

# MAINE STATE LEGISLATURE

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MS  
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L.D. 327

DATE: 4-28-03

(Filing No. S-85)

AGRICULTURE, CONSERVATION AND FORESTRY

Reported by: Minority

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STATE OF MAINE  
SENATE  
121ST LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 109, L.D. 327, Bill, "An Act to Prevent Abuse of Elephants"

Amend the bill by striking out the title and substituting the following:

'An Act To Prevent Abuse of Elephants and To Provide for Public Safety'

Further amend the bill by striking out all of section 1 and inserting in its place the following:

'Sec. 1. 7 MRSA §3973 is enacted to read:

§3973. Elephant displays and contact

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Display" means an exhibit, act, circus, public show, trade show, photographic opportunity, carnival, parade, petting zoo or zoo.

B. "Knowingly" has the same meaning as in Title 17-A, section 35, subsection 2.

C. "Traveling exhibition" means a display that has no permanent legal residence or situs in this State or remains continuously at any one location within this State for a period less than 60 days.

**COMMITTEE AMENDMENT**

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2. Requirement to file itinerary with department. A person bringing an elephant into the State as part of a traveling exhibition shall notify the department by filing a copy of the itinerary for the traveling exhibition a minimum of 30 days prior to entering the State. The filed itinerary must include the date and location of each performance or display of animals in the State. The person shall update the itinerary as necessary to ensure that the department knows the whereabouts of an elephant brought into this State. Failure to file and update an itinerary as required in this subsection is a civil violation for which a fine of not more than \$1,000 may be adjudged.

3. Transportation requirements. The ambient temperature in a compartment used to transport an elephant must be maintained between 45 degrees and 85 degrees Fahrenheit. The compartment must be ventilated in a manner that prevents the buildup of noxious fumes or odors. An owner or manager of an elephant transported in violation of this subsection commits a Class E crime.

4. Inspection. The commissioner, a state humane agent, a veterinarian employed by the State or a licensed veterinarian at the direction of the commissioner may, at any reasonable time, enter an area where an elephant is kept or a compartment in which an elephant is transported to inspect for compliance with this section, the shelter and care requirements established in chapter 739 and rules adopted in accordance with section 4017. The commissioner may inspect a traveling exhibition in accordance with the sanitation and health rules established by the department and for compliance with laws and rules, including permitting requirements, of the Department of Inland Fisheries and Wildlife pertaining to wildlife importation and possession. A veterinarian employed by the State or a licensed veterinarian at the direction of the commissioner may, at any reasonable time, examine an elephant to determine the animal's health and look for signs of injury or abuse. A person employed by the traveling exhibition and responsible for care of the elephant shall assist the veterinarian as needed in making the examination.

5. Tethering of elephants. An elephant must have a minimum of one hour each day, not including performance time, during which the animal's legs are not tethered or restrained by chains. An owner or manager of an elephant kept in violation of this subsection commits a Class E crime.

6. Equipment prohibited. A person may not use any device that emits an electrical current on an elephant. A person may not use a hooked instrument in a manner that causes damage,

2 scarring or breakage of the skin. A violation of this subsection  
3 is a Class D crime.

4 7. Contact prohibited. A person owning or having control  
5 of an elephant may not knowingly allow a person to ride an  
6 elephant, except for a person employed to train, exhibit or  
7 provide care to the elephant.

8 A violation of this subsection is a Class E crime.

10 8. Cruelty to animals violations. A person whose behavior  
11 constitutes cruelty to animals under section 4011 or under Title  
12 17, section 1031 is subject to civil action under section 4016 or  
13 criminal prosecution under Title 17, section 1031.'

### 16 SUMMARY

18 This amendment is the minority report of the Joint Standing  
19 Committee on Agriculture, Conservation and Forestry. It replaces  
20 the original bill and does the following:

22 1. Defines "traveling exhibition" and requires a person  
23 bringing an elephant into the State in a traveling exhibition to  
24 file a copy of the exhibition's itinerary with the Department of  
25 Agriculture, Food and Rural Resources a minimum of 30 days prior  
26 to entering the State;

28 2. Requires a compartment used to transport elephants to be  
29 ventilated and to be maintained at a temperature between 45 and  
30 85 degrees;

32 3. Provides for the inspection of the area where an  
33 elephant is kept to determine compliance with shelter and care  
34 requirements under Maine's animal welfare laws and rules adopted  
35 by the Department of Inland Fisheries and Wildlife;

38 4. Allows a state veterinarian or a licensed veterinarian  
39 at the direction of the Commissioner of Agriculture, Food and  
40 Rural Resources to examine an elephant to determine the animal's  
41 health and look for signs of injury or abuse;

42 5. Requires that an elephant have at least one hour a day  
43 during which its legs are not tethered or otherwise restricted;

46 6. Prohibits the use of electrical prods and prohibits the  
47 use of an instrument in a manner that causes scarring or breakage  
48 of the skin;

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7. Prohibits a person owning or having control of an elephant from allowing a member of the public to ride an elephant; and

8. Establishes penalties for violation of the laws specifically pertaining to elephants.

**FISCAL NOTE REQUIRED**  
(See attached)

**121st Maine Legislature  
Office of Fiscal and Program Review**

**LD 327**

**An Act to Prevent Abuse of Elephants**



**LR 0019(02)**

**Fiscal Note for Bill as Amended by Committee Amendment 'A' S-85**

**Committee: Agriculture, Conservation and Forestry**

**Fiscal Note Required: Yes**

**Minority Report**

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**Fiscal Note**

Minor cost increase - General Fund  
Minor revenue increase - General Fund

**Correctional and Judicial Impact Statements**

Establishes a new civil violation, Class D and Class E crimes.  
May increase the number of civil suits filed in the court system.