

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 186

H.P. 151

House of Representatives, January 21, 2009

An Act Pertaining to the Possession of Animal Fighting Paraphernalia

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative WAGNER of Lewiston.
Cosponsored by Senator BLISS of Cumberland and
Representatives: BEAUDOIN of Biddeford, HASKELL of Portland, LAJOIE of Lewiston,
MacDONALD of Boothbay, PIEH of Bremen, SIROIS of Turner, SMITH of Monmouth.

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

2 **Sec. 1. 17 MRSA §1033, sub-§2-A**, as enacted by PL 2003, c. 452, Pt. I, §26 and
3 affected by Pt. X, §2, is amended to read:

4 **2-A. Penalty.** A person who violates subsection 2 commits a Class D crime.

5 **Sec. 2. 17 MRSA §1033, sub-§3**, as amended by PL 2003, c. 414, Pt. B, §33 and
6 affected by c. 614, §9, is further amended to read:

7 **3. Affirmative defense.** It is an affirmative defense to prosecution under subsections
8 1 and 2 and 5 that the activity charged involves the possession, training, exhibition or use
9 of an animal in the otherwise lawful sport of animal hunting and the training or use of
10 hunting dogs. It is also an affirmative defense that the defendant's conduct involved the
11 use of live animals as bait or in the training of other animals in accordance with the laws
12 of the Department of Inland Fisheries and Wildlife, Title 12, Part 13.

13 **Sec. 3. 17 MRSA §1033, sub-§4**, as enacted by PL 1987, c. 383, §4, is amended
14 to read:

15 **4. Exception.** Activity involving the possession, training, exhibition or use of an
16 animal in the otherwise lawful pursuits of hunting, farming and security services is
17 exempt from subsections 1 and 2 and 5.

18 **Sec. 4. 17 MRSA §1033, sub-§5** is enacted to read:

19 **5. Possession of animal fighting paraphernalia.** A person is guilty of possession
20 of animal fighting paraphernalia if that person possesses, manufactures for sale, ships,
21 transports or delivers:

22 A. A device or equipment used to train or condition an animal for participation in an
23 animal fighting contest that the person knows or should have known is intended for
24 use in a show, exhibition, program or other activity featuring or otherwise involving a
25 fight between 2 or more animals; or

26 B. An implement designed to be attached in place of a natural spur of a cock or other
27 fighting bird in order to enhance the bird's fighting ability or ability to harm or kill
28 another animal.

29 **Sec. 5. 17 MRSA §1033, sub-§6** is enacted to read:

30 **6. Penalty.** A person who violates subsection 5 commits a Class C crime.

31 **SUMMARY**

32 This bill makes possession of animal fighting paraphernalia a Class C crime. It also
33 changes the crime of viewing animal fighting from a Class D crime to a Class C crime.