

# 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**

~~subsection 1 or the compensation limitation in subsection 2, paragraph A.~~

See title page for effective date.

## CHAPTER 437

### H.P. 891 - L.D. 1230

#### An Act To Update the Civil Animal Welfare Laws

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

**Sec. 1. 7 MRSA §3922, sub-§4**, as amended by PL 2007, c. 664, §11, is further amended to read:

**4. Service dogs.** If a service dog has not been previously registered or licensed by the municipal clerk to whom the application is being made, the clerk may not register the dog nor issue to its owner or keeper a license ~~and tag that identifies the dog as a service dog~~ unless the applicant presents written evidence to the municipal clerk that the dog meets the definition of "service dog." For the purpose of this subsection, "written evidence" means a service dog certification form approved by the department in consultation with the Maine Human Rights Commission.

**Sec. 2. 7 MRSA §3947, first ¶**, as amended by PL 2017, c. 404, §9, is further amended to read:

Each municipality shall appoint one or more animal control officers whose duties are enforcement of sections 3911, 3912, 3916, 3921, 3924, 3948, 3950, 3950-A, 3952-A ~~and~~ 4041 ~~and~~ 4042 and Title 17, section 1023, responding to reports of animals suspected of having rabies in accordance with Title 22, sections 1313 and 1313-A and any other duties to control animals as the municipality may require. A municipality may appoint an employee of an animal shelter as an animal control officer as long as the person meets the qualifications and training requirements of this section.

**Sec. 3. 7 MRSA §§3950-B and 3950-C** are enacted to read:

#### **§3950-B. Euthanasia for severely sick or severely injured livestock**

**1. Written authorization.** A humane agent, animal control officer or animal shelter may authorize in writing the euthanasia of severely sick or severely injured livestock under the following conditions:

A. The clerk or animal control officer of the municipality in which the livestock was found has been notified of the livestock's presence and a reasonable attempt to contact the owner of the livestock has been made; and

B. A veterinarian states in writing that given reasonable time and reasonable care the livestock's recovery from the livestock's sickness or injury is doubtful.

**2. Immediate euthanasia.** Notwithstanding subsection 1, paragraphs A and B, a veterinarian may authorize immediate euthanasia if, in the veterinarian's judgment, there is no possibility of recovery for severely sick or severely injured livestock.

#### **§3950-C. Immunity from civil liability**

A municipality, veterinarian, humane agent, animal control officer or animal shelter is not civilly liable to any party for authorization made in accordance with section 3950-B nor is any person performing euthanasia under that authorization civilly liable.

**Sec. 4. 7 MRSA §4011, sub-§1, ¶D**, as amended by PL 1997, c. 456, §4, is further amended to read:

D. Injures, overworks, tortures, torments, abandons or cruelly beats or intentionally mutilates an animal; gives drugs, including but not limited to, a scheduled drug as defined in Title 17-A, section 1101, subsection 11, to an animal with an intent to harm or intoxicate the animal; gives poison or alcohol to an animal; or exposes a poison with intent that it be taken by an animal. The owner or occupant of property is privileged to use reasonable force to eject a trespassing animal;

**Sec. 5. 7 MRSA §4016, sub-§1, ¶A**, as enacted by PL 2001, c. 425, §4, is amended to read:

A. The court shall adjudge a civil fine of not less than \$500 nor more than ~~\$2,500~~ \$5,000 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~~ \$10,000 for a 2nd or subsequent violation of section 4011, none of which may be suspended.

**Sec. 6. 7 MRSA §4042** is enacted to read:

#### **§4042. Stray livestock**

**1. Ownership of livestock unknown.** If the ownership of any stray livestock cannot be established, the livestock must be handled as a stray and an animal control officer shall seize, impound or restrain the livestock and:

A. Deliver the livestock to an animal shelter, farm or holding facility that is capable of safely containing the number, type and size of the livestock; or

B. Arrange for the safe confinement of the livestock at a location designated by the municipality in which the livestock was found.

**2. Municipal procedure for stray livestock.** A municipality shall retain custody of stray livestock

under subsection 1 for a period of 10 days. The municipality is responsible for ensuring the proper care of the livestock while confined, including providing proper sustenance, shelter and necessary medical care. If ownership of the stray livestock is not claimed by any person, after 10 days, ownership of the livestock vests with the municipality or an animal shelter designated by the municipality, and the municipality or designated animal shelter may sell, adopt, give away or humanely euthanize the stray livestock. A municipality may reimburse a farm, holding facility or animal shelter for the care and housing of stray livestock pursuant to this section at the same rates as in section 3919-C. For purposes of this section, "municipality" includes a county under Title 30-A, section 7501 if the stray livestock has been found in the unorganized territory of that county.

For purposes of this section, "livestock" does not include feral swine or domesticated cervids.

**Sec. 7. 33 MRSA §1052** is repealed.

**Sec. 8. 33 MRSA §1053**, as amended by PL 1995, c. 227, §2, is further amended to read:

**§1053. Appraisal if value \$10 or more**

Every A finder of lost goods or stray beasts of the value of \$10 or more shall, within 2 months after finding and before using them the lost goods to their the disadvantage of the owner, procure a warrant from the town clerk or a notary public, directed to 2 persons appointed by said the clerk or notary, not interested except as inhabitants of the town, returnable at said the clerk's office within 7 days from its the date of the warrant, to appraise said the goods under oath.

**Sec. 9. 33 MRSA §1054**, as amended by PL 1995, c. 227, §3, is further amended to read:

**§1054. Restitution to appearing owner; money or goods**

If the owner of such lost money or goods appears within 6 months, and if the owner of such stray beasts appears within 2 months after said notice to the town clerk under section 1051 is made by the finder and gives reasonable evidence of ownership to the finder, the owner shall must have restitution of them or the value of the lost money or goods, paying all necessary charges and reasonable compensation to the finder for keeping, to be adjudged by the district court; if the owner and finder cannot agree.

**Sec. 10. 33 MRSA §1055** is repealed.

**Sec. 11. 33 MRSA §1057** is repealed.

**Sec. 12. 33 MRSA §1058** is amended to read:

**§1058. Failure to give notice; penalty**

If the finder of lost money or goods of the value of \$3 or more or if the person taking up such stray beast neglects to give notice to the town clerk and to

cause them the lost money or goods to be advertised as provided under section 1051, he the finder forfeits to the owner the full value thereof of the lost money or goods unless he the finder delivers or accounts therefor for the lost money or goods to the owner, in which case he shall the finder must forfeit not more than \$20, 1/2 to the town and 1/2 to the prosecutor.

**Sec. 13. 33 MRSA §§1059 and 1060** are repealed.

**Sec. 14. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 33, chapter 21, in the chapter headnote, the words "lost goods and stray beasts" are amended to read "lost goods" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

**CHAPTER 438**

**H.P. 996 - L.D. 1375**

**An Act To Prohibit Certain Sexual Acts and Sexual Contact by Law Enforcement Officers in Performance of Official Duties and To Amend the Law on Obstructing Criminal Prosecution**

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

**Sec. 1. 17-A MRSA §253, sub-§2, ¶L**, as amended by PL 2017, c. 300, §1, is further amended to read:

L. The actor is employed to provide care to a dependent person, who is not the actor's spouse or domestic partner and who is unable to perform self-care because of advanced age or physical or mental disease, disorder or defect. For the purposes of this paragraph, "domestic partners" means 2 unmarried adults who are domiciled together under a long-term arrangement that evidences a commitment to remain responsible indefinitely for each other's welfare. Violation of this paragraph is a Class C crime; or

**Sec. 2. 17-A MRSA §253, sub-§2, ¶M**, as enacted by PL 2017, c. 300, §2, is further amended to read:

M. The other person has not expressly or impliedly acquiesced to the sexual act. Violation of this paragraph is a Class C crime; or

**Sec. 3. 17-A MRSA §253, sub-§2, ¶N** is enacted to read: