



129th MAINE LEGISLATURE

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Legislative Document

No. 1230

H.P. 891

House of Representatives, March 14, 2019

An Act To Update the Civil Animal Welfare Laws

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative NADEAU of Winslow.
Cosponsored by Senator BLACK of Franklin and
Representatives: COREY of Windham, DUNPHY of Old Town, HICKMAN of Winthrop,
McCREA of Fort Fairfield, O'NEIL of Saco, SKOLFIELD of Weld, Senators: DAVIS of
Piscataquis, DILL of Penobscot.

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

2 **Sec. 1. 7 MRSA §3922, sub-§4**, as amended by PL 2007, c. 664, §11, is repealed.

3 **Sec. 2. 7 MRSA §3923-A, sub-§3, ¶A**, as amended by PL 2007, c. 664, §12, is
4 further amended to read:

5 A. A service dog owned or kept by a person with a physical or mental disability if
6 the person presents a service dog certification form approved by the department in
7 consultation with the Maine Human Rights Commission;

8 **Sec. 3. 7 MRSA §3947, first ¶**, as amended by PL 2017, c. 404, §9, is further
9 amended to read:

10 Each municipality shall appoint one or more animal control officers whose duties are
11 enforcement of sections 3911, 3912, 3916, 3921, 3924, 3948, 3950, 3950-A, 3952-A ~~and~~
12 4041 ~~and~~ 4042 and Title 17, section 1023, responding to reports of animals suspected of
13 having rabies in accordance with Title 22, sections 1313 and 1313-A and any other duties
14 to control animals as the municipality may require. A municipality may appoint an
15 employee of an animal shelter as an animal control officer as long as the person meets the
16 qualifications and training requirements of this section.

17 **Sec. 4. 7 MRSA §§3950-B and 3950-C** are enacted to read:

18 **§3950-B. Euthanasia for severely sick or severely injured livestock**

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

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

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

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

30 **§3950-C. Immunity from civil liability**

31 A municipality, veterinarian, humane agent, animal control officer or animal shelter
32 is immune from liability for performing any acts or duties under this chapter.

33 **Sec. 5. 7 MRSA §4011, sub-§1, ¶D**, as amended by PL 1997, c. 456, §4, is
34 further amended to read:

35 D. Injures, overworks, tortures, torments, abandons or cruelly beats or intentionally
36 mutilates an animal; gives drugs to an animal with an intent to harm the animal;

1 intentionally gives poison or alcohol or a scheduled drug as defined in Title 17-A,
2 section 1101, subsection 11 to an animal; or exposes a poison with intent that it be
3 taken by an animal. The owner or occupant of property is privileged to use
4 reasonable force to eject a trespassing animal;

5 **Sec. 6. 7 MRSA §4016, sub-§1, ¶A**, as enacted by PL 2001, c. 425, §4, is
6 amended to read:

7 A. The court shall adjudge a civil fine of not less than \$500 nor more than ~~\$2,500~~
8 \$5,000 for the first violation, none of which may be suspended, and a civil fine of not
9 less than \$1,000 nor more than ~~\$5,000~~ \$10,000 for a 2nd or subsequent violation of
10 section 4011, none of which may be suspended.

11 **Sec. 7. 7 MRSA §4016, sub-§1-A** is enacted to read:

12 **1-A. Criminal violation.** A person who fails to comply with subsection 1 commits a
13 Class D crime.

14 **Sec. 8. 7 MRSA §4042** is enacted to read:

15 **§4042. Stray livestock**

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

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

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

23 **2. Municipal procedure for stray livestock.** A municipality shall retain custody of
24 stray livestock under subsection 1 for a period of 10 days. The municipality is
25 responsible for ensuring the proper care of the livestock while confined, including
26 providing proper sustenance, shelter and necessary medical care. After 10 days,
27 ownership of the livestock vests with the municipality or an animal shelter designated by
28 the municipality, and the municipality or designated animal shelter may sell, adopt, give
29 away or humanely euthanize the stray livestock. A municipality may reimburse a farm,
30 holding facility or animal shelter for the care and housing of stray livestock pursuant to
31 this section at the same rates as in section 3919-C. For purposes of this section,
32 "municipality" includes a county under Title 30-A, section 7501 if the stray livestock has
33 been found in the unorganized territory of that county.

34 **Sec. 9. 33 MRSA §1052** is repealed.

35 **Sec. 10. 33 MRSA §1053**, as amended by PL 1995, c. 227, §2, is further amended
36 to read:

- 1 2. It clarifies that the dog licensing fee is waived for an owner who produces
2 documentation that the dog is a service dog;
- 3 3. It provides for euthanasia of severely sick or severely injured stray livestock
4 authorized by a veterinarian, humane agent, animal control officer or animal shelter;
- 5 4. It provides for immunity for a municipality, veterinarian, humane agent, animal
6 control officer and animal shelter in instances involving handling of stray livestock;
- 7 5. It adds to the animal cruelty provisions the violation of intentionally giving an
8 animal a scheduled drug;
- 9 6. It increases the penalties for civil violations involving animal cruelty;
- 10 7. It makes the violation of a court order involving a civil animal welfare matter a
11 Class D crime;
- 12 8. It establishes municipal procedures for the handling of stray livestock; and
- 13 9. It repeals provisions related to stray beasts.