

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

H.P. 61 - L.D. 64

An Act To Make Post-conviction Possession of Animals by Certain Persons a Criminal Offense**Be it enacted by the People of the State of Maine as follows:**

Sec. 1. 17 MRSA §1031, sub-§3-B, ¶B, as enacted by PL 2003, c. 452, Pt. I, §20 and affected by Pt. X, §2, is repealed.

Sec. 2. 17 MRSA §1031, sub-§3-B, ¶C, as enacted by PL 2003, c. 452, Pt. I, §20 and affected by Pt. X, §2, is amended to read:

C. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence under this subsection.

Sec. 3. 17 MRSA §1031, sub-§3-B, ¶¶D, E and F are enacted to read:

D. The court, as part of the sentence for a violation of this section:

(1) May prohibit a defendant convicted of a Class D crime under this section from owning, possessing or having on the defendant's premises an animal for a period of time that the court determines to be reasonable, up to and including permanent relinquishment;

(2) Shall prohibit a defendant convicted of a Class C crime under this section from owning, possessing or having on the defendant's premises an animal for a period of at least 5 years, up to and including permanent relinquishment;

(3) May impose any other reasonable restrictions on a defendant's future ownership or custody of an animal as determined by the court to be necessary for the protection of animals, including but not limited to reasonable restrictions on future ownership, possession or custody and prohibiting the person from employment that involves the care of animals or any other contact with animals; and

(4) May order as a condition of probation that probationer be evaluated to determine the need for psychiatric or psychological counseling and, if it is

determined to be appropriate by the court, receive psychiatric or psychological counseling at the defendant's expense.

Upon motion by the defendant and upon completion of conditions specified in an order entered under this paragraph, the court may reduce or modify restrictions or conditions imposed under this paragraph.

E. Intentional or knowing violation of a court order issued under paragraph D is a Class D crime. An animal owned or possessed by the defendant or on the defendant's premises in violation of a court order under paragraph D is subject to immediate forfeiture as ordered by the court.

F. A person placed on probation for a violation of this section with a condition that prohibits owning, possessing or having on the probationer's premises an animal is subject to revocation of probation and removal of the animal at the probationer's expense if this condition is intentionally or knowingly violated.