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An Act Pertaining to the Possession of Animal Fighting Paraphernalia

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

Sec. 1. 17 MRSA §1033, sub-§2-A, as enacted by PL 2003, c. 452, Pt. I, §26 and affected by Pt. X, §2, is amended to read:

2-A. Penalty. A person who violates subsection 2 commits a Class DC crime.

Sec. 2. 17 MRSA §1033, sub-§3, as amended by PL 2003, c. 414, Pt. B, §33 and affected by c. 614, §9, is further amended to read:

3. Affirmative defense. It is an affirmative defense to prosecution under subsections 1 and 2 and 5 that the activity charged involves the possession, training, exhibition or use of an animal in the otherwise lawful sport of animal hunting and the training or use of hunting dogs. It is also an affirmative defense that the defendant's conduct involved the use of live animals as bait or in the training of other animals in accordance with the laws of the Department of Inland Fisheries and Wildlife, Title 12, Part 13.

Sec. 3. 17 MRSA §1033, sub-§4, as enacted by PL 1987, c. 383, §4, is amended to read:

4. Exception. Activity involving the possession, training, exhibition or use of an animal in the otherwise lawful pursuits of hunting, farming and security services is exempt from subsections 1 and 2 and 5.

Sec. 4. 17 MRSA §1033, sub-§5 is enacted to read:

5. Possession of animal fighting paraphernalia. A person is guilty of possession of animal fighting paraphernalia if that person possesses, manufactures for sale, ships, transports or delivers:

A. A device or equipment used to train or condition an animal for participation in an animal fighting contest that the person knows or should have known is intended for use in a show, exhibition, program or other activity featuring or otherwise involving a fight between 2 or more animals; or

B. An implement designed to be attached in place of a natural spur of a cock or other fighting bird in order to enhance the bird's fighting ability or ability to harm or kill another animal.

Sec. 5. 17 MRSA §1033, sub-§6 is enacted to read:

6. Penalty. A person who violates subsection 5 commits a Class C crime.

SUMMARY

This bill makes possession of animal fighting paraphernalia a Class C crime. It also changes the crime of viewing animal fighting from a Class D crime to a Class C crime.