

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST REGULAR SESSION**

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
SEPTEMBER 30, 1989

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1989

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

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**Whereas**, livestock animals have the greatest opportunity to trespass during the spring and summer when they are out in their pastures; and

**Whereas**, there needs to be a clarification of the animal trespass laws to cover this spring and summer; 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:**

7 MRSA c. 741 is enacted to read:

**CHAPTER 741  
ANIMAL TRESPASS**

**§4041. Animal trespass**

**1. Definitions.** As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Animal control officer" or "law enforcement officer" means the animal control officer or law enforcement officer having jurisdiction over the area in which the livestock animal was found.

B. "Livestock animal" means dairy, feeding, beef or breeding cattle; horses; sheep; goats; donkeys; or swine.

C. "Trespass" means that a livestock animal of an owner or keeper has entered or been found on the property of another person.

**2. Removal.** The owner or keeper of a livestock animal shall be responsible, at the owner's or keeper's expense, for removing any livestock animal found trespassing. An animal control officer or law enforcement officer may, at the owner's or keeper's expense, remove and control a livestock animal found trespassing if:

A. The owner or keeper fails to remove the livestock animal within 6 hours after having been notified by an animal control officer or law enforcement officer that a livestock animal owned or kept by the owner or keeper was trespassing; or

B. The livestock animal is an immediate danger to itself, persons or another's property.

**3. Civil violation.** A person commits a civil violation if a livestock animal owned or kept by that person is found trespassing and:

A. That person fails to remove the livestock animal within 6 hours after having been personally notified by an animal control officer or law enforcement

officer that a livestock animal owned or kept by that person was trespassing; or

B. A livestock animal of that person had been found trespassing on a prior occasion within the 12 months immediately preceding the present trespass and the owner or keeper had, at that time, been notified by an animal control officer or law enforcement officer of that trespass.

**4. Penalty.** A forfeiture of not more than \$500 shall be adjudged for a civil violation under subsection 3. In addition the court may as part of the sentencing include an order of restitution for damages caused by the livestock animal in accordance with section 3964 and for costs incurred in removing and controlling the livestock animal.

**5. Exemption.** A person shall not be liable under this section if, at the time of the alleged trespass, that person was licensed or privileged to allow the livestock to be on the property.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective May 3, 1989.

**CHAPTER 92**

**S.P. 269 - L.D. 697**

**An Act to Require Municipalities to Permit  
the Circulation of Petitions on Local Issues**

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

**Sec. 1. 21-A MRSA §903-A is enacted to read:**

**§903-A. Circulation**

Petitions issued under this chapter may be circulated by any registered voter.

**Sec. 2. 30-A MRSA §2504 is enacted to read:**

**§2504. Circulation of petitions for local initiative**

No municipality may enact any charter provision or ordinance prohibiting the circulation of petitions for any local initiative. A petition related to any local initiative, including, without limitation, petitions filed under section 2522, section 2528, subsection 5, the Constitution of Maine, Part Third, Article IV, Section 21, or a municipal charter provision authorizing local initiatives, may be circulated as provided in Title 21-A, section 903-A.

See title page for effective date.