



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 64

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H.P. 61

House of Representatives, January 15, 2019

### **An Act To Make Post-conviction Possession of Animals a Criminal Offense**

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Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

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

ROBERT B. HUNT  
Clerk

Presented by Representative BAILEY of Saco.  
Cosponsored by Representative: BERRY of Bowdoinham, Senators: CHENETTE of York,  
LAWRENCE of York.

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

2 **Sec. 1. 17 MRSA §1031, sub-§3-B**, as amended by PL 2009, c. 573, §2, is  
3 further amended to read:

4 **3-B. Penalties.** The following apply to violations of this section.

5 A. In addition to any other penalty authorized by law and notwithstanding the  
6 provisions of Title 17-A, section 1202, subsection 1, the court shall impose a fine of  
7 not less than \$500 for each violation of this section, prohibit a defendant convicted of  
8 a Class D crime under this section from owning, possessing or having on the  
9 defendant's premises an animal for a period of at least 5 years following entry of  
10 conviction and prohibit a defendant convicted of a Class C crime under this section  
11 from owning, possessing or having on the defendant's premises an animal for a period  
12 of at least 15 years following entry of conviction. The court may order the defendant  
13 to pay the costs of the care, housing and veterinary medical treatment for ~~the~~ an  
14 animal injured by a violation of this section including the costs of relocating the  
15 animal. In addition to any other penalty authorized by law, a violation of the  
16 provisions of this paragraph concerning the period of time that a defendant may not  
17 own, possess or have on the defendant's premises an animal is a Class D crime.

18 B. The court, as part of the sentence for a violation of this section, may prohibit the  
19 defendant from owning, possessing or having on the defendant's premises an animal  
20 or animals as determined by the court for a period of time in excess of the minimum  
21 period required by paragraph A, up to and including permanent relinquishment, as  
22 determined by the court. A person placed on probation for a violation of this section  
23 with a condition that prohibits owning, possessing or having an animal or animals on  
24 the probationer's premises is subject to revocation of probation and removal of the  
25 animal or animals at the probationer's expense if this condition is violated. The court  
26 as part of the sentence may order, as a condition of probation, that the defendant be  
27 evaluated to determine the need for psychiatric or psychological counseling and, if it  
28 is determined appropriate by the court, to receive psychiatric or psychological  
29 counseling at the defendant's expense.

30 C. Title 17-A, section 9-A governs the use of prior convictions when determining a  
31 sentence.

32 D. A defendant may petition the court for relief of the period of time the defendant  
33 may not own, possess or have on the defendant's premises an animal under paragraph  
34 A no sooner than one year after entry of conviction for a Class D crime and no sooner  
35 than 5 years after entry of conviction for a Class C crime. The defendant shall serve a  
36 copy of a petition for relief under this paragraph upon the district attorney  
37 concurrently with filing the petition, and the court shall schedule a hearing on the  
38 petition under this paragraph within 60 days after the filing of the petition. The  
39 defendant bears the burden of proof by a preponderance of evidence that the  
40 defendant:

41 (1) Does not present a danger to animals;

42 (2) Has the ability to properly care for an animal; and

1           (3) Has successfully completed all classes or counseling ordered by the court.

2           If a court grants a petition for relief under this paragraph, the court may reduce the  
3 period that the defendant may not own, possess or have on the defendant's premises  
4 an animal by an amount of time determined appropriate by the court. The court may  
5 order that the defendant comply with reasonable and unannounced inspections for a  
6 period of time the court determines appropriate by an appropriate government or law  
7 enforcement agency for the purpose of ensuring compliance with any court order or  
8 that the person is not committing additional crimes under this section.

9   **SUMMARY**

10           This bill sets the minimum amount of time a person convicted of animal cruelty may  
11 not own, possess or have on the person's premises an animal as 5 years for a Class D  
12 crime and 15 years for a Class C crime and makes a violation of these time periods a  
13 Class D crime. This bill also provides that a person may petition the court to reduce the  
14 amount of time that the person may not own, possess or have on the person's premises an  
15 animal upon a showing that the person does not present a danger to animals and meets  
16 other criteria.