

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**FIRST REGULAR SESSION**  
**December 6, 2000 to June 22, 2001**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 21, 2001**

**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**  
**2001**

**CHAPTER 424**

**S.P. 109 - L.D. 335**

**An Act to Change the Snowmobile Registration Laws**

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

**Sec. 1. 12 MRSA §7824, sub-§9**, as amended by PL 1997, c. 227, §4, is further amended to read:

**9. Requirement.** Except as specifically provided in this subsection, and notwithstanding any other provision of law, a snowmobile belonging to a nonresident may be possessed or operated by any person in this State ~~without being registered in this State~~ as long as:

A. The snowmobile is properly registered in this State in the name of a nonresident owner of the snowmobile; ~~and,~~

B. ~~The nonresident owner of the snowmobile is a resident of a state, province, country or district with which this State has reciprocity.~~

~~For purposes of this subsection, "state, province, country or district with which this State has reciprocity" means a state, province, country or district that shares a common border with this State and that offers similar privileges to residents of this State. A state, province, country or district does not offer similar privileges if Maine residents holding a valid Maine snowmobile registration are charged a fee for access to the trail system in that state, province, country or district, or if, as determined by the commissioner, privileges and opportunities offered to snowmobile users in that state, province, country or district are not otherwise comparable to those offered in this State.~~

A snowmobile owned by a nonresident may not be issued a resident registration. Nothing in this subsection authorizes the operation of any snowmobile in any manner contrary to this subchapter. This subsection does not apply to snowmobiles and grooming equipment registered to a federal or state entity, snowmobile clubs, municipalities or counties from bordering states or provinces and engaged in trail grooming. Snowmobiles registered in either New Hampshire or Canada may be operated on any lake or pond that is both partly in the State and New Hampshire or Canada without being registered in the State.

**Sec. 2. 12 MRSA §7824, sub-§11** is enacted to read:

**11. Open snowmobile weekend.** The commissioner may designate one weekend a year as an open

snowmobile weekend when snowmobiles registered outside the State may be used in the State without being registered in the State. All other provisions of this chapter relating to snowmobiles apply during an open snowmobile weekend.

**Sec. 3. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	2001-02	2002-03
<b>INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF</b>		
<b>Savings Fund Program</b>		
All Other	\$83,685	\$83,685
Appropriates funds to be used only to avoid future fee increases.		
<b>DEPARTMENT OF INLAND FISHERIES AND WILDLIFE</b>		
<b>TOTAL</b>	\$83,685	\$83,685

**Sec. 4. Allocation.** The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	2001-02	2002-03
<b>CONSERVATION, DEPARTMENT OF</b>		
<b>Off-road Recreational Vehicles Program</b>		
All Other	\$280,166	\$280,166
Allocates additional funds for the Snowmobile Trail Fund.		
<b>DEPARTMENT OF CONSERVATION</b>		
<b>TOTAL</b>	\$280,166	\$280,166

<b>INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF</b>		
<b>Administrative Services - Inland Fisheries and Wildlife</b>		
All Other	\$26,149	\$26,149
Allocates additional funds for the Snowmobile Enforcement Fund.		
<b>DEPARTMENT OF INLAND FISHERIES AND WILDLIFE</b>		
<b>TOTAL</b>	\$26,149	\$26,149

TOTAL ALLOCATIONS	\$306,315	\$306,315
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See title page for effective date.

**CHAPTER 425**

**H.P. 1232 - L.D. 1679**

**An Act to Increase the Penalties for Animal Cruelty**

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

**Sec. 1. 7 MRSA §4011, sub-§1, ¶G,** as amended by PL 1999, c. 765, §9, is further amended to read:

G. Hunts or sells for the purpose of hunting any animal, except as permitted pursuant to Title 7, chapter 202-A and Title 12, Part 10; or

**Sec. 2. 7 MRSA §4011, sub-§1, ¶H,** as enacted by PL 1999, c. 254, §13, is amended to read:

H. Injects, inserts or causes ingestion of any substance used solely to enhance the performance of an animal by altering the animal's metabolism to that animal's detriment, including but not limited to excessive levels of sodium bicarbonate in equines used for competition; or

**Sec. 3. 7 MRSA §4011, sub-§1, ¶I** is enacted to read:

I. Kills or tortures an animal to frighten or intimidate a person or forces a person to injure or kill an animal.

**Sec. 4. 7 MRSA §4016,** as amended by PL 1999, c. 597, §2, is repealed and the following enacted in its place:

**§4016. Violation**

**1. Penalty.** A person who violates this chapter commits a civil violation.

A. The court shall adjudge a civil fine of not less than \$500 nor more than \$2,500 for the first violation, none of which may be suspended, and a civil fine of not less than \$1,000 nor more than \$5,000 for a 2nd or subsequent violation of section 4011, none of which may be suspended.

B. The court may order a person adjudicated as having violated the laws against cruelty to animals to pay the costs of the care, housing and veterinary medical treatment for the animal.

C. The court, as part of the judgment, may prohibit a person adjudicated as having violated the laws against cruelty to animals from owning, possessing or having on the defendant's premises an animal for a period of time up to and including permanent relinquishment.

D. The court, as part of the judgment, may order that the defendant submit to and complete a psychological evaluation for in camera review by the court.

**2. Criminal or civil prosecution.** A person may be arrested or detained for the crime of cruelty to animals under Title 17, chapter 42, subchapter III in accordance with the rules of criminal procedure. A person may not be arrested or detained for the civil violation of cruelty to animals. The attorney for the State may elect to charge a defendant with either the crime of cruelty to animals under Title 17, chapter 42, subchapter III or the civil violation of cruelty to animals under this chapter. In making this election, the attorney for the State shall consider the severity of the cruelty displayed, the number of animals involved, any prior convictions or adjudications of animal cruelty entered against the defendant and such other factors as may be relevant to a determination of whether criminal or civil sanctions will best accomplish the goals of the animal welfare laws in the particular case before the attorney for the State. The election and determination required by this subsection are not subject to judicial review. The factors involved in the election and determination are not elements of the criminal offense or civil violation of animal cruelty and are not subject to proof or disproof as prerequisites or conditions for conviction under Title 17, chapter 42, subchapter III or adjudication under this chapter.

**Sec. 5. 17 MRSA §1031, sub-§1, ¶G,** as amended by PL 1999, c. 765, §11, is further amended to read:

G. Hunts or sells for the purpose of hunting any animal, except as permitted pursuant to Title 7, chapter 202-A and Title 12, Part 10; or

**Sec. 6. 17 MRSA §1031, sub-§1, ¶H,** as enacted by PL 1999, c. 254, §21, is amended to read:

H. Injects, inserts or causes ingestion of any substance used solely to enhance the performance of an animal by altering the animal's metabolism to that animal's detriment, including but not limited to excessive levels of sodium bicarbonate in equines used for competition; or

**Sec. 7. 17 MRSA §1031, sub-§1, ¶I** is enacted to read: