# 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)



# 129th MAINE LEGISLATURE

# FIRST REGULAR SESSION-2019

**Legislative Document** 

No. 1230

H.P. 891

House of Representatives, March 14, 2019

## An Act To Update the Civil Animal Welfare Laws

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

ROBERT B. HUNT Clerk

R(+ B. Hunt

Presented by Representative NADEAU of Winslow.

Cosponsored by Senator BLACK of Franklin and

Representatives: COREY of Windham, DUNPHY of Old Town, HICKMAN of Winthrop, McCREA of Fort Fairfield, O'NEIL of Saco, SKOLFIELD of Weld, Senators: DAVIS of Piscataquis, DILL of Penobscot.

| 3 4                                    | <b>Sec. 2. 7 MRSA §3923-A, sub-§3, ¶A,</b> as amended by PL 2007, c. 664, §12, is further amended to read:   |
|--|--|
| 5<br>6<br>7                            | A. A service dog owned or kept by a person with a physical or mental disability <u>if</u> the person presents a service dog certification form approved by the department in consultation with the Maine Human Rights Commission;  |
| 8<br>9                                 | <b>Sec. 3. 7 MRSA §3947, first</b> $\P$ , as amended by PL 2017, c. 404, §9, is further amended to read:   |
| 10<br>11<br>12<br>13<br>14<br>15<br>16 | Each municipality shall appoint one or more animal control officers whose duties are enforcement of sections 3911, 3912, 3916, 3921, 3924, 3948, 3950, 3950-A, 3952-A and, 4041 and 4042 and Title 17, section 1023, responding to reports of animals suspected of having rabies in accordance with Title 22, sections 1313 and 1313-A and any other duties to control animals as the municipality may require. A municipality may appoint an employee of an animal shelter as an animal control officer as long as the person meets the qualifications and training requirements of this section. |
| 17                                     | Sec. 4. 7 MRSA §§3950-B and 3950-C are enacted to read:  |
| 18                                     | §3950-B. Euthanasia for severely sick or severely injured livestock  |
| 19<br>20<br>21                         | 1. Written authorization. A humane agent, animal control officer or animal shelter may authorize in writing the euthanasia of severely sick or severely injured livestock under the following conditions:  |
| 22<br>23<br>24                         | A. The clerk or animal control officer of the municipality in which the livestock was found has been notified of the livestock's presence and a reasonable attempt to contact the owner of the livestock has been made; and  |
| 25<br>26                               | B. A veterinarian states in writing that given reasonable time and reasonable care the livestock's recovery from the livestock's sickness or injury is doubtful.   |
| 27<br>28<br>29                         | 2. Immediate euthanasia. Notwithstanding subsection 1, paragraphs A and B, a veterinarian may authorize immediate euthanasia if, in the veterinarian's judgment, there is no possibility of recovery for severely sick or severely injured livestock.  |
| 30                                     | §3950-C. Immunity from civil liability   |
| 31<br>32                               | A municipality, veterinarian, humane agent, animal control officer or animal shelter is immune from liability for performing any acts or duties under this chapter.  |
| 33<br>34                               | <b>Sec. 5. 7 MRSA §4011, sub-§1, ¶D,</b> as amended by PL 1997, c. 456, §4, is further amended to read:  |
| 35<br>36                               | D. Injures, overworks, tortures, torments, abandons or cruelly beats or intentionally mutilates an animal; gives drugs to an animal with an intent to harm the animal;   |

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

Sec. 1. 7 MRSA §3922, sub-§4, as amended by PL 2007, c. 664, §11, is repealed.

1

2

1 intentionally gives poison or, alcohol or a scheduled drug as defined in Title 17-A, 2 section 1101, subsection 11 to an animal; or exposes a poison with intent that it be 3 taken by an animal. The owner or occupant of property is privileged to use reasonable force to eject a trespassing animal; 4 Sec. 6. 7 MRSA §4016, sub-§1, ¶A, as enacted by PL 2001, c. 425, §4, is 5 amended to read: 6 7 A. The court shall adjudge a civil fine of not less than \$500 nor more than \$2,500 \$5,000 for the first violation, none of which may be suspended, and a civil fine of not 8 9 less than \$1,000 nor more than \$5,000 \$10,000 for a 2nd or subsequent violation of section 4011, none of which may be suspended. 10 11 Sec. 7. 7 MRSA §4016, sub-§1-A is enacted to read: 1-A. Criminal violation. A person who fails to comply with subsection 1 commits a 12 Class D crime. 13 Sec. 8. 7 MRSA §4042 is enacted to read: 14 15 §4042. Stray livestock 16 1. Ownership of livestock unknown. If the ownership of any stray livestock cannot be established, the livestock must be handled as a stray and an animal control officer shall 17 seize, impound or restrain the livestock and: 18 19 A. Deliver the livestock to an animal shelter, farm or holding facility that is capable of safely containing the number, type and size of the livestock; or 20 B. Arrange for the safe confinement of the livestock at a location designated by the 21 22 municipality in which the livestock was found. 2. Municipal procedure for stray livestock. A municipality shall retain custody of 23 stray livestock under subsection 1 for a period of 10 days. The municipality is 24 25 responsible for ensuring the proper care of the livestock while confined, including providing proper sustenance, shelter and necessary medical care. After 10 days, 26 27 ownership of the livestock vests with the municipality or an animal shelter designated by the municipality, and the municipality or designated animal shelter may sell, adopt, give 28 29 away or humanely euthanize the stray livestock. A municipality may reimburse a farm, 30 holding facility or animal shelter for the care and housing of stray livestock pursuant to this section at the same rates as in section 3919-C. For purposes of this section, 31 "municipality" includes a county under Title 30-A, section 7501 if the stray livestock has 32 33 been found in the unorganized territory of that county. Sec. 9. 33 MRSA §1052 is repealed. 34 Sec. 10. 33 MRSA §1053, as amended by PL 1995, c. 227, §2, is further amended 35

36

to read:

#### §1053. Appraisal if value \$10 or more

 Every A finder of lost goods or stray beasts of the value of \$10 or more shall, within 2 months after finding and before using them the lost goods to their the disadvantage of the owner, procure a warrant from the town clerk or a notary public, directed to 2 persons appointed by said the clerk or notary, not interested except as inhabitants of the town, returnable at said the clerk's office within 7 days from its the date of the warrant, to appraise said the goods under oath.

**Sec. 11. 33 MRSA §1054,** as amended by PL 1995, c. 227, §3, is further amended to read:

### §1054. Restitution to appearing owner; money or goods

If the owner of such lost money or goods appears within 6 months, and if the owner of such stray beasts appears within 2 months after said notice to the town clerk under section 1051 is made by the finder and gives reasonable evidence of ownership to the finder, the owner shall must have restitution of them or the value of the lost money or goods, paying all necessary charges and reasonable compensation to the finder for keeping, to be adjudged by the district court, if the owner and finder cannot agree.

- Sec. 12. 33 MRSA §1055 is repealed.
- **Sec. 13. 33 MRSA §1057** is repealed.
- **Sec. 14. 33 MRSA §1058** is amended to read:

#### §1058. Failure to give notice; penalty

If the finder of lost money or goods of the value of \$3 or more or if the person taking up such stray beast neglects to give notice to the town clerk and to cause them the lost money or goods to be advertised as provided under section 1051, he the finder forfeits to the owner the full value thereof of the lost money or goods unless he the finder delivers or accounts therefor for the lost money or goods to the owner, in which case he shall the finder must forfeit not more than \$20, 1/2 to the town and 1/2 to the prosecutor.

### **Sec. 15. 33 MRSA §§1059 and 1060** are repealed.

**Sec. 16. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 33, chapter 21, in the chapter headnote, the words "lost goods and stray beasts" are amended to read "lost goods" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

32 SUMMARY

- This bill amends the civil animal welfare laws in the following ways:
- 1. It removes the provision regarding registering a dog as a service dog and issuing a tag identifying the dog as a service dog;

- 2. It clarifies that the dog licensing fee is waived for an owner who produces documentation that the dog is a service dog;
  - 3. It provides for euthanasia of severely sick or severely injured stray livestock authorized by a veterinarian, humane agent, animal control officer or animal shelter;
    - 4. It provides for immunity for a municipality, veterinarian, humane agent, animal control officer and animal shelter in instances involving handling of stray livestock;
    - 5. It adds to the animal cruelty provisions the violation of intentionally giving an animal a scheduled drug;
      - 6. It increases the penalties for civil violations involving animal cruelty;
- 7. It makes the violation of a court order involving a civil animal welfare matter a Class D crime;
  - 8. It establishes municipal procedures for the handling of stray livestock; and
- 9. It repeals provisions related to stray beasts.

3

4

5

6

7

8

9

12