
                  owner or the owner's agent, kills or attempts to kill an  
42                   animal by a method that causes undue suffering or that does  
                  not cause instantaneous death, that person is guilty of  
44                   cruelty to animals. The owner or occupant of property may  
                  use reasonable force that does not cause undue suffering to  
46                   eject a trespassing animal;

48                   B. Injures, overworks, tortures, torments, abandons, gives  
                  poison, drugs or alcohol to, cruelly beats or mutilates an  
50                   animal or exposes a poison with the intent that it be taken  
                  by an animal;

52

2 C. Deprives an animal that the person owns or possesses of  
3 necessary sustenance, necessary medical attention, proper  
4 shelter, protection from the weather or humanely clean  
5 conditions; or .

6 D. Keeps or leaves a domestic animal on an uninhabited or  
7 barren island lying off the coast of this State during the  
8 month of December, January, February or March without  
9 providing necessary sustenance and proper shelter.

10 **Sec. 5. 17 MRSA §1031, sub-§1-A** is enacted to read:

11 **1-A. Animal cruelty.** A person, including an owner or the  
12 owner's agent, is guilty of cruelty to animals if that person  
13 kills or attempts to kill a cat or dog:

14 A. By a method, agent or device that is different from that  
15 permitted by Title 17, section 1042; or

16 B. By shooting by a firearm unless:

17 (1) The animal is restrained in a humane manner;

18 (2) Shooting is performed by a person utilizing a  
19 weapon and ammunition of suitable caliber and other  
20 characteristics to produce instantaneous death by a  
21 single shot;

22 (3) Maximum precaution is taken to protect the general  
23 public, employees and other animals; and

24 (4) The restraint and shooting do not cause undue  
25 suffering.

26 This subsection does not apply to veterinarians, pet shops,  
27 shelters, kennels and boarding and breeding kennels.

28 **Sec. 6. 17 MRSA §1041**, as enacted by PL 1987, c.383, §4, is  
29 amended to read:

30 **§1041. Euthanasia by prescribed methods**

31 No cat or dog may be destroyed by any method, agent or  
32 device except as described in Title 7, section 1031, subsection  
33 1, this subchapter and section 4011, subsection 1.

34 **Sec. 7. 17 MRSA §1047** is enacted to read:

35 **§1047. Application.**

2       This subchapter applies to the euthanasia of cats or dogs by  
3       veterinarians, pet shops, shelters, kennels and boarding and  
4       breeding kennels.

4

6

### STATEMENT OF FACT

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      This bill clarifies the animal welfare laws relating to  
euthanasia by owners.