

# MAINE STATE LEGISLATURE

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AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE

SENATE

124TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 605, L.D. 1598, Bill, "An Act To Strengthen the Laws against Illegal "Puppy Mill" Operators"

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

'An Act To Strengthen the Laws against Cruelty to Animals'

Amend the bill by striking out all of section 1 and inserting the following:

'Sec. 1. 17 MRSA §1021, sub-§5-A, as amended by PL 2007, c. 702, §44, is further amended to read:

5-A. Seizure by state humane agent or state veterinarian without court order. A state humane agent or a state veterinarian who has reasonable cause to believe that a violation of section 1031 or 1032 has taken place or is taking place may take possession of and retain the cruelly treated animal. Upon taking possession of an animal under this section, the humane agent or the state veterinarian 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 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 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 veterinarian shall contact the animal shelter or shelters used by the municipality in which the animal was found. The humane agent or the state veterinarian shall provide the shelter with a description of the animal, the date of seizure and the name of a person to contact for more information.

Within 3 working days of possession of the animal, the humane agent or the state veterinarian shall apply to the court for a possession order. Upon good cause shown, the

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1 court shall expedite the case and schedule a prehearing conference to take place within 7  
2 days of the seizure. The court shall set a hearing date and that hearing date must be  
3 within 21 days of the date the animal was seized. The humane agent or the state  
4 veterinarian shall arrange care for the animal, including medical treatment, if necessary,  
5 pending the hearing.

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

11 It is the owner's responsibility at the hearing to show cause why the animal should not be  
12 seized permanently or disposed of humanely. If it appears at the hearing that the animal  
13 has been abandoned or cruelly treated by its owner, the court shall declare the animal  
14 forfeited and order its sale, adoption or donation or order the animal to be disposed of  
15 humanely if a veterinarian determines that the animal is diseased or disabled beyond  
16 recovery. In the case of an expedited hearing, the court shall issue a writ of possession or  
17 return the animal to its owner within 30 days of the seizure.

18 For an expedited hearing, the State, prior to the prehearing conference, shall submit all  
19 veterinary records, reports by investigating officers and other relevant records in the  
20 State's possession to the court and shall mail or deliver copies of these same reports and  
21 records to the owner of the animal.

22 All veterinary records, seizure reports prepared by humane agents, police reports, witness  
23 statements or other written documents are admissible as evidence when the authors of  
24 these documents are available for cross-examination at a possession hearing. Oral  
25 statements of a witness included in a police report are only admissible if the witness is  
26 present at the possession hearing.

27 **SUMMARY**

28 This amendment removes the provision in the bill that made a Class D violation of  
29 animal cruelty involving 25 or more animals a Class C crime. It provides an expedited  
30 schedule for hearings when animals have been seized without a court order and specifies  
31 evidence that is admissible at a possession hearing.

**FISCAL NOTE REQUIRED.**  
(See attached)



# 124th MAINE LEGISLATURE

LD 1598

LR 2072(02)

**An Act To Strengthen the Laws against Illegal "Puppy Mill" Operators**

**Fiscal Note for Bill as Amended by Committee Amendment "A"**

**Committee: Agriculture, Conservation and Forestry**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund

## Correctional and Judicial Impact Statements

Minor increase in the number of expedited court hearings.