

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 1075

H.P. 810

House of Representatives, March 15, 2011

### An Act To Prohibit Horse Slaughter for Human Consumption

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative KNIGHT of Livermore Falls.  
Cosponsored by Senator SHERMAN of Aroostook and  
Representatives: CASAVANT of Biddeford, ESPLING of New Gloucester, MITCHELL of the  
Penobscot Nation, PICCHIOTTI of Fairfield, PRESCOTT of Topsham, SOCTOMAH of the  
Passamaquoddy Tribe, STRANG BURGESS of Cumberland, VOLK of Scarborough.

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

2 **Sec. 1. 17 MRSA §3967** is enacted to read:

3 **§3967. Equine slaughter for human consumption**

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

6 A. "Commissioner" means the Commissioner of Agriculture, Food and Rural  
7 Resources.

8 B. "Horse" includes all members of the genus Equus, including horses, ponies,  
9 donkeys, mules, asses and burros.

10 C. "Horseflesh" means the flesh of a dead horse, including the animal's viscera, skin,  
11 hair, hide, hooves and bones.

12 D. "Person" means an individual, corporation, partnership, trust, association or other  
13 legal entity.

14 **2. Prohibition against horse slaughter.** A person may not slaughter or otherwise  
15 cause or procure the death of, or have another person slaughter or otherwise cause or  
16 procure the death of, a horse if that person knows or should know that any of the  
17 horseflesh is intended for human consumption.

18 **3. Prohibition against possession of horse for slaughter.** A person may not sell,  
19 barter, give away or purchase or offer to sell, barter or purchase or possess, transport,  
20 deliver or receive a horse with the intent of slaughtering or otherwise causing or  
21 procuring the death of, or having another person slaughter or otherwise cause or procure  
22 the death of, the horse if that person knows or should know that any of the horseflesh is  
23 intended for human consumption.

24 **4. Prohibition against export or import of horse for slaughter.** A person may not  
25 import into or export from this State a live horse when that person knows or should know  
26 that the horse is intended for slaughter for human consumption.

27 **5. Prohibition against sale, purchase, possession, import or export of horseflesh.**  
28 A person may not sell, barter, give away or purchase or offer to sell, barter or purchase or  
29 possess, transport, deliver, receive or import into or export from this State horseflesh if  
30 that person knows or should know that any of the horseflesh is intended for human  
31 consumption.

32 **6. Registration of horses for export.** A person who intends to export a horse  
33 outside this State first shall obtain a certificate of ownership and export from the  
34 Department of Agriculture, Food and Rural Resources as described in subsection 7. A  
35 person may not:

36 A. Possess, ship, transport, purchase, sell, deliver or receive a horse with the intent to  
37 export the horse from the State without evidence of ownership as described in  
38 subsection 7;

- 1           B. Acquire, possess or deliver a false statement of ownership of a horse; or
- 2           C. Acquire, possess or deliver a false statement of the destination of a horse to be
- 3           exported or that has been exported from the State.

4           **7. Registry of ownership for purposes of export; certificate.** The commissioner  
5           shall establish and maintain a registry of ownership of horses intended to be exported  
6           from this State as described in this subsection.

- 7           A. Ownership of a horse may be evidenced by:
  - 8               (1) A recorded brand registered in the name of the person in possession of the
  - 9               horse;
  - 10              (2) A brand inspection certificate;
  - 11              (3) A bill of sale from the owner of the brand on the horse;
  - 12              (4) In the case of an unbranded horse, a bill of sale that gives a description of the
  - 13              breed, sex, color and natural markings, if any, of the horse; or
  - 14              (5) Any other record as determined to be appropriate by the commissioner.

15           B. The commissioner shall issue a certificate of ownership and export upon the  
16           application and sworn statement of a person exporting a horse from this State. The  
17           person must attest, under penalty of perjury, to the ownership of the horse and the  
18           destination of the horse and that, to the person's knowledge, the horse is not being  
19           exported for slaughter for human consumption. Certificates issued pursuant to this  
20           subsection are public records and must be made available to a state agency, a law  
21           enforcement agency or an animal control agency.

22           C. The commissioner shall adopt routine technical rules pursuant to Title 5, chapter  
23           375, subchapter 2-A to carry out the provisions of this subsection.

24           **8. Penalty.** The following penalties apply to a violation of this section.

25           A. A person who violates subsection 2, 3, 4 or 5 commits a Class C crime. A court  
26           may also order any person convicted under subsection 2, 3, 4 or 5 to submit to a  
27           mental health evaluation as determined by the court and undergo any recommended  
28           counseling or treatment. In addition to any other penalty provided by law, a person  
29           convicted under subsection 2, 3, 4 or 5 may be barred from owning or possessing any  
30           animals, or living on the same property with someone who owns or possesses  
31           animals, for a period of time considered appropriate by the court and required to take  
32           humane education classes as ordered by the court.

33           B. A person who violates subsection 6 commits a civil violation for which a penalty  
34           of up to \$5,000 may be imposed.

35           **Sec. 2. 22 MRSA §2163** is repealed.

36           **Sec. 3. 22 MRSA §2511, sub-§25,** as enacted by PL 1999, c. 771, §1, is amended  
37           to read:

