

MAINE STATE LEGISLATURE

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RES

L.D. 628

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DATE: 4-30-01

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to H.P. 488, L.D. 628, Bill, "An Act to Prohibit Certain Conduct Relating to Elephants"

Amend the bill in section 1 in that part designated "~~§3973.~~" in subsection 1 by striking out all of paragraph B and inserting in its place the following:

'B. "Owner or operator" means the person having responsibility for a traveling exhibition.'

Further amend the bill in section 1 in that part designated "~~§3973.~~" by striking subsections 2 and 3 and inserting in their place the following:

'2. Prohibition. An owner or operator shall ensure that a member of the public has no actual physical contact, including, but not limited to, rides, feedings and photo opportunities, with the elephant.'

'3. Records. The owner or operator of a traveling exhibition shall ensure that all veterinary records for an elephant used in that traveling exhibition are current and that all recommendations of veterinarians regarding the medical condition of the elephant are being followed. The owner or operator shall make these records available for inspection by the State Veterinarian or an inspector from the department.'

'4. Inspection. The State Veterinarian or an inspector may conduct an inspection of an elephant used in a traveling exhibition and the veterinary records of that elephant kept pursuant to subsection 3. If, in conducting the inspection, the State Veterinarian or the or the inspector determines that the

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2 elephant is not in good health or that the elephant poses a
4 threat to the safety of the public, the elephant may not be used
6 in the traveling exhibition and must be kept in an area away from
8 the public until the State Veterinarian or inspector determines
10 that the elephant is in good health and does not pose a threat to
12 the safety of the public.

14 5. Penalty. An owner or operator who violates this section
16 commits a Class E crime except that, notwithstanding Title 17-A,
18 section 4-A, subsection 2-A, the owner or operator may not be
20 imprisoned for a period that exceeds 90 days.

22 6. Rulemaking. The department shall adopt rules to carry
24 out the purposes of this section. Rules adopted pursuant to this
26 subsection are routine technical rules as defined in Title 5,
28 chapter 375, subchapter II-A.'

30 **FISCAL NOTE**

32 The Department of Agriculture, Food and Rural Resources will
34 incur some minor additional costs to adopt certain rules
36 pertaining to elephants. These costs can be absorbed within the
38 department's existing budgeted resources.

40 **SUMMARY**

42 This amendment does the following:


44 1. It removes the prohibition in the bill against the use
46 of elephants that perform tricks, fight or participate in a
48 performance for the amusement or entertainment of an audience.
Instead, this amendment prohibits the owner or operator of a
traveling exhibition using an elephant from allowing members of
the public to have any actual physical contact with that
elephant, including rides, feedings or photo opportunities;

2. It requires the owner or operator to ensure that the
veterinary records of the elephant are current and that all
recommendations of veterinarians regarding the medical condition
of the elephant are being followed. The owner or operator is
required to make these records available for inspection by the
State Veterinarian or an inspector from the Department of
Agriculture, Food and Rural Resources;

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2 3. If the State Veterinarian or inspector from the
3 Department of Agriculture, Food and Rural Resources conducts an
4 inspection and determines that the elephant is not in good health
5 or poses a threat to the safety of the public, the elephant must
6 be kept away from the public and may not be used in the
7 exhibition until the State Veterinarian or inspector determines
8 that the elephant is in good health and does not pose a threat to
9 the public; and

10 4. It imposes a Class E crime, with a maximum sentence of
11 imprisonment of 90 days, on an owner or operator for a violation
12 of these provisions.

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16 SPONSORED BY: 
17 (Representative C. MUSE)

18 TOWN: South Portland
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