

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 618

S.P. 227

In Senate, February 11, 2003

An Act To Allow Municipalities To Hire Full-time Humane Law Enforcement Officers

Reference to the Committee on Criminal Justice and Public Safety 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 Representative SULLIVAN of Biddeford and
Representative: LAVERRIERE-BOUCHER of Biddeford.

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

4 **Sec. 1. 7 MRSA §3906-B, sub-§4,** as amended by PL 1997, c. 690,
§2, is further amended to read:

6 **4. Training and certification of animal control officers**
8 **and humane law enforcement officers.** The commissioner shall
10 develop a program to train animal control officers and humane law
12 enforcement officers. This program must include training in
14 investigation of complaints of cruelty to animals, training in
response to calls concerning animals suspected of having rabies
and training in enforcement of dog licensing laws and rabies
immunization laws. The commissioner shall certify all animal
control officers and humane law enforcement officers who complete
the training program.

16 **Sec. 2. 7 MRSA §3906-B, sub-§4-A** is enacted to read:

18 **4-A. Humane law enforcement officer; additional training.**
20 In addition to the training and certification requirements found
22 in subsection 4, a humane law enforcement officer must also
24 successfully complete the preservice law enforcement training
26 requirements in Title 25, section 2804-B and the in-service law
enforcement training requirements in Title 25, section 2804-E in
order to have the power to make arrests or to carry a firearm. A
humane law enforcement officer is exempt from Title 25, section
2804-C.

28 **Sec. 3. 7 MRSA §3907, sub-§15-B** is enacted to read:

30 **15-B. Humane law enforcement officer.** "Humane law
32 enforcement officer" means a person meeting the training
34 requirements of section 3906-B, subsection 4-A appointed
periodically by a municipality pursuant to chapter 725.

36 **Sec. 4. 7 MRSA §3947,** as amended by PL 1997, c. 690, §28, is
further amended to read:

38 **§3947. Animal control officers and humane law enforcement**
40 **officers**

42 Each municipality shall appoint one or more animal control
44 officers or humane law enforcement officers whose duties are
enforcement of ~~sections 3911, 3912, 3916, 3921, 3924, 3943, 3948,~~
~~3950, 3950-A, 3952 and 4041 and Title 17, section 1023~~ responding
46 to reports of animals suspected of having rabies in accordance
with Title 22, sections 1313 and 1313-A all applicable animal
48 welfare laws and such other duties to control animals as the
municipality may require.

50

2 A municipality may not appoint a person who has been
3 convicted of a Class A, B or C crime or murder, or what would
4 constitute one of those crimes in another jurisdiction, or of a
5 criminal violation under Title 17, chapter 42 or has been
6 adjudicated of a civil violation for cruelty to animals under
7 chapter 739 to the position of animal control officer or humane
8 law enforcement officer.

9 Animal control officers must be certified in accordance with
10 section 3906-B, subsection 4. Humane law enforcement officers
11 must be certified in accordance with section 3906-B, subsections
12 4 and 4-A. A humane law enforcement officer may not make arrests
13 or carry a firearm unless the humane law enforcement officer as
14 successfully completed the training requirements under Title 25,
15 sections 2804-B and 2804-E. Upon initial appointment, an animal
16 control officer must complete training and be certified by the
17 commissioner within 6 months of appointment.

18 Upon appointment of an animal control officer or humane law
19 enforcement officer, the municipal clerk shall notify the
20 commissioner of the name, address and telephone number of the
21 ~~animal-control~~ officer.

22
23 **Sec. 5. 7 MRSA §3950-A, first ¶,** as amended by PL 1997, c. 690,
24 §33, is further amended to read:

25 Any mayor, municipal officer, clerk, town or city manager,
26 administrative assistant to the mayor, town or city councilor,
27 dog recorder of unorganized territories, constable, police
28 officer, sheriff ~~or~~, animal control officer, humane law
29 enforcement officer or humane agent who refuses or intentionally
30 fails to perform the duties imposed by ~~chapters 719, 720, 721,~~
31 ~~725 and 727 and by this chapter~~ applicable animal welfare laws
32 commits a civil violation for which a forfeiture of not less than
33 \$50 nor more than \$250 and costs may be adjudged.

34
35 **Sec. 6. 7 MRSA §3952, sub-§3,** as amended by PL 1999, c. 350,
36 §2, is further amended to read:

37
38 **3. Dogs presenting immediate threat to public.** After
39 issuing a summons and before hearing arraignment, if the dog
40 poses an immediate or continuing threat to the public, a sheriff,
41 local law enforcement officer ~~or~~, animal control officer or
42 humane law enforcement officer shall order the owner or keeper of
43 the dog to muzzle, restrain or confine the dog to the owner's
44 premises or to have the dog confined at the owner's expense at a
45 place determined by the sheriff, local law enforcement officer
46 ~~or~~, animal control officer or humane law enforcement officer. If
47 the owner or keeper fails to comply, the sheriff, local law
48 enforcement officer ~~or~~, animal control officer or humane law
49 enforcement officer ~~or~~, animal control officer or humane law

2 enforcement officer may apply to District Court, Superior Court
4 or a justice of the peace for an ex parte order for authorization
6 to take possession of the dog that poses an immediate or
8 continuing threat to the public and turn the dog over to the
10 applicant or other suitable person.

12 **Sec. 7. 7 MRSA §4011-A** is enacted to read:

14 **§4011-A. Investigation and enforcement of cruelty violations**

16 A sheriff, deputy sheriff, police officer, constable, animal
18 control officer, humane law enforcement officer or humane agent
20 shall investigate cases of cruelty to animals and enforce the
22 laws governing cruelty to animals.

24 **Sec. 8. 17 MRSA §1011, sub-§15-B** is enacted to read:

26 **15-B. Humane law enforcement officer.** "Humane law
28 enforcement officer" means a person meeting the training
30 requirements of Title 7, section 3906-B, subsection 4-A appointed
32 periodically by a municipality pursuant to Title 7, chapter 725.

34 **Sec. 9. 17 MRSA §1021, sub-§5-A**, as amended by PL 1995, c.
490, §24, is further amended to read:

36 **5-A. Seizure by state humane agent, state veterinarian or
38 humane law enforcement officer without court order.** A state
40 humane agent or a state veterinarian or a humane law enforcement
42 officer who has reasonable cause to believe that a violation of
44 section 1031 or 1032 has taken place or is taking place may take
46 possession of the cruelly treated animal. Upon taking possession
48 of an animal under this section, the humane agent or the state
veterinarian or the humane law enforcement officer shall present
the owner with a notice that:

A. States the reason for seizure;

B. Gives the name, address and phone number of the humane
agent or the state veterinarian or the humane law
enforcement officer to contact for information regarding the
animal; and

C. Advises the owner of the ensuing court procedure.

If the owner can not be found, the humane agent or the state
veterinarian or humane law enforcement officer shall send a copy
of the notice to the owner at the owner's last known address by
certified mail, return receipt requested. If the owner is not
known or can not be located, the humane agent or the state

2 veterinarian or humane law enforcement officer shall contact the
animal shelter or shelters used by the municipality in which the
4 animal was found. The humane agent or, the state veterinarian or
the humane law enforcement officer shall provide the shelter with
6 a description of the animal, the date of seizure and the name of
a person to contact for more information.

8 Within 3 working days of possession of the animal, the humane
agent or, the state veterinarian or the humane law enforcement
10 officer shall apply to the court for a possession order. The
court shall set a hearing date and that hearing date must be
12 within 10 days of the date the animal was seized. The humane
agent or, the state veterinarian or the humane law enforcement
14 officer shall arrange care for the animal, including medical
treatment, if necessary, pending the hearing.

16 The humane agent or, the state veterinarian or the humane law
18 enforcement officer shall notify the owner, if located, of the
time and place of the hearing. If the owner has not been
20 located, the court shall order a notice to be published at least
once in a newspaper of general circulation in the county where
22 the animal was found stating the case and circumstances and
giving 48 hours notice of the hearing.

24 It is the owner's responsibility at the hearing to show cause why
26 the animal should not be seized permanently or disposed of
humanely. If it appears at the hearing that the animal has been
28 cruelly abandoned or cruelly treated by its owner, the court
shall declare the animal forfeited and order its sale, adoption
30 or donation or order the animal to be disposed of humanely if a
veterinarian determines that the animal is diseased or disabled
32 beyond recovery.

34 A humane agent, humane law enforcement officer, state law
enforcement officer or state veterinarian is not civilly liable
36 to any party for authorization made in accordance with this
subsection.

38 **Sec. 10. 25 MRSA §2804-I**, as enacted by PL 1999, c. 682, §5,
40 is amended to read:

42 **§2804-I. Law enforcement training for harbor masters, municipal**
shellfish conservation wardens and humane law
44 **enforcement officers**

46 Harbor masters and, municipal shellfish conservation wardens
and humane law enforcement officers must successfully complete
48 the preservice law enforcement training requirements in section
2804-B and the in-service law enforcement training requirements
50 in section 2804-E in order to have the power to make arrests or

2 to carry a firearm. Harbor masters and, municipal shellfish
3 conservation wardens and humane law enforcement officers are
4 exempt from section 2804-C.

6 SUMMARY

8 This bill allows municipalities to hire full-time humane law
9 enforcement officers whose responsibilities are investigating and
10 enforcing the animal welfare laws. It allows these officers to
11 serve civil and criminal summons, to make arrests and to carry
12 firearms. Under the bill, the humane law enforcement officers
13 must undergo the same law enforcement training as harbor masters
14 and municipal shellfish conservation wardens.