

Maine PRISONER ADVOCACY Coalition



March 31, 2025

Senator Beebe-Center, Representative Hasenfus and distinguished members of the Criminal Justice and Public Safety Committee:

My name is Jan Collins, I am Assistant Director of Maine Prisoner Advocacy Coalition (MPAC) an organization committed to ethical, positive, and humane changes in Maine's prison system. I am here in opposition to [LD 962](#) An Act to Establish the Offense of Aggravated Operating Under the Influence Resulting in the Death of a Pet.

Maine Prisoner Advocacy Coalition is generally opposed to any expansion of the criminal code. Maine's code is already harsh. It has neither parole or a means to earn time off through education, programming or job training, unlike our neighbor NH, which has both.

We have additional questions about the provisions of this bill.

In Maine, Title 7, Section 3907, Subsection 22-B defines a "pet" as an animal legally owned, kept for pleasure, excluding livestock, in the owner's possession, with a demonstrable responsibility for its care.

Most people think of a pet as a cat or dog, but this definition is very broad. The classroom pets I kept in my biology room included, a tarantula, ball python, guinea pig, gerbils, a red eared slider, a Norwegian rat, giant Madagascar cockroaches, Bessbugs, and various tropical fish.

I abstain from alcohol, but just for the sake of the discussion, what if I stopped by the pet store to buy some guppies for my fish tank. On the way home I stop at a friend's and have a little too much wine. I leave her home and swerve to avoid a deer in the road. My guppies die.

According to the provisions of this bill, the penalty for my wine consumption is

- A. A fine of not less than \$2,100 and not more than \$7,000;
- B. A period of incarceration of not less than 6 months and not more than 2 years;
- C. A court-ordered suspension of a driver's license for a period of 3 years; and
- D. Mandatory community service related to animal welfare as determined by the court.

Let us change the scenario, the town I live in has a leash law. Not all towns do, but some do. My neighbor has a lovely dog who is regularly allowed outside unsupervised and has been seen scampering about various locations in the neighborhood. This time on my way home from my friends, the dog dashes out in front of my car just as I am about to turn into my driveway. Who is at fault, my impaired reflexes or the neighbors for not controlling their dog? Along with the penalties above, I am also now liable for

- A. Veterinary costs incurred as a result of the incident;
- B. The market value of the pet; and
- C. Emotional distress suffered by the owner of the pet in an amount not to exceed \$3,000.

I am an animal lover, you can tell from the menagerie I kept in my classroom and the fact that I am a vegetarian. My heart goes out to anyone who loses their pet for any reason. It is truly a heart wrenching loss.

This bill, however, is extreme and likely unworkable. I urge you oppose its passage.

With appreciation,
Jan