

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 1709

H.P. 1199

House of Representatives, March 9, 1999

### **An Act to Strengthen Maine's Animal Welfare Laws.**

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Reference to the Committee on Criminal Justice suggested and ordered printed.

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

JOSEPH W. MAYO, Clerk

Presented by Representative McALEVEY of Waterboro.  
Cosponsored by Senator CAREY of Kennebec and  
Representatives: BULL of Freeport, KNEELAND of Easton, LaVERDIERE of Wilton,  
LABRECQUE of Gorham, McGLOCKLIN of Embden, SHERMAN of Hodgdon,  
STANWOOD of Southwest Harbor.

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

Sec. 1. 17 MRSA §1011, sub-§23-A is enacted to read:

23-A. Proper shelter and protection from the weather.  
"Proper shelter" and "protection from the weather" means meeting  
the minimum indoor standards of shelter or minimum outdoor  
standards of shelter, as appropriate.

A. "Minimum indoor standards of shelter" means:

(1) That ambient temperature must be compatible with  
the health of the animal; and

(2) That indoor housing facilities must be adequately  
ventilated by natural or mechanical means to provide  
for the health of the animals at all times.

B. "Minimum outdoor standards of shelter" means:

(1) That for animals, not including equines, where  
sunlight is likely to cause heat exhaustion of an  
animal tied or caged outside, sufficient shade by  
natural or artificial means must be provided to protect  
the animal from direct sunlight. If the animal is tied  
or caged outside under weather conditions that could  
adversely affect the health of the animal, a shelter of  
suitable size and waterproof roof must be provided to  
protect the animal from the weather and severe cold.  
As used in this paragraph, "caged" does not include  
farm fencing used to confine farm animals;

(2) That for livestock, not including equines, either  
a constructed or natural shelter large enough to  
accommodate all livestock comfortably at one time must  
be available. The shelter must be well drained and  
protect the livestock from direct sun, rain, sleet,  
snow, wind or other inclement weather; and

(3) That for equines, an artificial shelter with a  
minimum of 3 sides and a waterproof roof, appropriate  
to the local climatic conditions, must be provided as  
necessary for the health of the equine.

Minimum standards for shelter, unless otherwise set out in this  
subsection, are set out in section 1037 and Title 7, section 4015.

## SUMMARY

This bill sets forth a definition of proper shelter in the criminal cruelty to animals statute. The proposed language

2 tracks the language currently contained in the law governing  
civil violations. This language gives prosecutors a clear  
4 definition of proper shelter upon which to rely when deciding  
whether or not to bring criminal animal cruelty charges.