

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
One Hundred and Sixth Legislature  
1ST SPECIAL SESSION  
JANUARY 2, 1974 TO MARCH 29, 1974  
AND BY THE  
One Hundred and Seventh Legislature  
REGULAR SESSION  
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,  
SECTION 164, SUBSECTION 6.

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THE KNOWLTON AND MCLEARY COMPANY  
FARMINGTON, MAINE  
1975

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PUBLIC LAWS  
OF THE  
STATE OF MAINE

AS PASSED BY THE  
One Hundred and Seventh Legislature

1975

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## CHAPTER 155

## AN ACT for the Humane Treatment of Animals in Schools, Public and Private.

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

Sec. 1. 17 MRSA § 1051, as last repealed and replaced by PL 1973, c. 788, § 69, is repealed and the following enacted in place thereof:

§ 1051. Authority; definitions

The Commissioner of Agriculture or his agent shall, as provided in Title 7, section 2, enforce all provisions of this chapter, and, wherever used in this chapter, unless otherwise specified, the word "commissioner" means the Commissioner of Agriculture or his agent.

In this chapter and in every law relating to or affecting animals, the following words shall have the following meanings or shall include:

1. Animal. "Animal" shall include every living sentient creature;
2. Chelonian. "Chelonian" shall mean belonging or pertaining to the order Chelonia, comprising the turtles;
3. Mammal. "Mammal" shall mean any vertebrate of the class mammalia that feeds its young with milk from the female mammary glands, that has the body more or less covered with hair and that, with the exception of the monotremes, brings forth living young rather than eggs;
4. Masculine. "Masculine" shall include the feminine;
5. Owner or person. "Owner or person" shall include corporations as well as individuals;
6. Singular. "Singular" shall include the plural;
7. Torment, torture and cruelty. "Torment, torture and cruelty" shall include every act, omission or neglect, whether by owner or other person, whereby unjustifiable physical pain, suffering or death is caused or permitted;
8. Vertebrate. "Vertebrate" shall mean a subphylum of chordate animals, comprising those having a brain enclosed in a skull or cranium and a segmented spinal column, including mammals, birds, reptiles, amphibians and fish.

Sec. 2. 17 MRSA § 1055 is repealed and the following enacted in place thereof:

§ 1055. Vivisection prohibited in public and private schools

1. Use of animals in elementary schools. No school principal or headmaster shall allow any live vertebrate to be used in grades kindergarten through 8 of any public or private school as part of a scientific experiment

or for any other purpose in which said vertebrates are experimentally medicated or drugged in a manner to cause painful reactions or to induce painful or lethal pathological conditions. No live vertebrate shall be used as part of a scientific experiment or for any other purpose in grades kindergarten through 8 in which said vertebrates are injured through any other type of treatment, including but not limited to anesthetization or electric shock. These provisions shall also apply to any activity associated with or sponsored by the school system.

2. Use of animals in secondary schools. No school principal or headmaster shall allow any live mammal, bird or chelonian, excepting bird eggs, to be used in any scientific experiment or for any other purpose in grades 9 through 12 in which said mammals, birds or chelonians are subjected to treatment and conditions prohibited in subsection 1. These provisions shall also apply to any activity associated with or sponsored by the school system.

3. Treatment of animals in general, in grades kindergarten through 12. Live animals used as class pets or for purposes not prohibited in section 1055, subsections 1 and 2 in grades kindergarten through 12 shall be housed and cared for in a safe and humane manner. Said animals shall not remain in school over periods when such schools are not in session, unless adequate care is provided at all times.

4. Standards of treatment. Any animal, whose use is permitted under this section, shall be treated in accordance with a set of ethical and humane standards to be promulgated by the Commissioner of Agriculture, Division of Animal Welfare after the consultation with representative groups in the State having an interest or expertise in the field of animal welfare, biology and education.

5. Enforcement. Enforcement shall be the responsibility of the Commissioner of Agriculture in consultation with the Commissioner of Educational and Cultural Services.

6. Penalty for violation. Whoever violates this section shall be punished by a fine of not more than \$75.

Effective October 1, 1975

## CHAPTER 156

### AN ACT to Abolish Certain Filing Requirements for Out-of-State Nurserymen and Dealers Doing Business with this State.

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

7 MRSA § 220A, 2nd sentence is amended to read:

Nurserymen, dealers or other persons residing or doing business outside of the State, desiring to solicit orders for nursery stock through agents in this State shall file a certified copy of their original state certificate with the State Horticulturist, and shall keep on file with the State Horticulturist a list of agents and representatives in the State.

Effective October 1, 1975