

# **MAINE STATE LEGISLATURE**

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 618

S.P. 227

In Senate, February 11, 2003

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

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

A handwritten signature in black ink, appearing to read "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: LA VERRIERE-BOUCHER of Biddeford.

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

2           **Sec. 1. 7 MRSA §3906-B, sub-§4,** as amended by PL 1997, c. 690,  
4           §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  
16          response to calls concerning animals suspected of having rabies  
18          and training in enforcement of dog licensing laws and rabies  
20          immunization laws. The commissioner shall certify all animal  
22          control officers and humane law enforcement officers who complete  
24          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  
28          enforcement training requirements in Title 25, section 2804-E in  
30          order to have the power to make arrests or to carry a firearm. A  
32          humane law enforcement officer is exempt from Title 25, section  
34          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  
36          periodically by a municipality pursuant to chapter 725.

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

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

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

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

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

24          **Sec. 5. 7 MRSA §3950-A, first ¶.** as amended by PL 1997, c. 690,  
25          §33, is further amended to read:

26  
27          Any mayor, municipal officer, clerk, town or city manager,  
28          administrative assistant to the mayor, town or city councilor,  
29          dog recorder of unorganized territories, constable, police  
30          officer, sheriff ~~or~~, animal control officer, humane law  
31          enforcement officer or humane agent who refuses or intentionally  
32          fails to perform the duties imposed by ~~chapters-719,-720,-721,~~  
33          ~~725-and-727-and-by-this-chapter~~ applicable animal welfare laws  
34          commits a civil violation for which a forfeiture of not less than  
35          \$50 nor more than \$250 and costs may be adjudged.

36  
37          **Sec. 6. 7 MRSA §3952, sub-§3,** as amended by PL 1999, c. 350,  
38          §2, is further amended to read:

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

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

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

8           **§4011-A. Investigation and enforcement of cruelty violations**

10           A sheriff, deputy sheriff, police officer, constable, animal  
11           control officer, humane law enforcement officer or humane agent  
12           shall investigate cases of cruelty to animals and enforce the  
13           laws governing cruelty to animals.

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

18           **15-B. Humane law enforcement officer.** "Humane law  
19           enforcement officer" means a person meeting the training  
20           requirements of Title 7, section 3906-B, subsection 4-A appointed  
21           periodically by a municipality pursuant to Title 7, chapter 725.

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

26           **5-A. Seizure by state humane agent, state veterinarian or**  
27           **humane law enforcement officer without court order.** A state  
28           humane agent ~~or~~, a state veterinarian or a humane law enforcement  
29           officer who has reasonable cause to believe that a violation of  
30           section 1031 or 1032 has taken place or is taking place may take  
31           possession of the cruelly treated animal. Upon taking possession  
32           of an animal under this section, the humane agent ~~or~~, the state  
33           veterinarian or the humane law enforcement officer shall present  
34           the owner with a notice that:

36           A. States the reason for seizure;

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

42           C. Advises the owner of the ensuing court procedure.

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

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

8           Within 3 working days of possession of the animal, the humane  
9           agent ~~or~~, the state veterinarian or the humane law enforcement  
10          officer shall apply to the court for a possession order. The  
11          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  
13          agent ~~or~~, the state veterinarian or the humane law enforcement  
14          officer shall arrange care for the animal, including medical  
15          treatment, if necessary, pending the hearing.

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

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

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

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

37          **§2804-I. Law enforcement training for harbor masters, municipal**  
38          **shellfish conservation wardens and humane law**  
39          **enforcement officers**

40          Harbor masters ~~and~~, municipal shellfish conservation wardens  
41          and humane law enforcement officers must successfully complete  
42          the preservice law enforcement training requirements in section  
43          2804-B and the in-service law enforcement training requirements  
44          in section 2804-E in order to have the power to make arrests or

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

4

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## SUMMARY

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