

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

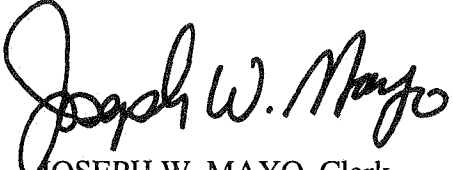
No. 1076

H.P. 788

House of Representatives, February 18, 1997

An Act to Criminalize Mistreatment of and Cruelty to Animals and to Enhance Reporting Requirements.

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


JOSEPH W. MAYO, Clerk

Presented by Representative BUMPS of China.
Cosponsored by Senator: DAGGETT of Kennebec.

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

2 **Sec. 1. 7 MRSA §3972, sub-§2**, as amended by PL 1989, c. 342,
4 §2, is further amended to read:

6 **2. Violation.** Any person who makes unlawful use of animals
8 contrary to this section commits a ~~civil-violation~~ crime for
10 which a ~~forfeiture~~ fine not to exceed ~~\$100~~ \$1,000 may be
12 adjudged. Notwithstanding Title 17-A, section 4-B, unlawful use
of animals is a Class E crime except that a term of imprisonment
may not be imposed. For the purposes of this section, "animal"
does not include lobsters or shellfish.

14 **Sec. 2. 7 MRSA §4013, sub-§3** is enacted to read:

16 **3. Fine.** Notwithstanding Title 17-A, sections 4-A, 4-B and
1301, a person who violates this section commits a Class D crime
for which a fine of not less than \$1,000 nor more than \$2,500 may
be adjudged and except that a term of imprisonment may not be
20 imposed.

22 **Sec. 3. 7 MRSA §4014**, as enacted by PL 1987, c. 383, §3, is
24 amended by adding at the end a new paragraph to read:

26 Notwithstanding Title 17-A, sections 4-A, 4-B and 1301, a
person who violates this section commits a Class E crime for
which a fine of not less than \$100 nor more than \$1,000 may be
adjudged and except that a term of imprisonment may not be
28 imposed.

30 **Sec. 4. 7 MRSA §4015, sub-§5** is enacted to read:

32 **5. Fine.** Notwithstanding Title 17-A, sections 4-A, 4-B and
1301, a person who violates this section commits a Class E crime
for which a fine of not less than \$500 nor more than \$1,000 may
be adjudged and except that a term of imprisonment may not be
36 imposed.

38 **Sec. 5. 7 MRSA §4016**, as amended by PL 1993, c. 81, §1, is
40 repealed and the following enacted in its place:

42 **§4016. Violation**

44 Except as otherwise specified in this chapter, and
notwithstanding Title 17-A, sections 4-A, 4-B and 1301:
46

48 **1. Fine.** Any person who violates this chapter commits a
Class E crime for which a fine of not less than \$1,000 or more
than \$2,500 for each offense must be adjudged and for which such
50 other relief as may be necessary to restore the animal to good

2 health or to ameliorate the effects of cruelty and to ensure that
3 the animal is well cared for may be ordered; and

4 2. Imprisonment not authorized. A term of imprisonment may
5 not be imposed.

6 Sec. 6. 7 MRSA §4018 is enacted to read:

8 **§4018. Report of suspected cruelty**

10 1. Duty to report. When, while acting in a professional
11 capacity, a veterinarian knows or has reasonable cause to suspect
12 that an animal is the subject of cruelty or neglect in violation
13 of this chapter, the veterinarian shall immediately report such
14 knowledge or suspicion to the local law enforcement agency or
15 animal control officer.

16 2. Violation. A person that violates this section commits
17 a civil violation for which a forfeiture not to exceed \$100 may
18 be adjudged.

22

23 **SUMMARY**

24

25 This bill makes the following changes to the laws governing
26 cruelty to and mistreatment of animals.

27 1. It increases the fine for unlawful use of animals from
28 \$100 to \$1,000 and changes it from a civil violation to a Class E
29 crime.

30 2. It increases the fine for failing to provide sustenance
31 to an animal from between \$100 and \$1,000 to between \$1,000 and
32 \$2,500 and changes it from a civil violation to a Class D crime.

33 3. It changes the violation of failure to provide necessary
34 medical attention to an animal from a civil violation to a Class
35 E crime.

36 4. It changes the fine for failure to provide shelter and
37 clean conditions for an animal from between \$100 and \$1,000 to
38 between \$500 and \$1,000 and changes it from a civil violation to
39 a Class E crime.

40 5. It changes the general fine for cruelty to animals from
41 between \$100 and \$1,000 to between \$1,000 and \$2,500 and changes
42 violation of the chapter from a civil violation to a Class E
43 crime.

48

2 6. It imposes a duty on a veterinarian who knows or has
reasonable cause to suspect that an animal is the subject of
4 cruelty or neglect to report such knowledge or suspicion to the
local law enforcement agency or animal control officer.