

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**June 19, 2018 to September 13, 2018**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**DECEMBER 13, 2018**

**ONE HUNDRED AND TWENTY-NINTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2018 to June 20, 2019**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 2019**

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

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**Augusta, Maine**  
**2019**

during the regular archery deer hunting season, any special archery hunting season and the fall open season on hunting wild turkey. The committee may report out a bill to the Second Regular Session of the 130th Legislature based on the report.

See title page for effective date.

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## CHAPTER 99

### H.P. 61 - L.D. 64

#### An Act To Make Post-conviction Possession of Animals by Certain Persons a Criminal Offense

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

**Sec. 1. 17 MRSA §1031, sub-§3-B, ¶B**, as enacted by PL 2003, c. 452, Pt. I, §20 and affected by Pt. X, §2, is repealed.

**Sec. 2. 17 MRSA §1031, sub-§3-B, ¶C**, as enacted by PL 2003, c. 452, Pt. I, §20 and affected by Pt. X, §2, is amended to read:

C. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence under this subsection.

**Sec. 3. 17 MRSA §1031, sub-§3-B, ¶¶D, E and F** are enacted to read:

D. The court, as part of the sentence for a violation of this section:

(1) May prohibit a defendant convicted of a Class D crime under this section from owning, possessing or having on the defendant's premises an animal for a period of time that the court determines to be reasonable, up to and including permanent relinquishment;

(2) Shall prohibit a defendant convicted of a Class C crime under this section from owning, possessing or having on the defendant's premises an animal for a period of at least 5 years, up to and including permanent relinquishment;

(3) May impose any other reasonable restrictions on a defendant's future ownership or custody of an animal as determined by the court to be necessary for the protection of animals, including but not limited to reasonable restrictions on future ownership, possession or custody and prohibiting the person from employment that involves the care of animals or any other contact with animals; and

(4) May order as a condition of probation that probationer be evaluated to determine the

need for psychiatric or psychological counseling and, if it is determined to be appropriate by the court, receive psychiatric or psychological counseling at the defendant's expense.

Upon motion by the defendant and upon completion of conditions specified in an order entered under this paragraph, the court may reduce or modify restrictions or conditions imposed under this paragraph.

E. Intentional or knowing violation of a court order issued under paragraph D is a Class D crime. An animal owned or possessed by the defendant or on the defendant's premises in violation of a court order under paragraph D is subject to immediate forfeiture as ordered by the court.

F. A person placed on probation for a violation of this section with a condition that prohibits owning, possessing or having on the probationer's premises an animal is subject to revocation of probation and removal of the animal at the probationer's expense if this condition is intentionally or knowingly violated.

See title page for effective date.

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## CHAPTER 100

### H.P. 261 - L.D. 336

#### An Act To Require That Notice of Lead Abatement Orders Be Filed with the Registry of Deeds

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

**Sec. 1. 22 MRSA §1321, sub-§1**, as amended by PL 2005, c. 530, §4, is further amended to read:

**1. Notice posted.** The department shall post in or upon the dwelling, premises, residential child-occupied facility, child care facility, premises of the family child care provider or nursery school, in a conspicuous place or places, notice of the existence of environmental lead hazard. Notice may not be removed until the department states that the ~~environmental lead hazard no longer exists~~ property owner has complied with the order issued pursuant to subsection 3 that the lead-based substances be removed, replaced or securely and permanently covered;

**Sec. 2. 22 MRSA §1321, sub-§3**, as amended by PL 1999, c. 790, Pt. A, §23, is further amended to read:

**3. Notice to owner; removal.** The department shall give notice of the existence of the environmental lead hazard to the owner and order that the lead-based substances be removed, replaced or securely and per-