

§1027. Security for seizure and impoundment of animals relating to cruelty to animals or animal fighting

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Authority" means the commissioner or a state veterinarian, humane agent, sheriff, deputy sheriff, constable, police officer, person authorized to make arrests or animal control officer that seizes or impounds an animal pursuant to section 1021. [PL 2019, c. 237, §7 (AMD).]
[PL 2019, c. 237, §7 (AMD).]

2. Show cause hearing.
[PL 2019, c. 237, §8 (RP).]

2-A. Appeal of action or order. When an animal is lawfully seized or impounded pursuant to section 1021 or 1034, if the owner, custodian or person claiming an interest in the animal wishes to contest the order, the owner, custodian or person claiming an interest may appeal the action or order to the Superior Court pursuant to the Maine Rules of Civil Procedure.

[PL 2019, c. 237, §9 (NEW).]

3. Post security. If an animal is lawfully seized and impounded, the authority may file a petition with the court requesting that the person from whom an animal is seized or a person claiming an interest in the seized animal be ordered to post a security. The authority shall serve a copy of the petition on the person from whom the animal was seized or, if the person cannot be found, by posting of copy at the place where the animal was taken into custody. The authority shall also serve a copy of the petition on the district attorney. The court may order the person from whom an animal is seized or a person claiming an interest in the seized animal to post a security.

[PL 2007, c. 439, §36 (NEW).]

4. Payment of expenses. The security must be in an amount sufficient to secure payment for all reasonable expenses to be incurred by the authority having custody of the seized animal for a period of at least 30 days. The court upon the recommendation of the authority shall determine the amount of the security. Reasonable expenses include, but are not limited to, estimated medical care, shelter and board.
[PL 2007, c. 439, §36 (NEW).]

5. Draw actual reasonable costs. When security is posted in accordance with this section, the authority may draw from the security the actual reasonable costs incurred for medical care, shelter, board and record keeping.

[PL 2007, c. 439, §36 (NEW).]

6. Post with clerk. If the court orders the posting of security, the security must be posted with the clerk within 10 business days of the show cause hearing. The court shall order the immediate forfeiture of the seized animal to the authority if the person fails to post security as ordered. The court may waive the security requirement or reduce the amount of the security for good cause shown.

[PL 2007, c. 439, §36 (NEW).]

7. Disposition of animal. Posting of the security does not prevent the authority from disposing of the seized or impounded animal before the expiration of the period covered by the security, if the court rules in favor of the authority.

[PL 2007, c. 439, §36 (NEW).]

8. Order denied. The authority may humanely dispose of the animal at the end of the period for which expenses are covered by the security, if the court orders the disposition. If the disposition order is denied, the court may require the owner or custodian or any other person claiming interest in the animal to provide additional security to secure payment of reasonable expenses and to extend the period

of time pending adjudication by the court of the charges against the person from whom the animal was seized.

[PL 2007, c. 439, §36 (NEW).]

9. Recover damages. The owner or custodian of an animal humanely killed pursuant to this section is not entitled to recover damages or the actual value of the animal if the owner or custodian failed to post security.

[PL 2007, c. 439, §36 (NEW).]

10. Refund. The court may direct a refund to the person who posted the security in whole or in part for expenses not incurred by the authority. The court may direct a refund to the person who posted security upon acquittal of the charges.

[PL 2007, c. 439, §36 (NEW).]

SECTION HISTORY

PL 2007, c. 439, §36 (NEW). PL 2011, c. 559, Pt. A, §17 (AMD). PL 2019, c. 237, §§7-9 (AMD).

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