

Date:

(Filing No. S-)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
SENATE
126TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 252, L.D. 703, Bill, “An Act To Make Post-conviction Possession of Animals a Criminal Offense”

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 7 MRSA §3910-C is enacted to read:

§3910-C. Possession of animals prohibited for certain persons

1. Possession prohibited. Except as provided in subsection 2, a person convicted of cruelty to animals under Title 17, section 1031 may not own, possess, have on that person's premises or have under that person's control an animal for not less than 5 years from the date of entry of conviction for a Class D crime under Title 17, section 1031 or not less than 15 years from the date of entry of conviction for a Class C crime under Title 17, section 1031. A person who violates this subsection commits a Class D crime.

2. Application for relief. A person subject to subsection 1 may apply to the commissioner for relief from the period of time the person may not own, possess, have on that person's premises or have under that person's control an animal no sooner than one year after entry of conviction for a Class D crime and no sooner than 5 years after entry of conviction for a Class C crime.

A. The commissioner shall schedule a hearing on the application for relief under this subsection within 60 days after the filing of the application. The applicant bears the burden of proof by a preponderance of the evidence that the person:

- (1) Does not present a danger to animals;
- (2) Has the ability to properly care for an animal; and
- (3) Has successfully completed all classes or counseling ordered by a court.

B. The commissioner may reduce the period of time the person may not own, possess or have on the person's premises or have under that person's control an animal by an amount of time determined appropriate by the commissioner.

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1 Class C crime. A person may not reapply for final relief more frequently than every 2
2 years.

3 Finally, it authorizes the Commissioner of Agriculture, Conservation and Forestry to
4 establish an application filing fee of not more than \$25 to cover the costs of processing
5 applications.