

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 2007

H.P. 1402

House of Representatives, March 23, 1999

An Act to Amend the Laws Concerning Abuse of Domesticated Animals.

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

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

JOSEPH W. MAYO, Clerk

Presented by Representative AHEARNE of Madawaska.
Cosponsored by Senator BENNETT of Oxford and
Representatives: BAGLEY of Machias, O'BRIEN of Augusta, STEVENS of Orono,
TWOMEY of Biddeford, WHEELER of Eliot.

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

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50

Sec. 1. 17 MRSA §1031, sub-§1, ¶F, as amended by PL 1997, c. 456, §14, is further amended to read:

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

Sec. 2. 17 MRSA §1031, sub-§1, ¶G, as enacted by PL 1997, c. 456, §15, is amended to read:

G. Hunts or sells for the purpose of hunting any animal that is not covered by the provisions of Title 12, Part 10 or

Sec. 3. 17 MRSA §1031, sub-§1, ¶H is enacted to read:

H. Transports any animal in that person's possession or custody in a manner injurious to the health, safety or physical well-being of the animal.

Sec. 4. 17 MRSA §1031, sub-§1-A, as enacted by PL 1995, c. 490, §26, is amended to read.

1-A. **Animal cruelty.** Except as provided in paragraphs paragraph A and B, a person is guilty of cruelty to animals if that person kills or attempts to kill a cat or dog.

A. A licensed veterinarian or a person certified under section 1042 may kill a cat or dog according to the methods of euthanasia under chapter 42, subchapter IV.

~~B. A person who owns a cat or dog, or the owner's agent, may kill that owner's cat or dog by shooting with a firearm provided the following conditions are met.~~

~~(1) The shooting is performed by a person 18 years of age or older using a weapon and ammunition of suitable caliber and other characteristics to produce instantaneous death by a single shot.~~

~~(2) Death is instantaneous.~~

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

~~(4) Any restraint of the cat or dog during the shooting does not cause undue suffering.~~

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

4 1-B. Aggravated cruelty to animals. A person commits the
6 crime of aggravated cruelty to animals if a person intentionally
8 kills or attempts to kill an animal by means that cause the
 animal undue pain or suffering.

10 **Sec. 6. 17 MRSA §1031, sub-§3**, as amended by PL 1997, c. 690,
§70, is further amended to read:

12 **3. Penalty.** Cruelty to animals is a Class D crime. In
14 addition to any other penalty authorized by law, the court shall
16 impose a fine of not less than \$250 for ~~each violation of this~~
18 ~~section~~ a first offense. A 2nd or subsequent offense of cruelty
20 to animals is a Class D crime and the court shall impose a fine
 of not less than \$500. The court may order the defendant to pay
the costs of the care, housing and veterinary medical treatment
for the animal.

22 The court, as part of the sentence, may prohibit the defendant
24 from owning, possessing or having on the defendant's premises an
26 animal or animals as determined by the court for a period of
28 time, up to and including permanent relinquishment, as determined
30 by the court. A person placed on probation for a violation of
32 this section with a condition that prohibits owning, possessing
34 or having an animal or animals on the probationer's premises is
36 subject to revocation of probation and removal of the animal or
38 animals at the probationer's expense if this condition is
40 violated. The court, as part of the sentence may, shall order,
as a condition of probation, that the defendant be evaluated to
determine the need for psychiatric or psychological counseling,
and, if it is determined appropriate by the court, to receive
psychiatric or psychological counseling at the defendant's
expense. The court, as part of the sentence, shall order the
defendant to pay for the cost of keeping the animal during the
court proceedings, and if the animal is removed from the
defendant's premises, the defendant shall be ordered to pay for
the expense of caring for the animal.

42 **Sec. 7. 17 MRSA §1031, sub-§5** is enacted to read:

44 5. Animal confiscated. A law enforcement officer, animal
46 control officer or officer of a duly licensed humane society may
48 take into temporary protective custody an animal when there is
50 probable cause to believe that the animal has been abused or
neglected in violation of subsections 1 and 1-B when there is a
clear and imminent danger to the animal's health or life and
there is not sufficient time to obtain a court order. The
officer shall leave a written notice indicating the kind and

2 number of animals taken into protective custody, the name of the
3 officer, the time and date taken, the reason the animal was
4 taken, the procedure to have the animal returned and any other
5 relevant information. The notice must be left at the location
6 where the animal was taken into protective custody. The officer
7 shall provide for proper care and housing of an animal taken into
8 protective custody under this subsection. If, after 7 days, the
9 animal has not been returned or claimed, the officer shall
10 petition the municipal or district court seeking either permanent
11 custody or a one-week extension of protective custody or shall
12 file charges. If a week's extension is granted by the court and
13 after a period of 14 days the animal remains unclaimed, the title
14 and custody of the animal rests with the officer on behalf of the
15 officer's department or society. The officer's department or
16 society may dispose of the animal in any lawful and humane manner
17 as if the department or society were the rightful owner. If
18 after 14 days the officer or the officer's department determines
19 that charges should be filed, the officer shall petition the
20 court.

21 **Sec. 8. 17 MRSA §1035, sub-§2, as enacted by PL 1987, c. 383,**
22 **§4, is amended to read:**

23 **2. Water.** If potable water is not accessible to the animal
24 at all times, it shall must be provided daily and in sufficient
25 quantity for the health of the animal. Snow or ice is not an
26 adequate water source.

27

28

SUMMARY

29
30
31
32 The bill amends the laws concerning abuse of domesticated
33 animals. The bill adds language as to what constitutes cruelty
34 to animals. The bill repeals the section of law that allows an
35 owner to shoot a cat or dog. The bill adds the crime of
36 aggravated cruelty to animals. The bill also adds as a penalty
37 for cruelty to animals that a court shall order a defendant to
38 pay for the cost of caring for an animal pending the decision of
39 the court on the charge of cruelty to animals. The bill also
40 changes the fine for a 2nd or subsequent offense of cruelty to
animals to not less than \$500.