

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1442

H.P. 1054

House of Representatives, April 2, 2019

**An Act To Provide for Court-appointed Advocates for Justice in
Animal Cruelty Cases**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BAILEY of Saco.
Cosponsored by Senator CHIPMAN of Cumberland and
Representatives: CARDONE of Bangor, HARNETT of Gardiner, MORALES of South
Portland, Senator: CARPENTER of Aroostook.

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

2 **Sec. 1. 7 MRSA §4016, sub-§1-A** is enacted to read:

3 **1-A. Separate advocate.** In any proceeding brought under this section, the court
4 may order, upon its own initiative or upon request of a party or counsel for a party, that a
5 separate advocate be appointed to represent the interests of justice. A decision of the
6 court denying a request to appoint a separate advocate to represent the interests of justice
7 is not subject to appeal. An advocate appointed under this subsection must be appointed
8 from a list provided to the court by the commissioner pursuant to paragraph B.

9 A. The advocate may:

10 (1) Monitor the proceeding;

11 (2) Consult any individual with information that could aid the judge or fact
12 finder and review records relating to the condition of the animal and the
13 defendant's actions, including, but not limited to, records from animal control
14 officers, veterinarians and law enforcement officers;

15 (3) Attend hearings; and

16 (4) Present information or recommendations to the court pertinent to
17 determinations that relate to the interests of justice, as long as the information and
18 recommendations are based solely on the duties undertaken pursuant to this
19 subsection.

20 B. The department shall maintain a list of attorneys with knowledge of animal issues
21 and the legal system and a list of law schools that have students with an interest in
22 animal issues and the legal system. Attorneys and law students serve on a voluntary
23 basis as advocates under this subsection.

24 **Sec. 2. 17 MRSA §1031, sub-§3-C** is enacted to read:

25 **3-C. Separate advocate.** In any proceeding brought under this section, the court
26 may order, upon its own initiative or upon request of a party or counsel for a party, that a
27 separate advocate be appointed to represent the interests of justice. A decision of the
28 court denying a request to appoint a separate advocate to represent the interests of justice
29 is not subject to appeal. An advocate appointed under this subsection must be appointed
30 from a list provided to the court by the Commissioner of Agriculture, Conservation and
31 Forestry pursuant to paragraph B.

32 A. The advocate may:

33 (1) Monitor the proceeding;

34 (2) Consult any individual with information that could aid the judge or fact
35 finder and review records relating to the condition of the animal and the
36 defendant's actions, including, but not limited to, records from animal control
37 officers, veterinarians and law enforcement officers;

38 (3) Attend hearings; and

