

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1283

S.P. 386

In Senate, February 28, 2001

An Act to Amend the Criminal Laws with Regard to Animal Welfare.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator LaFOUNTAIN of York.
Cosponsored by Senators: DAVIS of Piscataquis, ABROMSON of Cumberland, DAGGETT of Kennebec, DOUGLASS of Androscoggin, KILKELLY of Lincoln, McALEVEY of York,
Representatives: MAYO of Bath, SULLIVAN of Biddeford.

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

2
4 **Sec. 1. 17-A MRSA §210, sub-§§3 and 4** are enacted to read:

6 3. A person is guilty of terrorizing if that person
8 communicates to any person a threat to commit or cause to be
10 committed a crime of violence dangerous to any animal, and the
12 natural and probable consequence of such a threat, whether or not
14 such consequence in fact occurs, places the person to whom the
16 threat is communicated in reasonable fear that the crime will be
18 committed.

20 4. Violation of subsection 3 is a Class D crime, except
22 that the sentencing class is one class higher if the State pleads
24 and proves that the person to whom the treat was communicated was
26 a minor.

28 **Sec. 2. 17-A MRSA §251, sub-§1, ¶C**, as repealed and replaced
30 by PL 1985, c. 495, §5, is amended to read:

32 C. "Sexual act" means:

34 (1) Any act between 2 persons involving direct
36 physical contact between the genitals of one and the
38 mouth or anus of the other, or direct physical contact
40 between the genitals of one and the genitals of the
42 other;

44 (2) Any act between a person and an animal ~~being-used~~
46 ~~by another person which act involves~~ involving direct
48 physical contact between the genitals of one and the
50 mouth or anus of the other, or direct physical contact
 between the genitals of one and the genitals of the
 other; or

 (3) Any act involving direct physical contact between
 the genitals or anus of one and an instrument or device
 manipulated by another person when that act is done for
 the purpose of arousing or gratifying sexual desire or
 for the purpose of causing bodily injury or offensive
 physical contact.

 A sexual act may be proved without allegation or proof of
 penetration.

Sec. 3. 17-A MRSA §260 is enacted to read:

§260. Bestiality

1. A person is guilty of bestiality if that person:

- 2 A. Engages in a sexual act with an animal with the intent
3 of sexual gratification of the person;
- 4
- 5 B. Coerces anyone to engage in a sexual act with an animal;
- 6
- 7 C. Engages in a sexual act with an animal in the presence
8 of a minor;
- 9
- 10 D. Uses any part of the person's body or an object to
11 sexually stimulate an animal;
- 12
- 13 E. Videotapes a person engaging in a sexual act with an
14 animal; or
- 15
- 16 F. For the purpose of that person's sexual gratification,
17 kills or physically abuses an animal.

18 This subsection may not be construed to prohibit normal and
19 accepted practices of animal husbandry.

20

21 2. Bestiality is a Class C crime, except that a violation
22 of subsection 1, paragraph C is a Class B crime.

23

24 Notwithstanding section 1301, the court may require a
25 defendant convicted under this section to pay a fine up to
26 \$10,000. The court may require a convicted defendant to undergo
27 psychological evaluation and counseling at the defendant's
28 expense and may prohibit the convicted defendant from residing in
29 a home in which animals are kept, working or volunteering
30 services in a facility where animals are kept or owning any
31 animals for a specified period or permanently.

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SUMMARY

37 This bill amends the criminal terrorizing statutes to make
38 it unlawful to elicit fear in a person by threatening to abuse an
 animal. This bill also criminalizes bestiality.