

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 703

S.P. 252

In Senate, February 26, 2013

An Act To Make Post-conviction Possession of Animals a Criminal Offense

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator MAZUREK of Knox.

Cosponsored by Senators: BURNS of Washington, COLLINS of York, GERZOFSKY of Cumberland, HILL of York, JACKSON of Aroostook, LACHOWICZ of Kennebec, PATRICK of Oxford, TUTTLE of York.

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

2 **Sec. 1. 17 MRSA §1031, sub-§3-B**, as amended by PL 2009, c. 573, §2, is
3 further amended to read:

4 **3-B. Penalties.** The following apply to violations of this section.

5 A. In addition to any other penalty authorized by law and notwithstanding the
6 provisions of Title 17-A, section 1202, subsection 1, the court shall impose a fine of
7 not less than \$500 for each violation of this section, prohibit a defendant convicted of
8 a Class D crime under this section from owning, possessing or having on the
9 defendant's premises an animal for a period of at least 5 years following entry of
10 conviction and prohibit a defendant convicted of a Class C crime under this section
11 from owning, possessing or having on the defendant's premises an animal for a period
12 of at least 15 years following entry of conviction. The court may order the defendant
13 to pay the costs of the care, housing and veterinary medical treatment for ~~the~~ an
14 animal injured by a violation of this section including the costs of relocating the
15 animal. In addition to any other penalty authorized by law, a violation of the
16 provisions of this paragraph concerning the period of time that a defendant may not
17 own, possess or have on the defendant's premises an animal is a Class D crime.

18 B. The court, as part of the sentence for a violation of this section, may prohibit the
19 defendant from owning, possessing or having on the defendant's premises an animal
20 or animals as determined by the court for a period of time in excess of the minimum
21 period required by paragraph A, up to and including permanent relinquishment, as
22 determined by the court. A person placed on probation for a violation of this section
23 with a condition that prohibits owning, possessing or having an animal or animals on
24 the probationer's premises is subject to revocation of probation and removal of the
25 animal or animals at the probationer's expense if this condition is violated. The court
26 as part of the sentence may order, as a condition of probation, that the defendant be
27 evaluated to determine the need for psychiatric or psychological counseling and, if it
28 is determined appropriate by the court, to receive psychiatric or psychological
29 counseling at the defendant's expense.

30 C. Title 17-A, section 9-A governs the use of prior convictions when determining a
31 sentence.

32 D. A defendant may petition the court for relief of the period of time the defendant
33 may not own, possess or have on the defendant's premises an animal under paragraph
34 A no sooner than one year after entry of conviction for a Class D crime and no sooner
35 than 5 years after entry of conviction for a Class C crime. The defendant shall serve a
36 copy of a petition for relief under this paragraph upon the district attorney
37 concurrently with filing the petition, and the court shall schedule a hearing on the
38 petition under this paragraph within 60 days after the filing of the petition. The
39 defendant bears the burden of proof by a preponderance of evidence that the
40 defendant:

41 (1) Does not present a danger to animals;

42 (2) Has the ability to properly care for an animal; and

