

MAINE STATE LEGISLATURE

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R. G. S.

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AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 982, L.D. 1362, Bill, "An Act to Improve the Administration of Animal Welfare Law"

Amend the bill by striking out all of sections 1 to 6.

Further amend the bill by striking out all of section 7 and inserting in its place the following:

'Sec. 7. 7 MRSA §3907, sub-§18-A, as enacted by PL 1993, c. 468, §5, is amended to read:

18-A. Livestock. "Livestock" means cattle, horses equines, sheep, goats, donkeys, swine or other animals if the animals are kept and used by a commercial farmer and domesticated deer, fowl and rabbits.'

Further amend the bill in section 8 in subsection 20 in the next to the last line (page 2, line 26 in L.D.) by striking out the following: "maliciously" and in the last line (page 2, line 27 in L.D.) by inserting after the following: "parts." the following: '"Mutilate" does not include conduct performed by a licensed veterinarian or conduct that conforms to accepted veterinary practices.'

Further amend the bill by striking out all of sections 9 to 14 and 16 to 58.

Further amend the bill by inserting after section 58 the following:

'Sec. 59. 7 MRSA §4011, sub-§1, ¶D, as repealed and replaced by PL 1995, c. 490, §20, is amended to read:

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2 D. Injures, overworks, tortures, torments, abandons or
3 cruelly beats or intentionally mutilates an animal; gives
4 drugs to an animal with an intent to harm the animal; gives
5 poison or alcohol to an animal; or exposes a poison with
6 intent that it be taken by an animal. The owner or occupant
7 of property is privileged to use reasonable force to eject a
8 trespassing animal;'

10 Further amend the bill in section 60 in paragraph G in the
11 in the first and 2nd lines (page 18, lines 46 and 47 in L.D.) by
12 striking out the following: "Uses any live animal as a prize,
13 premium or award or in any way hunts" and inserting in its place
14 the following: 'Hunts'

16 Further amend the bill by striking out all of section 61.

18 Further amend the bill in section 63 by striking out all of
19 paragraph B and inserting in its place the following:

20 'B. ~~Shelter~~ Except as provided in subsection 5, shelter
21 from inclement weather shall must be as follows.

24 (1) An artificial shelter, with a minimum of 3 sides
25 and a waterproof roof, appropriate to the local
26 climatic conditions for the species concerned shall
27 must be provided as necessary for the health of the
28 animal.

30 (2) If a dog is tied or confined unattended outdoors
31 under weather conditions which that adversely affect
32 the health of the dog, a shelter of suitable size with
33 a floor above ground and waterproof roof shall must be
34 provided to accommodate the dog and protect it from the
35 weather and, in particular, from severe cold.
36 Inadequate shelter may be indicated by the shivering of
37 the dog due to cold weather for a continuous period of
38 30 minutes.'

40 Further amend the bill in section 64 in subsection 5 in the
41 last line (page 20, line 2 in L.D.) by inserting after the
42 following: "~~weather.~~" the following: 'Notwithstanding this
43 subsection, shelter for equines must be provided in accordance
44 with subsection 2, paragraph B, subparagraph (1).'

46 Further amend the bill by striking out all of sections 65 to
47 76 and inserting in their place the following:

48 'Sec. 65. 16 MRSA §614, sub-§1-A is enacted to read:
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1-A. Limitation on release of identifying information: cruelty to animals. The names of and other identifying information on persons providing information pertaining to criminal or civil cruelty to animals to the Department of Agriculture, Food and Rural Resources is confidential information and may not be disseminated.

Sec. 66. 17 MRSA §1011, sub-§18-A is enacted to read:

18-A. Livestock. "Livestock" means cattle, equines, sheep, goats, swine and domesticated deer, fowl and rabbits.'

Further amend the bill in section 77 in the next to the last line (page 23, line 44 in L.D.) by striking out the following: "maliciously" and in the last line (page 23, line 45 in L.D.) by inserting after the following: "parts." the following: 'Mutilate' does not include conduct performed by a licensed veterinarian or conduct that conforms to accepted veterinary practices.'

Further amend the bill by striking out sections 78 to 86 and inserting in their place the following:

Sec. 78. 17 MRSA §1031, sub-§1, ¶D, as repealed and replaced by PL 1995, c. 490, §25, is amended to read:

D. Injures, overworks, tortures, torments, abandons or cruelly beats or intentionally mutilates an animal; gives drugs to an animal with an intent to harm the animal; gives poison or alcohol to an animal; or exposes a poison with intent that it be taken by an animal. The owner or occupant of property is privileged to use reasonable force to eject a trespassing animal;'

Further amend the bill in section 88 in paragraph G in the first 2 lines (page 27, lines 8 and 9 in L.D.) by striking out the following: "Uses any live animal as a prize, premium or award or in any way hunts" and inserting in its place the following: 'Hunts' and in 3rd line (page 27, line 10 in L.D.) by striking out the following: "domesticated animal or"

Further amend the bill by striking out all of sections 90 and 91.

Further amend the bill in section 93 by striking out all of paragraph B and inserting in its place the following:

'B. Shelter Except as provided in subsection 5, shelter from inclement weather shall must be as follows.

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(1) An artificial shelter, with a minimum of 3 sides and a waterproof roof, appropriate to the local climatic conditions for the species concerned shall must be provided as necessary for the health of the animal.

(2) If a dog is tied or confined unattended outdoors under weather conditions which that adversely affect the health of the dog, a shelter of suitable size with a floor above ground and waterproof roof shall must be provided to accommodate the dog and protect it from the weather and, in particular, from severe cold. Inadequate shelter may be indicated by the shivering of the dog due to cold weather for a continuous period of 30 minutes.'

Further amend the bill in section 94 in subsection 5 in the last line (page 29, line 7 in L.D.) by inserting after the following: "weather." the following: 'Notwithstanding this subsection, shelter for equines must be provided in accordance with subsection 2, paragraph B, subparagraph (1).'

Further amend the bill by striking out all of sections 96 to 98 and inserting in their place the following:

'Sec. 96. Authority to report out bill. The Joint Standing Committee on Agriculture, Conservation and Forestry is authorized to report out a bill making revisions to the animal welfare laws during the Second Regular Session of the 118th Legislature. In developing the bill, the committee shall consider each of the provisions proposed in L.D. 1362 as originally printed in the First Regular Session of the 118th Legislature.'

Further amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

Further amend the bill by inserting at the end before the summary the following:

'FISCAL NOTE

This bill may increase prosecutions for Class D crimes. If a jail sentence is imposed, the additional costs to the counties are estimated to be \$83.78 per day per prisoner. These costs are not reimbursed by the State. The number of prosecutions that may result in a jail sentence and the resulting costs to the county jail system are expected to be insignificant.

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2 The additional workload, administrative costs and indigent
4 defense costs associated with the minimal number of new cases
6 filed in the court system can be absorbed within the budgeted
resources of the Judicial Department. The collection of
additional fines may also increase General Fund revenue by minor
amounts.

8 This bill may also increase the number of prosecutions of
10 civil violations and civil suits filed in the court system. The
12 additional workload and administrative costs associated with the
14 minimal number of new cases filed can be absorbed within the
budgeted resources of the Judicial Department. The collection of
additional fines and filing fees may also increase General Fund
revenue by minor amounts.

16 The Department of Agriculture, Food and Rural Resources will
18 incur some minor additional costs to administer various changes
in the Animal Welfare Law. These costs can be absorbed within
the department's existing budgeted resources.'

22 **SUMMARY**

24 The amendment strikes several sections from the original
26 bill. It authorizes the Joint Standing Committee on Agriculture,
Conservation and Forestry to report out a bill making revisions
28 to the animal welfare laws during the Second Regular Session of
the 118th Legislature and to consider the sections removed from
L.D. 1362 when developing the bill. The bill as amended provides
30 for the following changes in the animal welfare laws.

32 1. It changes the definition of "livestock" to include
domesticated deer, fowl and rabbits.

34 2. It removes the qualification that other animals kept and
36 used by a commercial farmer are livestock.

38 3. It adds a definition for livestock to the animal welfare
laws in the Maine Revised Statutes, Title 17 that is identical to
40 the amended definition for animal welfare laws in Title 7.

42 4. It amends the definition of "mutilation." The current
definition is incomplete. It gives examples of mutilation but
44 does not fully define them.

46 5. It allows a state veterinarian or state humane agents to
represent the State in proceedings for civil violations.

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2 6. It makes hunting or selling for the purpose of hunting
any animal that is not covered by provisions of the Maine
4 Revised Statutes, Title 12, Part 10 a violation of cruelty to
animals laws.

6 7. It amends the requirements for providing shelter to an
animal. Livestock must be provided with shelter suitable for the
8 health of that livestock. The shelter requirements for equines
remain as in current law.

10 8. It requires that the names and other identifying
12 information be kept confidential on people providing information
to the department of criminal and civil cruelty to animals.

14 9. It allows the court to order a defendant convicted of
16 criminal cruelty to animals to pay costs incurred for care of the
animal and prosecution of the case.

18 10. It also authorizes the court to prohibit a violator
20 from keeping an animal and to require the defendant as a
condition of probation to get psychological counseling at the
22 defendant's expense.

24 11. It also adds a fiscal note to the bill.

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