

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)



# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

---

Legislative Document

No. 1593

---

H.P. 1097

House of Representatives, May 11, 2017

**An Act To Amend the Animal Welfare Laws To Add Provisions  
Relating to the Surrender of Animals**

---

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT  
Clerk

Presented by Representative SKOLFIELD of Weld. (GOVERNOR'S BILL)

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

2 **Sec. 1. 7 MRSA §3906-B, sub-§11**, as enacted by PL 1995, c. 502, Pt. C, §12, is  
3 amended to read:

4 **11. Cruelty to animals.** The commissioner, in cooperation with animal control  
5 officers, shall investigate complaints of cruelty to animals and enforce cruelty-to-animal  
6 laws in accordance with chapter 739 and Title 17, chapter 42. The Attorney General and  
7 the district attorneys shall assist the commissioner with the commissioner's enforcement  
8 responsibilities.

9 The commissioner may decide, based on the facts of a particular case, to waive costs and  
10 fees associated with the surrender of animals, and may further decide that the case should  
11 not be sent to the attorney for the State, if the person who is the subject of the  
12 investigation has voluntarily surrendered the animals to the department and if the person  
13 has not previously been charged with cruelty to animals or charged with animal neglect.  
14 If the commissioner waives costs and fees associated with the surrender of animals or  
15 decides that the case should not be sent to the attorney for the State, the commissioner  
16 shall require the person to sign an affidavit stating that the person will never again  
17 possess or own any animals of the same species as the animals that were surrendered.

18 **Sec. 2. 17 MRSA §1023, sub-§1-A** is enacted to read:

19 **1-A. Surrender of animals.** The commissioner may decide, based on the facts of a  
20 particular case, to waive costs and fees associated with the surrender of animals, and may  
21 further decide that the case should not be sent to the attorney for the State, if the person  
22 who is the subject of the investigation has voluntarily surrendered the animals to the  
23 Department of Agriculture, Conservation and Forestry and if the person has not  
24 previously been charged with cruelty to animals or charged with animal neglect. If the  
25 commissioner waives costs and fees associated with the surrender of animals or decides  
26 that the case should not be sent to the attorney for the State, the commissioner shall  
27 require the person to sign an affidavit stating that the person will never again possess or  
28 own any animals of the same species as the animals that were surrendered.

29 **SUMMARY**

30 This bill allows the Commissioner of Agriculture, Conservation and Forestry in cases  
31 of alleged cruelty to animals to waive costs and fees associated with the surrender of  
32 animals, and to decide that the case should not be sent to the attorney for the State, as  
33 long as the person who is subject to the investigation has voluntarily surrendered the  
34 animals to the Department of Agriculture, Conservation and Forestry and has not  
35 previously been charged with cruelty to animals or charged with animal neglect. If the  
36 commissioner waives such costs or fees or decides that the case shouldn't be sent to the  
37 attorney for the State, the commissioner shall require the person to sign an affidavit  
38 stating that the person will never again possess or own animals of the same species as the  
39 animals that were surrendered.