

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 scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

One Hundred and Seventh Legislature

AT THE

1ST SPECIAL SESSION

JANUARY 19, 1976 TO APRIL 29, 1976

AND

2ND SPECIAL SESSION

JUNE 14, 1976

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

PORTLAND LITHOGRAPH COMPANY
PORTLAND, MAINE
1977

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature
AT THE FIRST SPECIAL SESSION
January 19, 1976 to April 29, 1976
AND THE SECOND SPECIAL SESSION
June 14, 1976

Supplementary to the Acts and Resolves of the Regular Session

[supplied from page 3097 of volume]

CHAPTER 638

AN ACT Relating to Animal Welfare.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Legislature by the enactment of chapter 499 of the public laws of 1975 incorporated portions of Title 17, chapter 43, "cruelty to animals" into the Criminal Code, effective March 1, 1976; and

Whereas, said chapter repealed other portions of Title 17, chapter 43, "cruelty to animals," effective March 1, 1976, which portions are essential to the proper protection of animals within the State, particularly sections 1055 and 1058 of chapter 43 of Title 17 which had been amended by chapters 155 and 235 of the public laws of 1975; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 17 MRSA § 1055, as repealed and replaced by PL 1975, c. 155, § 2, and as last repealed by PL 1975, c. 499, § 6, is reenacted to read:

§ 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 subsections 1 and 2 in grades kindergarten through 12 shall be housed or 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 violations.** Whoever violates this section shall be punished by a fine of not more than \$75.

7. **Exemption.** This section shall not apply to vocational agricultural courses, Future Farmers of America, school-sponsored 4-H clubs and similar school activities where improved nutrition and good and proper animal husbandry are the objectives.

Sec. 2. 17 MRSA § 1058, as amended by PL 1975, c. 235 and as last repealed by PL 1975, c. 499, § 6, is reenacted to read:

§ 1058. **Coloring or dyeing live animals or birds**

It shall be unlawful to sell, offer for sale, give away or display within this State any live animals, reptiles or live birds of any kind which have been dyed or otherwise artificially colored or to sell in lots of less than 6, offer for sale, give away, raffle or display any live fowl or turtle under 2 months of age for use as toys or retail premiums or to sell, offer for sale, give away, raffle or display any live animal, fowl or reptile as a fund-raising device. Whoever violates this section shall be punished by a fine of not more than \$50.

Nothing in this section shall be construed to apply to any animal to be used or raised for agricultural purposes by persons with proper facilities otherwise authorized by law.

Sec. 3. 17-A MRSA § 510, sub-§1, ¶ D, as enacted by PL 1975, c. 499, § 1, is amended to read:

D. He owns, possesses, keeps, or trains any animal with the intent that it shall be engaged in an exhibition of fighting, or if he instigates, promotes, attends or has a pecuniary interest in or acts as a judge at any such exhibition of fighting animals; or

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect March 2, 1976.