1	L.D. 703
2	Date: (Filing No. S-)
3	CRIMINAL JUSTICE AND PUBLIC SAFETY
4	Reproduced and distributed under the direction of the Secretary of the Senate.
5	STATE OF MAINE
6	SENATE
7	126TH LEGISLATURE
8	FIRST REGULAR SESSION
9 10	COMMITTEE AMENDMENT "" to S.P. 252, L.D. 703, Bill, "An Act To Make Post-conviction Possession of Animals a Criminal Offense"
11 12	Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:
13	'Sec. 1. 7 MRSA §3910-C is enacted to read:
14	§3910-C. Possession of animals prohibited for certain persons
15 16 17 18 19 20	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.
21 22 23 24 25	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.
26 27 28	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:
29	(1) Does not present a danger to animals;
30	(2) Has the ability to properly care for an animal; and
31	(3) Has successfully completed all classes or counseling ordered by a court.
32 33 34	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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- 1C. The commissioner may require that the person comply with reasonable and2unannounced inspections for a period of time the commissioner determines3appropriate by an appropriate government or law enforcement agency for the purpose4of ensuring compliance with this section.
- 5 D. The commissioner may revoke any reduction in time granted pursuant to 6 paragraph B if the commissioner finds that the person no longer satisfies the 7 conditions of paragraph A, subparagraph (1) or (2). A person whose reduction of 8 time has been revoked may not reapply for a reduction in time.

9 3. Application for final relief. A person subject to subsection 1 may apply to the commissioner for final relief from the period of time the person may not own, possess, 10 have on the person's premises or have under that person's control an animal no sooner 11 than 5 years after entry of conviction for a Class D crime and no sooner than 15 years 12 after entry of conviction for a Class C crime. The commissioner shall schedule a hearing 13 on the application for final relief within 60 days after the filing of the application. The 14 commissioner may grant final relief if the person meets the conditions under subsection 2, 15 paragraph A, subparagraphs (1) and (2). A person may not reapply for final relief more 16 frequently than every 2 years. 17

- **4. Contents.** Applications under subsections 2 and 3 must be in a form determined
 by the commissioner.
- 5. Filing fee. The commissioner may establish a reasonable filing fee not to exceed
 \$25 to defray costs of processing applications.

6. Rules. The commissioner may adopt rules to implement the provisions of this
 section. Rules adopted pursuant to this subsection are routine technical rules as defined
 by Title 5, chapter 375, subchapter 2-A.'

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SUMMARY

This amendment is the minority report and replaces the bill. It provides that a person convicted of cruelty to animals may not own, possess, have on that person's premises or have under that person's control an animal for at least 5 years for a Class D conviction for cruelty to animals or for at least 15 years for a Class C conviction for cruelty to animals and makes a violation of this prohibition a Class D crime.

It provides that the Commissioner of Agriculture, Conservation and Forestry may reduce the period of time a person convicted of cruelty to animals is prohibited from having an animal upon application by the person subject to the prohibition. The commissioner may revoke the reduction in time granted if the commissioner finds that the person is a danger to animals or no longer has the ability to properly care for an animal. A person whose reduction of time has been revoked may not reapply for a reduction in time.

This amendment provides that a person subject to a prohibition for conviction of cruelty to animals may apply to the commissioner for final relief from the period of time the person is prohibited from having an animal no sooner than 5 years after entry of conviction for a Class D crime and no sooner than 15 years after entry of conviction for a

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

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

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