

# MAINE STATE LEGISLATURE

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1008

L.D. 1283

DATE: May 9, 2001

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CRIMINAL JUSTICE

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STATE OF MAINE
SENATE
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 386, L.D. 1283, Bill, "An Act to Amend the Criminal Laws with Regard to Animal Welfare"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 17 MRSA §1031, sub-§1, ¶G, as amended by PL 1999, c. 765, §11, is further amended to read:

G. Hunts or sells for the purpose of hunting any animal, except as permitted pursuant to Title 7, chapter 202-A and Title 12, Part 10; or

Sec. 2. 17 MRSA §1031, sub-§1, ¶H, as enacted by PL 1999, c. 254, §21, is amended to read:

H. Injects, inserts or causes ingestion of any substance used solely to enhance the performance of an animal by altering the animal's metabolism to that animal's detriment, including but not limited to excessive levels of sodium bicarbonate in equines used for competition; or

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

I. Commits bestiality on an animal. For purposes of this paragraph, "commits bestiality" means that a person:

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- 2           (1) Engages in a sexual act with an animal for the  
             purpose of that person's sexual gratification;
  
- 4           (2) Coerces anyone to engage in a sexual act with an  
             animal;
  
- 6
  
- 8           (3) Engages in a sexual act with an animal in the  
             presence of a minor;
  
- 10           (4) Uses any part of the person's body or an object to  
             sexually stimulate an animal;
  
- 12
  
- 14           (5) Videotapes a person engaging in a sexual act with  
             an animal; or
  
- 16           (6) For the purpose of that person's sexual  
             gratification, kills or physically abuses an animal.

18  
20           For purposes of this paragraph, "sexual act" means any act  
22           between a person and an animal involving direct physical  
             contact between the genitals of one and the mouth or anus of  
             the other, or direct physical contact between the genitals  
24           of one and the genitals of the other. A sexual act may be  
             proved without allegation or proof of penetration.

26           This paragraph may not be construed to prohibit normal and  
28           accepted practices of animal husbandry.'

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

32  
**'FISCAL NOTE**

34  
36           This bill may increase prosecutions for Class C crimes.  
38           Sentences of more than 9 months imposed for Class C crimes must  
             be served in state correctional institutions. The cost to the  
             State per sentence is \$71,306 based upon an average length of  
             stay of 2 years and 5 months.

40  
42           This bill may increase prosecutions for Class D crimes. If  
44           a jail sentence is imposed, the additional costs to the counties  
             are estimated to be \$83.36 per day per prisoner. 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.

46  
48           The Judicial Department may require additional General Fund  
             appropriations to cover indigent defense costs related to these  
             new cases. The amounts can not be estimated at this time. The  
50           additional workload and administrative costs associated with the

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2 minimal number of new cases filed in the court system can be  
absorbed within the budgeted resources of the Judicial  
4 Department. The collection of additional fines may also increase  
General Fund revenue by minor amounts.'

6

### SUMMARY

8

10 This amendment replaces the bill. The amendment amends  
criminal animal cruelty laws to include the act of committing  
bestiality. The amendment also adds a fiscal note.

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