

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

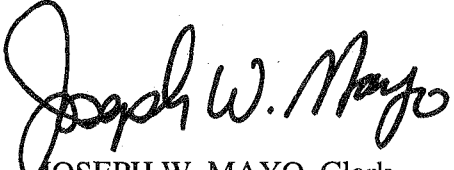
No. 461

H.P. 339

House of Representatives, January 23, 1997

An Act to Include Domestic Water Fowl in the Animal Trespass Statutes.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative PENDLETON of Scarborough.
Cosponsored by Representatives: McALEVEY of Waterboro, THOMPSON of Naples.

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

2 Sec. 1. 7 MRSA §4041, as amended by PL 1995, c. 351, §5, is
4 further amended to read:

6 **§4041. Animal trespass**

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

12 A. "Animal control officer" or "law enforcement officer"
14 means the animal control officer or law enforcement officer
having jurisdiction over the area in which the livestock
16 animal or domestic water fowl was found.

18 A-1. "Domestic water fowl" means ducks, geese and other
domestic water fowl.

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

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

28 **2. Removal.** The owner or keeper of a livestock animal or
domestic water fowl shall ~~be~~ is responsible, at the owner's or
30 keeper's expense, for removing any livestock animal or domestic
water fowl found trespassing. An animal control officer or law
32 enforcement officer may, at the owner's or keeper's expense,
remove and control a livestock animal or domestic water fowl
34 found trespassing if:

36 A. The owner or keeper fails to remove the livestock animal
or domestic water fowl within 6 hours after having been
38 notified by an animal control officer or law enforcement
officer that a livestock animal or domestic water fowl owned
40 or kept by the owner or keeper was trespassing; or

42 B. The livestock animal or domestic water fowl is an
immediate danger to itself, persons or another's property.

44 **3. Civil violation.** A person commits a civil violation if a
46 livestock animal or domestic water fowl owned or kept by that
person is found trespassing and:

48 A. That person fails to remove the livestock animal or
domestic water fowl within 6 hours after having been
50 personally notified by an animal control officer or law

2 enforcement officer that a livestock animal or domestic
3 water fowl owned or kept by that person was trespassing; or

4 B. A livestock animal or domestic water fowl of that person
5 had been found trespassing on a prior occasion within the 12
6 months immediately preceding the present trespass and the
7 owner or keeper had, at that time, been notified by an
8 animal control officer or law enforcement officer of that
9 trespass.

10
11 **4. Forfeiture.** A forfeiture of not more than \$500 must be
12 adjudged for a civil violation under subsection 3. In addition
13 the court may as part of the sentencing include an order of
14 restitution for costs incurred in removing and controlling the
15 livestock animal or domestic water fowl.

16
17 **5. Exemption.** A person ~~shall~~ is not ~~be~~ liable under this
18 section if, at the time of the alleged trespass, that person was
19 licensed or privileged to allow the livestock or domestic water
20 fowl to be on the property.

21
22
23 **SUMMARY**

24
25 This bill includes domestic water fowl such as ducks and
26 geese in the animal trespass laws.
27
28