

ANIMAL PROTECTION LAWS OF MAINE



Animal Protection Laws of Maine

Editor's note: Maine has both civil and criminal dispositions in its statutes. "Criminal or civil prosecution. A person may be arrested or detained for the crime of cruelty to animals in accordance with the rules of criminal procedure. No person may be arrested or detained for the civil violation of cruelty to animals. The attorney for the State shall elect to charge a defendant with the crime of cruelty to animals under this section or the civil violation of cruelty to animals under Title 7, section 4011. In making this election, the attorney for the State shall consider the severity of the cruelty displayed, the number of animals involved, any prior convictions or adjudications of animal cruelty entered against the defendant and such other factors as may be relevant to a determination of whether criminal or civil sanctions will best accomplish the goals of the animal welfare laws in the particular case before the attorney for the State. The election and determination required by this subsection shall not be subject to judicial review. The factors involved in such election and determination are not elements of the criminal offense or civil violation of animal cruelty and are not subject to proof or disproof as prerequisites or conditions for conviction under this subsection or adjudication under Title 7, section 4011." ME. REV. STAT. ANN. tit. 17, § 1031(4).

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This chapter contains Maine's general animal protection and related statutes with an effective date on or before September 1, 2021. It begins with a detailed overview of the provisions contained in these laws, followed by the full text of the statutes themselves. The various provisions are organized into categories with the relevant part of each statute italicized.

Maine may employ similar provisions within other non-animal-specific criminal and civil statutes; may have other more specific statutes in addition to those included; and may have a variety of animal-related regulations in effect. Because the law is continually evolving, always review an official source for the most current language of any statute.

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MAINE

1. <u>DEFINITION OF "ANIMAL"</u>	<p>"[E]very living, sentient creature not a human being"</p> <p>ME. REV. STAT. ANN. tit. 7, § 3907(2)</p> <p>ME. REV. STAT. ANN. tit. 17, § 1011(2)</p>
2. <u>GENERAL CRUELTY *</u>	<p style="text-align: right;">Civil:</p> <p>Definitions</p> <p>ME. REV. STAT. ANN. tit. 7, § 3907</p> <p>Vivisection prohibited in schools</p> <p>ME. REV. STAT. ANN. tit. 7, § 3971</p> <p><i>Civil violation; \$75 fine</i></p> <p>Unlawful use of animals.</p> <p>ME. REV. STAT. ANN. tit. 7, § 3972</p> <p><i>Civil violation; \$100 fine</i></p> <p>Cruelty to animals</p> <p>ME. REV. STAT. ANN. tit. 7, § 4011</p> <p><i>Civil violation</i></p> <p><i>1st violation max. \$5,000 fine</i></p> <p><i>Subsequent violations max. \$10,000 fine</i></p> <p>Cruelty to birds</p> <p>ME. REV. STAT. ANN. tit. 7, § 4012</p> <p><i>Civil violation</i></p> <p><i>1st violation max. \$5,000 fine</i></p> <p><i>Subsequent violations max. \$10,000 fine</i></p> <p>Failure to provide necessary sustenance</p> <p>ME. REV. STAT. ANN. tit. 7, § 4013</p> <p><i>Civil violation</i></p> <p><i>1st violation max. \$5,000 fine</i></p> <p><i>Subsequent violations max. \$10,000 fine</i></p> <p>Failure to supply necessary medical attention</p> <p>ME. REV. STAT. ANN. tit. 7, § 4014</p>

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Civil violation

1st violation max. \$5,000 fine

Subsequent violations max. \$10,000 fine

Failure to provide proper shelter

ME. REV. STAT. ANN. tit. 7, § 4015

Civil violation

1st violation max. \$5,000 fine

Subsequent violations max. \$10,000 fine

Cruel confinement of calves raised for veal and sows during gestation

ME. REV. STAT. ANN. tit. 7, § 4020

1st violation max. \$5,000 fine

Subsequent violations max. \$10,000 fine

Criminal:

Definitions

ME. REV. STAT. ANN. tit. 17, § 1011

Aggravated cruelty to animals

ME. REV. STAT. ANN. tit. 17, § 1031(1-B)

Class C crime, plus \$10,000 fine and other sanctions

Cruelty to animals

ME. REV. STAT. ANN. tit. 17, § 1031

1st & 2nd offense: Class D crime, and mandatory \$500 fine

Subsequent offenses: Class C crime, and mandatory \$500 fine

Cruelty to birds

ME. REV. STAT. ANN. tit. 17, § 1032

1st & 2nd offense: Class D crime, and mandatory \$100 fine

Subsequent offenses: Class C crime, and mandatory \$100 fine

Failure to provide necessary sustenance

ME. REV. STAT. ANN. tit. 17, § 1035

Class D crime

Failure to supply necessary medical attention

ME. REV. STAT. ANN. tit. 17, § 1036

Class D crime

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	<p>Failure to provide proper shelter ME. REV. STAT. ANN. tit. 17, § 1037 <i>Class D crime</i></p> <p>Abandoning animal at animal care facilities ME. REV. STAT. ANN. tit. 17, § 1038 <i>Class D crime</i></p> <p>Special provisions regulating the confinement of calves raised for veal and pregnant pigs ME. REV. STAT. ANN. tit. 17, § 1039 <i>Class D crime or civil violation</i></p>
<p>3. <u>EXEMPTIONS</u></p>	<p style="text-align: right;">Civil:</p> <p>Veterinary practice ME. REV. STAT. ANN. tit. 7, § 3907(20)</p> <p>Euthanasia for severely sick or severely injured livestock ME. REV. STAT. ANN. tit. 7, §§ 3950-B, 3950-C</p> <p>Killing attacking dog ME. REV. STAT. ANN. tit. 7, § 3951</p> <p>Lobsters, shellfish, animals used in agriculture or aquaculture, dogs used for exhibition, etc. ME. REV. STAT. ANN. tit. 7, § 3972</p> <p>Veterinary practice, research animals, bestiality: accepted farm animal husbandry practices, pest control, other ME. REV. STAT. ANN. tit. 7, §§ 4011(1)(B), (1)(D),(1-A),(2)</p> <p>Wildlife, other ME. REV. STAT. ANN. tit. 7, §§ 4012(2),(3)</p> <p>Accepted farm animal husbandry practices ME. REV. STAT. ANN. tit. 7, § 4016</p> <p>Scientific research, veterinary treatment, transportation, exhibitions, rodeos, etc.</p>

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	<p>ME. REV. STAT. ANN. tit. 7, § 4020</p> <p>Criminal:</p> <p>Veterinary practice ME. REV. STAT. ANN. tit. 17, § 1011(20)</p> <p>Veterinary practice, research animals, accepted farm animal husbandry practices, pest control, other ME. REV. STAT. ANN. tit. 17, § 1031(1)(A), (1)(B), (1)(D), (1)(I), (1-D), (1-E), (2)</p> <p>Lawful Hunting ME. REV. STAT. ANN. tit. 17, § 1032(3)</p> <p>Accepted farm animal husbandry practices ME. REV. STAT. ANN. tit. 17, § 1037-A</p> <p>Veterinary practice, research animals, rodeo, other. ME. REV. STAT. ANN. tit. 17, § 1039</p>
4. <u>FIGHTING & RACKETEERING</u>	<p>Various animal fighting activities ME. REV. STAT. ANN. tit. 17, § 1033 <i>Class C crime</i></p> <p>Viewing animal fighting ME. REV. STAT. ANN. tit. 17, § 1033 <i>Class D crime</i></p>
5. <u>SEXUAL ASSAULT</u>	<p>The sexual assault of an animal ME. REV. STAT. ANN. tit. 17, § 1031(I) <i>1st and 2nd offenses: Class D crime</i> <i>Subsequent offenses: Class C crime</i></p>
6. <u>CRUELTY TO WORKING ANIMALS</u>	<p>Unlawful interference with law enforcement dogs ME. REV. STAT. ANN. tit. 17-A, § 752-B <i>Class D crime</i></p> <p>Unlawful interference with law enforcement horses ME. REV. STAT. ANN. tit. 17-A, § 752-D <i>Class D crime</i></p>

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<p><u>7. MAXIMUM PENALTIES & STATUTE OF LIMITATIONS**</u></p>	<p>Civil violation <i>1st offense: \$5,000 fine and other sanctions, including reimbursement of costs, possession prohibitions and psychological evaluations</i> ME. REV. STAT. ANN. tit. 7, § 4016</p> <p><i>Subsequent violations of §§ 4011 to 4015 – civil animal cruelty: \$10,000 fine and other sanctions, including reimbursement of costs, possession prohibitions and psychological evaluations</i> ME. REV. STAT. ANN. tit. 7, § 4016</p> <p>Criminal NOTE: some crimes are punishable by additional fines, as provided in the <u>General Cruelty</u> section of this document.</p> <p>Class D Crime <i>Less than 1 year imprisonment and/or \$2,000 fine</i> ME. REV. STAT. ANN. tit. 17-A, § 1604(1)(D) ME. REV. STAT. ANN. tit. 17-A, § 1704(4)</p> <p>Class C Crime <i>5 years imprisonment and/or \$5,000 fine</i> ME. REV. STAT. ANN. tit. 17-A, § 1604(1)(C) ME. REV. STAT. ANN. tit. 17-A, § 1704(3)</p> <p>Statute of Limitations <i>Class D crime: 3 years</i> ME. REV. STAT. ANN. tit. 17-A, § 8(2) <i>Class C crime: 6 years</i> ME. REV. STAT. ANN. tit. 17-A, § 8(2)</p>
<p><u>8. CROSS ENFORCEMENT & REPORTING</u></p>	<p>Persons in specific professions may report suspected animal offenses and are immune from any civil or criminal liability for so doing. ME. REV. STAT. ANN. tit. 22, § 3477(5) ME. REV. STAT. ANN. tit. 22, § 4011-A(6) ME. REV. STAT. ANN. tit. 34-B, § 1901</p> <p>Humane agents must report suspected abuse, neglect or exploitation of an incapacitated or dependent adult; and suspected abuse or neglect of a child. ME. REV. STAT. ANN. tit. 22, § 3477</p>

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	ME. REV. STAT. ANN. tit. 22, § 4011-A
9. <u>VETERINARIAN REPORTING & IMMUNITY</u>	<p>A licensed veterinarian may report suspected cruelty or neglect; shall report suspected aggravated cruelty; and is immune from any civil or criminal liability or professional disciplinary action.</p> <p>ME. REV. STAT. ANN. tit. 7, § 4018</p>
10. <u>LAW ENFORCEMENT POLICIES</u>	<p>Hearing regarding a cruelly treated animal may be advanced on the docket and receive priority over other cases as justice requires.</p> <p>ME. REV. STAT. ANN. tit. 17, § 1021(4)</p> <p>The commissioner or any person authorized to make arrests may lawfully interfere to prevent the perpetration of any act of animal cruelty in that person's presence.</p> <p>ME. REV. STAT. ANN. tit. 17, § 1022</p> <p>Law enforcement officers, animal control officers and humane agents shall investigate alleged violations; the commissioner shall maintain records of such cases; and law enforcement officers, humane agents, commissioner, state veterinarian and animal control officers may exchange information relating to animal cruelty investigations.</p> <p>ME. REV. STAT. ANN. tit. 17, § 1023</p> <p>It is unlawful to impede the performance of an officer responding to cruelty or neglect.</p> <p>ME. REV. STAT. ANN. tit. 17, § 1024</p> <p>Arrests or detentions can only be made under criminal statutes.</p> <p>ME. REV. STAT. ANN. tit. 17, § 1031(4)</p> <p>No person may be detained or arrested for criminal cruelty to birds.</p> <p>ME. REV. STAT. ANN. tit. 17, § 1032(4)</p> <p>A law enforcement officer or humane agent may be issued a search warrant for probable cause.</p> <p>ME. REV. STAT. ANN. tit. 17, § 1034</p>
11. <u>SEIZURE</u>	<p>Humane agents, law enforcement officers, state veterinarians, and other authorized persons may seize neglected or cruelly treated animals.</p>

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	<p>ME. REV. STAT. ANN. tit. 17, § 1021</p> <p>Upon a finding of probable cause, a law enforcement officer or humane agent may be issued a search warrant and may retain any animal specified in the warrant.</p> <p>ME. REV. STAT. ANN. tit. 17, § 1034</p>
12. <u>COURTROOM ANIMAL ADVOCATE PROGRAM</u>	<p>Court may order that a separate advocate with knowledge of animal issues be appointed to represent the interests of justice.</p> <p>ME. REV. STAT. ANN. tit. 17, § 4016(1-A)</p> <p>ME. REV. STAT. ANN. tit. 17, § 1031(3-C)</p>
13. <u>PROTECTION ORDERS†</u>	<p>Court may prohibit defendant from injuring/threatening to injure an animal</p> <p>ME. REV. STAT. ANN. tit. 19-A, § 4007</p>
14. <u>RESTITUTION †</u>	<p>Court may order a person adjudicated as having violated the laws against cruelty to animals to pay the costs of the care, housing and veterinary medical treatment for the animal.</p> <p>ME. REV. STAT. ANN. tit. 7, § 4016</p> <p>Person taking possession of seized animal shall have a lien for costs of care.</p> <p>ME. REV. STAT. ANN. tit. 17, § 1021</p> <p>Court may order defendant to post security for costs of seizure and care of impounded animals.</p> <p>ME. REV. STAT. ANN. tit. 17, § 1027</p> <p>Court may order defendant to pay costs of care and relocation.</p> <p>ME. REV. STAT. ANN. tit. 17, § 1031(3-B)</p>
15. <u>FORFEITURE & POSSESSION BANS †</u>	<p>Court may order abused animals forfeited, and may also restrict ownership, possession or allowance on premises of animals following conviction.</p> <p>Civil: ME. REV. STAT. ANN. tit. 7, § 4016</p> <p>Criminal: ME. REV. STAT. ANN. tit. 17, § 1021</p> <p>An owner or keeper of an animal who was lawfully seized/impounded</p>

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	<p>is prohibited from possessing or acquiring an animal prior to any hearing to determine possession of the animal that was lawfully seized/impounded.</p> <p>ME. REV. STAT. ANN. tit. 17, § 1021(5-B)</p> <p>If defendant fails to file a show cause petition within 10 days of the date the seizure, or fails to post court-ordered security for costs of impoundment and care, impounded animals are forfeited.</p> <p>ME. REV. STAT. ANN. tit. 17, § 1027</p> <p>Mandatory 5+ year possession/ownership ban following Class C crime conviction, permissive possession/ownership ban following a Class D crime conviction. Along with any ban the court may also impose reasonable restrictions such as prohibiting employment involving care of animals. Violation of a ban is a Class D crime.</p> <p>ME. REV. STAT. ANN. tit. 17, § 1031(3-B)</p>
16. <u>COURT-ORDERED TREATMENT†</u>	<p>Civil:</p> <p>Upon conviction, court may order a psychological evaluation.</p> <p>ME. REV. STAT. ANN. tit. 7, § 4016</p> <p>Criminal:</p> <p>Court may order an evaluation and counseling at defendant's expense.</p> <p>ME. REV. STAT. ANN. tit. 17, § 1031(3-B)</p>
17. <u>HOT CARS</u>	<p>Authority to remove animal from an unattended vehicle</p> <p>ME. REV. STAT. ANN. tit. 7, § 4019</p>
18. <u>CIVIL NUISANCE ABATEMENT</u>	-----
19. <u>AG-GAG LAWS</u>	-----
20. <u>BREED SPECIFIC LEGISLATION</u>	<p>Municipalities may not adopt breed-specific ordinances, laws or regulations.</p> <p>ME. REV. STAT. ANN. tit. 7, § 3950</p>

* States may have other more specific statutes in addition to the general animal protection statutes

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referenced in this table.

- ** Despite statutory maximums, states often employ sentencing guidelines that may significantly alter the allowable sentence.
- † This table generally references only those provisions that are within each state's animal protection statutes. States may employ similar provisions within other non-animal-specific criminal and civil statutes, and may also have a variety of animal-related regulations in effect.

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1. DEFINITION OF “ANIMAL”

Civil

ME. REV. STAT. ANN. tit. 7, § 3907. Definitions.

As used in this Part, and in every law relating to or affecting animals, unless the context indicates otherwise, the following terms have the following meanings.

1. **Act.** “Act” means the Animal Welfare Act.
- 1-A. **Repealed.** Laws 2013, c. 115, § 1, eff. Oct. 9, 2013.
- 1-B. **Abandoned animal.** “Abandoned animal” means an animal that has been deserted by its owner or keeper, excluding animals that are part of a population control effort.
2. **Animal.** “Animal” means every living, sentient creature not a human being.
3. **Animal control.** “Animal control” means control of dogs, cats, and domesticated or undomesticated animals in accordance with section 3948.
4. **Animal control officer.** “Animal control officer” means the person appointed periodically by a municipality pursuant to chapter 725.
5. **Repealed.** Laws 1993, c. 657, § 2.
- 5-A. **Animal shelter.** “Animal shelter” means a:
 - A. Facility that houses domesticated animals and operates for the purpose of providing stray, abandoned, abused or owner-surrendered animals with sanctuary or finding the animals temporary or permanent adoptive homes; or
 - B. Rescue group.
6. **At large.** “At large” means off the premises of the owner and not under the control of any person whose personal presence and attention would reasonably control the conduct of the animal.
7. **Repealed.** Laws 2005, c. 510, § 2.
8. **Boarding kennel.** “Boarding kennel” means any place, building, tract of land or abode in or on which 3 or more privately owned companion animals are kept at any one time for their owners in return for a fee or compensation and includes a facility where 3 or more companion animals are kept for training purposes for compensation.
- 8-A. **Breeding kennel.** “Breeding kennel” means a location where 5 or more adult female dogs or cats capable of breeding are kept and some or all of the offspring are offered for sale, sold or exchanged for value or a location where more than 16 dogs or cats raised on the premises are sold to the public in a 12-month period. “Breeding kennel” does not include a kennel licensed by a municipality under section 3923-C when the dogs are kept primarily for hunting, show, training, sledding, competition, field trials or exhibition purposes and not more than 16 dogs are offered for sale, sold or exchanged for value within a 12-month period.
- 8-B. **Bodily injury.** “Bodily injury” has the same meaning as in Title 17-A, section 2, subsection 5.
9. **Business day.** “Business day” means any day of the calendar year other than a Saturday,

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Sunday or legal holiday.

9-A. Cat identification. “Cat identification” means:

- A. A registered microchip used in conjunction with a visible collar and tag, with a faceted, reflective ear stud or a tipped or notched ear;
- B. A collar or collar and tag worn by the cat that provides the current name, address and telephone number of the owner; or
- C. A collar and tag providing the name and address of the animal shelter that issued the tag.

10. Clerk; municipal clerk. “Clerk” or “municipal clerk” means the clerk of a municipality, the deputy clerk or assistant clerk, where directed by the clerk, carrying out the duties of this Part.

11. Commissioner. “Commissioner” means the Commissioner of Agriculture, Food and Rural Resources or his duly authorized agent.

11-A. Companion animal. “Companion animal” means a cat or dog.

11-B. Council. “Council” means the Animal Welfare Advisory Council as established by Title 5, section 12004-I, subsection 2-C or its duly authorized agent.

12. Constable. “Constable” means a law enforcement officer appointed by municipal officers pursuant to law.

12-A. Repealed. Laws 1999, c. 498, § 1.

12-B. Repealed. Laws 2005, c. 510, § 5.

12-C. Dog. “Dog” means a member of the genus and species known as *canis familiaris*, except that in chapters 720, 721, 725, 727, 729 and 739 “dog” means a member of the genus and species known as *canis familiaris* or any canine, regardless of generation, resulting from the interbreeding of a member of *canis familiaris* with a wolf hybrid.

12-D. Dangerous dog. “Dangerous dog” means a dog or wolf hybrid that causes the death of or inflicts serious bodily injury on an individual or a domesticated animal who is not trespassing on the dog or wolf hybrid owner’s or keeper’s premises at the time of the injury or death; a dog or wolf hybrid that causes a reasonable and prudent person who is not on the dog or wolf hybrid owner’s or keeper’s premises and is acting in a reasonable and nonaggressive manner to fear imminent serious bodily injury by assaulting or threatening to assault that individual or individual’s domestic animal; or a dog or wolf hybrid that inflicts bodily injury on an individual or a domesticated animal who is not trespassing on the dog or wolf hybrid owner’s or keeper’s premises at the time of the injury and has previously been determined by a court of competent jurisdiction to be a nuisance dog.

“Dangerous dog” does not include:

- A. A dog certified by the State and used for law enforcement use
- B. A dog or wolf hybrid that injures or threatens to assault an individual who is on the dog or wolf hybrid owner’s or keeper’s premises if the dog or wolf hybrid has no prior history of assault and was provoked by the individual immediately prior to the injury or threatened assault; or
- C. A dog or wolf hybrid that inflicts serious bodily injury on or causes the death of

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an individual who is committing a crime against an individual or property owned by the dog or wolf hybrid owner or keeper.

For the purposes of this definition, “dog or wolf hybrid owner’s or keeper’s premises” means the residence or residences, including buildings and land and motor vehicles, belonging to the owner or keeper of the dog or wolf hybrid.

12-E. Feral cat. “Feral cat” means a cat without owner identification of any kind that consistently exhibits extreme fear in the presence of people.

12-F. Dog licensing agent. “Dog licensing agent” means a veterinarian office or animal shelter that licenses dogs for a municipality.

13. Service dog kept for breeding purposes. *“Service dog kept for breeding purposes” means a male or female dog owned by a nonprofit organization for the purpose of producing puppies to be trained as service dogs and living with a resident of the State.*

14. Service dog kept prior to training. *“Service dog kept prior to training” means a dog under 18 months of age, owned by a nonprofit organization for the purpose of training as a service dog and living temporarily with a resident of the State prior to training.*

15. Humane agent. “Humane agent” means an employee of the department who assists in enforcing this Part.

15-A. Repealed. Laws 1993, c. 657, § 4.

15-B. Humanely clean conditions. “Humanely clean conditions” means that both indoor areas and outdoor enclosures are cleaned on a periodic basis to remove excretions and other waste materials, dirt and trash with sufficient frequency to minimize health hazards and to provide adequately clean living conditions for the species of animal.

15-C. Humanely trap. “Humanely trap” means to trap an animal using traps and trapping methods that are designed to avoid injury to animals to the greatest extent practicable for animal control or animal rescue purposes.

16. Keeper. “Keeper” means a person in possession or control of a dog or other animal. A person becomes the keeper of a stray domesticated animal, other than a dog or livestock, if the person feeds that animal for at least 10 consecutive days.

17. Kennel. “Kennel” means 5 or more dogs kept in a single location under one ownership for breeding, hunting, show, training, field trials, sledding, competition or exhibition purposes. The sale or exchange of one litter of puppies within a 12-month period alone does not constitute the operation of a kennel.

18. Law enforcement officer. “Law enforcement officer” means any person who, by virtue of his public employment, is vested by law with a duty to maintain public order, enforce any law of this State establishing a civil violation, prosecute offenders or make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.

18-A. Livestock. *“Livestock” means cattle; equines; sheep; goats; swine; domesticated cervids, fowl and rabbits; members of the family Camelidae, genus lama and genus vicugna; bison; and ratites.*

19. Municipality. “Municipality” means an organized city, town or plantation.

20. Mutilate. “Mutilate” means to injure or disfigure by irreparably damaging body parts. “Mutilate” does not include conduct performed by a licensed veterinarian or conduct

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that conforms to accepted veterinary practices.

20-A. Nuisance dog. “Nuisance dog” means a dog or wolf hybrid that causes bodily injury, other than serious bodily injury, to an individual or a domesticated animal who is not trespassing on the dog or wolf hybrid owner's or keeper's premises at the time of the injury; a dog or wolf hybrid that causes a reasonable and prudent person who is not on the dog or wolf hybrid owner's or keeper's premises and is acting in a reasonable and nonaggressive manner to fear bodily injury, other than serious bodily injury, by assaulting or threatening to assault that individual or individual's domesticated animal; or a dog or wolf hybrid that causes damage to property or crops not owned by the dog or wolf hybrid owner or keeper while the dog or wolf hybrid is not on the owner's or keeper's premises.

“Nuisance dog” does not include:

- A. A dog certified by the State and used for law enforcement use;
- B. A dog or wolf hybrid that injures or threatens to assault an individual who is on the dog or wolf hybrid owner's or keeper's premises if the dog or wolf hybrid has no prior history of assault and was provoked by the individual immediately prior to the injury or threatened assault; or
- C. A dog or wolf hybrid that inflicts bodily injury on an individual who is committing a crime against an individual or property owned by the dog or wolf hybrid owner or keeper.

For the purposes of this definition, “dog or wolf hybrid owner's or keeper's premises” means the residence or residences, including buildings and land and motor vehicles, belonging to the owner or keeper of the dog or wolf hybrid.

21. Owner. “Owner” means a person owning, keeping or harboring a dog or other animal.

22. Person. “Person” means an individual, corporation, partnership, association or any other legal entity.

22-A. Repealed. Laws 1997, c. 690, § 6.

22-B. Pet. “Pet” means a dog, cat or other domesticated animal commonly kept as a companion, but does not include tamed animals that are ordinarily considered wild animals or livestock.

22-C Pet food supplier. “Pet food supplier” means any retail location located in the State that sells feeding supplies for pets or livestock.

23. Pet shop. “Pet shop” means a place or vehicle in or on which any dogs, cats, rodents, reptiles, fish, pet birds, exotic birds or exotic animals not born and raised on those premises are kept for the purpose of sale to the public.

23-A. Rescue group. “Rescue group” means an organization or individual that receives domesticated animals that have been abandoned, surrendered or removed from an animal facility or that takes in homeless dogs or cats and sells, gives or otherwise places the animals in private homes.

23-B. Population control effort. “Population control effort” means the activities, programs and projects aimed at reducing the number of cats and dogs without homes, including, but not limited to, the trapping, neutering and vaccinating of feral cats, the trapping of cats

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for impoundment at an animal shelter and spaying or neutering services for abandoned animals and stray dogs and cats.

24. Respective municipality. “Respective municipality” means, in the case of towns, plantations and cities, the municipality where the dog or ferret is found; in the case of unorganized territories, the municipality near or adjacent to the unorganized territory where the dog or ferret is found; or the designee of that municipality.

24-A. Service dog. “Service dog” means a dog that meets the definition of “service animal” set forth in Title 5, section 4553, subsection 9-E, paragraph A or B.

24-B. Serious bodily injury. “Serious bodily injury” has the same meaning as in Title 17-A, section 2, subsection 23.

25. Repealed. Laws 1993, c. 657, § 10.

25-A. Stray. “Stray” means off the owner’s premises and not under the control of a person.

25-B. Small animal. “Small animal” means a bird, reptile or amphibian or a small mammal, other than a cat or dog, commonly kept as a household pet and that is an unrestricted species designated by the Commissioner of Inland fisheries and Wildlife in rules adopted pursuant to Title 12, chapter 915.

26. Torment, torture and cruelty. “Torment, torture and cruelty” means every act, omission or neglect, whether by the owner or any other person, where unjustifiable physical pain, suffering or death is caused or permitted.

26-A. Unorganized territory. “Unorganized territory” means all areas located within the jurisdiction of the State, except areas located within organized cities and towns, and Indian reservations. “Unorganized territory” does not include plantations.

27. Vertebrate. “Vertebrate” means a subphylum of chordate animals comprising those having a brain enclosed in a skull or cranium and a segmented spinal column, including mammals, birds, reptiles, amphibians and fish.

28. Repealed. Laws 2015, c. 223 § 3.

29. Well cared for. “Well cared for” means that the animal is receiving necessary sustenance, necessary medical attention, proper shelter, protection from the weather and humanely clean conditions and that the animal has not been nor is being injured, overworked, tormented, tortured, abandoned, poisoned, beaten, mutilated or exposed to a poison with the intent that it be taken by the animal.

30. Wolf hybrid. “Wolf hybrid” means a mammal that is the offspring of the reproduction between a species of wild canid or wild canid hybrid and a domestic dog or wild canid hybrid. “Wolf hybrid” includes a mammal that is represented by its owner to be a wolf hybrid, coyote hybrid, coydog or any other kind of wild canid hybrid.

Criminal

ME. REV. STAT. ANN. tit. 17, § 1011. Definitions.

As used in this chapter, and in every law relating to or affecting animals, unless the context indicates otherwise, the following terms have the following meanings.

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1. **Act.** “Act” means the Animal Welfare Act.
2. **Animal.** “Animal” means every living, sentient creature not a human being.
- 2-A. **Animal care facility.** “Animal care facility” means any person that provides care, sustenance, housing, maintenance or other necessary care of an animal and includes, but is not limited to, veterinarians' offices, boarding kennels, equine facilities, animal grooming facilities, animal shelters and animal day care facilities.
3. **Animal control.** “Animal control” means control of dogs, cats, domesticated or undomesticated animals which may be a problem in the community and which are not controlled by any other law.
4. **Animal control officer.** “Animal control officer” means the person appointed periodically by municipal officers pursuant to Title 7, chapter 725.
5. **Repealed.** Laws 1993, c. 657, § 43.
- 5-A. **Animal shelter.** “Animal shelter” means a facility that houses animals and operates for the purpose of providing stray, abandoned, abused or owner-surrendered animals with sanctuary or finding the animals temporary or permanent adoptive homes.
6. **At large.** “At large” means off the premises of the owner and not under the control of any person whose personal presence and attention would reasonably control the conduct of the dog.
7. **Repealed.** Laws 1999, c. 254, § 18.
8. **Boarding kennel.** “Boarding kennel” means any place, building, tract of land, abode or vehicle in or on which privately owned animals are kept for their owners in return for a fee.
- 8-A. **Breeding kennel.** “Breeding kennel” means a location where 5 or more adult dogs or cats capable of breeding are kept and some or all of the offspring are offered for sale, sold or exchanged for value or a location where more than 16 dogs or cats raised on the premises are sold to the public in a 12-month period. “Breeding kennel” does not include a kennel licensed by a municipality under Title 7, section 3923-C when the dogs are kept primarily for hunting, show, training, sledding, competition, field trials or exhibition purposes and not more than 16 dogs are offered for sale, sold or exchanged for value within a 12-month period.
9. **Business day.** “Business day” means any day of the calendar year other than a Saturday, Sunday or legal holiday.
10. **Clerk; municipal clerk.** “Clerk” or “municipal clerk” means the clerk of a municipality, the deputy clerk or assistant clerk, where directed by the clerk, carrying out the duties of this chapter.
11. **Commissioner.** “Commissioner” means the Commissioner of Agriculture, Food and Rural Resources or his duly authorized agent.
12. **Constable.** “Constable” means a law enforcement officer appointed by municipal officers pursuant to law.
- 12-A. **Equine facility.** “Equine facility” means a boarding stable or commercial riding facility.
- 12-B. **Dog.** “Dog” means a member of the genus and species known as *canis familiaris* or any canine, regardless of generation, resulting from the interbreeding of a member of *canis*

ANIMAL PROTECTION LAWS OF MAINE

- familiaris with a wolf hybrid as defined in subsection 30.*
- 13. Service dog kept for breeding purposes.** “Service dog kept for breeding purposes” means a male or female dog owned by a nonprofit organization for the purpose of producing puppies to be trained as service dogs and living with a resident of the State.
- 14. Service dog kept prior to training.** “Service dog kept prior to training” means a dog under 18 months of age, owned by a nonprofit organization for the purpose of training as a service dog and living temporarily with a resident of the State prior to training.
- 15. Humane agent.** “Humane agent” means an employee of the Department of Agriculture, Food and Rural Resources who assists in enforcing this chapter.
- 15-A. Humane society.** “Humane society” means a nonprofit group or organization incorporated for the purpose of providing physical service directly to abused and abandoned animals, improving the conditions of animals, providing education concerning animals or fund-raising to promote animal welfare.
- 15-B. Humanely clean conditions.** “Humanely clean conditions” means that both indoor areas and outdoor enclosures are cleaned on a periodic basis to remove excretions and other waste materials, dirt and trash with sufficient frequency to minimize health hazards and to provide adequately clean living conditions for the species of animal.
- 16. Keeper.** “Keeper” means a person in possession or control of a dog or other animal. A person becomes the keeper of a stray domesticated animal, other than a dog or livestock, if the person feeds that animal for at least 10 consecutive days.
- 17. Kennel.** “Kennel” means 5 or more dogs kept in a single location under one ownership for breeding, hunting, show, training, field trials, sledding, competition or exhibition purposes. The sale or exchange of one litter of puppies within a 12-month period alone does not constitute the operation of a kennel.
- 18. Law enforcement officer.** “Law enforcement officer” means any person who, by virtue of his public employment, is vested by law with a duty to maintain public order, enforce any law of this State establishing a civil violation, prosecute offenders or make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.
- 18-A. Livestock.** “Livestock” means cattle; equines; sheep; goats; swine; domesticated cervids, fowl and rabbits; members of the family Camelidae, genus lama and genus vicugna; bison; and ratites.
- 19. Municipality.** “Municipality” means a city, town or plantation.
- 20. Mutilate.** “Mutilate” means to injure or disfigure by irreparably damaging body parts. “Mutilate” does not include conduct performed by a licensed veterinarian or conduct that conforms to accepted veterinary practices.
- 21. Owner.** “Owner” means any person, firm, partnership, association or corporation owning, keeping or harboring a dog or other animal.
- 22. Person.** “Person” means an individual, corporation, partnership, association or any other legal entity.
- 22-A. Repealed.** Laws 1997, c. 690, § 58.
- 23. Pet shop.** “Pet shop” means a place or vehicle in or on which any dogs, cats, rodents, reptiles, fish, pet birds, exotic birds or exotic animals not born and raised on those

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premises are kept for the purpose of sale to the public.

24. Respective municipality. “Respective municipality” means, in the case of towns and cities, the municipality where the dog is found or in the case of unorganized townships, the municipality near or adjacent to the unorganized township where the dog is found or the designee of that municipality.

24-A. Service dog. *“Service dog” means a dog that meets the definition of “service animal” set forth in Title 5, section 4553, subsection 9-E, or “assistance animal” set forth in Title 5, section 4553, subsection 1-H.*

25. Shelter. “Shelter” means any building or physical structure or part of any building or structure, other than a private dwelling, housing dogs or other animals and not used for agricultural purposes or as a laboratory, research facility, medical facility or educational institution.

26. Torment, torture and cruelty. “Torment, torture and cruelty” means every act, omission or neglect, whether by the owner or any other person, where unjustifiable physical pain, suffering or death is caused or permitted.

27. Vertebrate. *“Vertebrate” means a subphylum of chordate animals comprising those having a brain enclosed in a skull or cranium and a segmented spinal column, including mammals, birds, reptiles, amphibians and fish.*

28. Warrant. “Warrant” means an order of municipal officers directing a police officer, constable, sheriff or animal control officer to enter a complaint and summons against the owners or keepers of unlicensed dogs following notice of and noncompliance with a violation of law.

29. Well cared for. “Well cared for” means that the animal is receiving necessary sustenance, necessary medical attention, proper shelter, protection from the weather and humanely clean conditions and that the animal has not been nor is being injured, overworked, tormented, tortured, abandoned, poisoned, beaten, mutilated or exposed to a poison with the intent that it be taken by the animal.

30. Wolf hybrid. *“Wolf hybrid” means a mammal that is the offspring of the reproduction between any species of wild canid or wild canid hybrid and a domestic dog or wild canid hybrid. “Wolf hybrid” includes a mammal that is represented by its owner to be a wolf hybrid, coyote hybrid, coydog or any other kind of wild canid hybrid.*

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2. GENERAL CRUELTY

Civil

ME. REV. STAT. ANN. tit. 7, § 3907. Definitions.

As used in this Part, and in every law relating to or affecting animals, unless the context indicates otherwise, the following terms have the following meanings.

1. **Act.** "Act" means the Animal Welfare Act.
- 1-A. **Repealed.** Laws 2013, c. 115, § 1, eff. Oct. 9, 2013.
- 1-B. **Abandoned animal.** *"Abandoned animal" means an animal that has been deserted by its owner or keeper, excluding animals that are part of a population control effort.*
2. **Animal.** "Animal" means every living, sentient creature not a human being.
3. **Animal control.** "Animal control" means control of dogs, cats, and domesticated or undomesticated animals in accordance with section 3948.
4. **Animal control officer.** *"Animal control officer" means the person appointed periodically by a municipality pursuant to chapter 725.*
5. **Repealed.** Laws 1993, c. 657, § 2.
- 5-A. **Animal shelter.** "Animal shelter" means a:
 - A. Facility that houses domesticated animals and operates for the purpose of providing stray, abandoned, abused or owner-surrendered animals with sanctuary or finding the animals temporary or permanent adoptive homes; or
 - B. Rescue group.
6. **At large.** "At large" means off the premises of the owner and not under the control of any person whose personal presence and attention would reasonably control the conduct of the animal.
7. **Repealed.** Laws 2005, c. 510, § 2.
8. **Boarding kennel.** "Boarding kennel" means any place, building, tract of land or abode in or on which 3 or more privately owned companion animals are kept at any one time for their owners in return for a fee or compensation and includes a facility where 3 or more companion animals are kept for training purposes for compensation.
- 8-A. **Breeding kennel.** "Breeding kennel" means a location where 5 or more adult female dogs or cats capable of breeding are kept and some or all of the offspring are offered for sale, sold or exchanged for value or a location where more than 16 dogs or cats raised on the premises are sold to the public in a 12-month period. "Breeding kennel" does not include a kennel licensed by a municipality under section 3923-C when the dogs are kept primarily for hunting, show, training, sledding, competition, field trials or exhibition purposes and not more than 16 dogs are offered for sale, sold or exchanged for value within a 12-month period.
- 8-B. **Bodily injury.** "Bodily injury" has the same meaning as in Title 17-A, section 2, subsection 5.
9. **Business day.** "Business day" means any day of the calendar year other than a Saturday,

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Sunday or legal holiday.

9-A. Cat identification. “Cat identification” means:

- A. A registered microchip used in conjunction with a visible collar and tag, with a faceted, reflective ear stud or a tipped or notched ear;
- B. A collar or collar and tag worn by the cat that provides the current name, address and telephone number of the owner; or
- C. A collar and tag providing the name and address of the animal shelter that issued the tag.

10. Clerk; municipal clerk. “Clerk” or “municipal clerk” means the clerk of a municipality, the deputy clerk or assistant clerk, where directed by the clerk, carrying out the duties of this Part.

11. Commissioner. “Commissioner” means the Commissioner of Agriculture, Food and Rural Resources or his duly authorized agent.

11-A. Companion animal. “Companion animal” means a cat or dog.

11-B. Council. “Council” means the Animal Welfare Advisory Council as established by Title 5, section 12004-I, subsection 2-C or its duly authorized agent.

12. Constable. “Constable” means a law enforcement officer appointed by municipal officers pursuant to law.

12-A. Repealed. Laws 1999, c. 498, § 1.

12-B. Repealed. Laws 2005, c. 510, § 5.

12-C. Dog. “Dog” means a member of the genus and species known as *canis familiaris*, except that in chapters 720, 721, 725, 727, 729 and 739 “dog” means a member of the genus and species known as *canis familiaris* or any canine, regardless of generation, resulting from the interbreeding of a member of *canis familiaris* with a wolf hybrid.

12-D. Dangerous dog. “Dangerous dog” means a dog or wolf hybrid that causes the death of or inflicts serious bodily injury on an individual or a domesticated animal who is not trespassing on the dog or wolf hybrid owner’s or keeper’s premises at the time of the injury or death; a dog or wolf hybrid that causes a reasonable and prudent person who is not on the dog or wolf hybrid owner’s or keeper’s premises and is acting in a reasonable and nonaggressive manner to fear imminent serious bodily injury by assaulting or threatening to assault that individual or individual’s domestic animal; or a dog or wolf hybrid that inflicts bodily injury on an individual or a domesticated animal who is not trespassing on the dog or wolf hybrid owner’s or keeper’s premises at the time of the injury and has previously been determined by a court of competent jurisdiction to be a nuisance dog.

“Dangerous dog” does not include:

- A. A dog certified by the State and used for law enforcement use
- B. A dog or wolf hybrid that injures or threatens to assault an individual who is on the dog or wolf hybrid owner’s or keeper’s premises if the dog or wolf hybrid has no prior history of assault and was provoked by the individual immediately prior to the injury or threatened assault; or
- C. A dog or wolf hybrid that inflicts serious bodily injury on or causes the death of

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an individual who is committing a crime against an individual or property owned by the dog or wolf hybrid owner or keeper.

For the purposes of this definition, “dog or wolf hybrid owner’s or keeper’s premises” means the residence or residences, including buildings and land and motor vehicles, belonging to the owner or keeper of the dog or wolf hybrid.

- 12-E. Feral cat.** “Feral cat” means a cat without owner identification of any kind that consistently exhibits extreme fear in the presence of people.
- 12-F. Dog licensing agent.** “Dog licensing agent” means a veterinarian office or animal shelter that licenses dogs for a municipality.
- 13. Service dog kept for breeding purposes.** “Service dog kept for breeding purposes” means a male or female dog owned by a nonprofit organization for the purpose of producing puppies to be trained as service dogs and living with a resident of the State.
- 14. Service dog kept prior to training.** “Service dog kept prior to training” means a dog under 18 months of age, owned by a nonprofit organization for the purpose of training as a service dog and living temporarily with a resident of the State prior to training.
- 15. Humane agent.** “Humane agent” means an employee of the department who assists in enforcing this Part.
- 15-A. Repealed.** Laws 1993, c. 657, § 4.
- 15-B. Humanely clean conditions.** “Humanely clean conditions” means that both indoor areas and outdoor enclosures are cleaned on a periodic basis to remove excretions and other waste materials, dirt and trash with sufficient frequency to minimize health hazards and to provide adequately clean living conditions for the species of animal.
- 15-C. Humanely trap.** “Humanely trap” means to trap an animal using traps and trapping methods that are designed to avoid injury to animals to the greatest extent practicable for animal control or animal rescue purposes.
- 16. Keeper.** “Keeper” means a person in possession or control of a dog or other animal. A person becomes the keeper of a stray domesticated animal, other than a dog or livestock, if the person feeds that animal for at least 10 consecutive days.
- 17. Kennel.** “Kennel” means 5 or more dogs kept in a single location under one ownership for breeding, hunting, show, training, field trials, sledding, competition or exhibition purposes. The sale or exchange of one litter of puppies within a 12-month period alone does not constitute the operation of a kennel.
- 18. Law enforcement officer.** “Law enforcement officer” means any person who, by virtue of his public employment, is vested by law with a duty to maintain public order, enforce any law of this State establishing a civil violation, prosecute offenders or make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.
- 18-A. Livestock.** “Livestock” means cattle; equines; sheep; goats; swine; domesticated cervids, fowl and rabbits; members of the family Camelidae, genus lama and genus vicugna; bison; and ratites.
- 19. Municipality.** “Municipality” means an organized city, town or plantation.
- 20. Mutilate.** “Mutilate” means to injure or disfigure by irreparably damaging body parts. “Mutilate” does not include conduct performed by a licensed veterinarian or conduct

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that conforms to accepted veterinary practices.

20-A. Nuisance dog. “Nuisance dog” means a dog or wolf hybrid that causes bodily injury, other than serious bodily injury, to an individual or a domesticated animal who is not trespassing on the dog or wolf hybrid owner's or keeper's premises at the time of the injury; a dog or wolf hybrid that causes a reasonable and prudent person who is not on the dog or wolf hybrid owner's or keeper's premises and is acting in a reasonable and nonaggressive manner to fear bodily injury, other than serious bodily injury, by assaulting or threatening to assault that individual or individual's domesticated animal; or a dog or wolf hybrid that causes damage to property or crops not owned by the dog or wolf hybrid owner or keeper while the dog or wolf hybrid is not on the owner's or keeper's premises.

“Nuisance dog” does not include:

- A. A dog certified by the State and used for law enforcement use;
- B. A dog or wolf hybrid that injures or threatens to assault an individual who is on the dog or wolf hybrid owner's or keeper's premises if the dog or wolf hybrid has no prior history of assault and was provoked by the individual immediately prior to the injury or threatened assault; or
- C. A dog or wolf hybrid that inflicts bodily injury on an individual who is committing a crime against an individual or property owned by the dog or wolf hybrid owner or keeper.

For the purposes of this definition, “dog or wolf hybrid owner's or keeper's premises” means the residence or residences, including buildings and land and motor vehicles, belonging to the owner or keeper of the dog or wolf hybrid.

21. Owner. “Owner” means a person owning, keeping or harboring a dog or other animal.

22. Person. “Person” means an individual, corporation, partnership, association or any other legal entity.

22-A. Repealed. Laws 1997, c. 690, § 6.

22-B. Pet. “Pet” means a dog, cat or other domesticated animal commonly kept as a companion, but does not include tamed animals that are ordinarily considered wild animals or livestock.

22-C Pet food supplier. “Pet food supplier” means any retail location located in the State that sells feeding supplies for pets or livestock.

23. Pet shop. “Pet shop” means a place or vehicle in or on which any dogs, cats, rodents, reptiles, fish, pet birds, exotic birds or exotic animals not born and raised on those premises are kept for the purpose of sale to the public.

23-A. Rescue group. “Rescue group” means an organization or individual that receives domesticated animals that have been abandoned, surrendered or removed from an animal facility or that takes in homeless dogs or cats and sells, gives or otherwise places the animals in private homes.

23-B. Population control effort. “Population control effort” means the activities, programs and projects aimed at reducing the number of cats and dogs without homes, including, but not limited to, the trapping, neutering and vaccinating of feral cats, the trapping of cats

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for impoundment at an animal shelter and spaying or neutering services for abandoned animals and stray dogs and cats.

24. Respective municipality. “Respective municipality” means, in the case of towns, plantations and cities, the municipality where the dog or ferret is found; in the case of unorganized territories, the municipality near or adjacent to the unorganized territory where the dog or ferret is found; or the designee of that municipality.

24-A. Service dog. “Service dog” means a dog that meets the definition of “service animal” set forth in Title 5, section 4553, subsection 9-E, paragraph A or B.

24-B. Serious bodily injury. “Serious bodily injury” has the same meaning as in Title 17-A, section 2, subsection 23.

25. Repealed. Laws 1993, c. 657, § 10.

25-A. Stray. “Stray” means off the owner’s premises and not under the control of a person.

25-B. Small animal. “Small animal” means a bird, reptile or amphibian or a small mammal, other than a cat or dog, commonly kept as a household pet and that is an unrestricted species designated by the Commissioner of Inland fisheries and Wildlife in rules adopted pursuant to Title 12, chapter 915.

26. Torment, torture and cruelty. “Torment, torture and cruelty” means every act, omission or neglect, whether by the owner or any other person, where unjustifiable physical pain, suffering or death is caused or permitted.

26-A. Unorganized territory. “Unorganized territory” means all areas located within the jurisdiction of the State, except areas located within organized cities and towns, and Indian reservations. “Unorganized territory” does not include plantations.

27. Vertebrate. “Vertebrate” means a subphylum of chordate animals comprising those having a brain enclosed in a skull or cranium and a segmented spinal column, including mammals, birds, reptiles, amphibians and fish.

28. Repealed. Laws 2015, c. 223 § 3.

29. Well cared for. “Well cared for” means that the animal is receiving necessary sustenance, necessary medical attention, proper shelter, protection from the weather and humanely clean conditions and that the animal has not been nor is being injured, overworked, tormented, tortured, abandoned, poisoned, beaten, mutilated or exposed to a poison with the intent that it be taken by the animal.

30. Wolf hybrid. “Wolf hybrid” means a mammal that is the offspring of the reproduction between a species of wild canid or wild canid hybrid and a domestic dog or wild canid hybrid. “Wolf hybrid” includes a mammal that is represented by its owner to be a wolf hybrid, coyote hybrid, coydog or any other kind of wild canid hybrid.

ME. REV. STAT. ANN. tit. 7, § 3971. Vivisection prohibited in public and private schools.

- 1. Use of animals in schools.** *No live vertebrate, except eggs, may be used in kindergarten and grades one to 12 of any public or private school as part of a scientific experiment or for any other purpose in which the animal is experimentally medicated or drugged in a*

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manner to cause painful reactions or to induce painful or lethal pathological conditions, or in which the animal is injured through any other type of treatment, experiment or procedure, including, but not limited to, anesthetization or electric shock or where the normal health of the animal is interfered with or where pain or distress is caused.

No person may, in the presence of any student in kindergarten and grades one to 12, practice vivisection or exhibit a vivisected animal. Dissection of dead animals or any portions of dead animals in schools shall be confined to the classroom and to the presence of students engaged in the study of dissection and shall not be for the purpose of exhibition.

This subsection shall also apply to any activity associated with or sponsored by the school system.

2. **Treatment of animals in general.** *Live animals used as class pets or for purposes not prohibited in subsection 1 shall be housed and cared for in a safe and humane manner. The animals shall not remain in school over periods when school is not in session, unless adequate care is provided at all times.*
3. **Standards of treatment.** Any animal whose use is permitted under this section shall be treated in accordance with the ethical and humane standards promulgated by the commissioner pursuant to the rule-making provisions of the Maine Administrative Procedure Act, Title 5, chapter 375,¹ after consultation with representative groups in the State having an interest or expertise in the field of animal welfare, biology and education.
4. **Enforcement.** The commissioner shall enforce this section in consultation with the Commissioner of Education.
5. **Penalty for violations.** *Any person who violates this section shall be punished by a fine of not more than \$75.*

ME. REV. STAT. ANN. tit. 7, § 3972. Unlawful use of animals.

1. **Unlawful use of animals.** It is unlawful for any person to:
 - A. *Sell, display, raffle, give away or offer for sale within the State any live animals that have been dyed or otherwise artificially colored;*
 - B. *Sell, display, raffle, give away or offer for sale to the public any live fowl, turtles or rabbits under 8 weeks of age in lots of less than 2;*
 - C. *Use any live animal as a premium, fund-raising device, prize or award or use any live animal in a raffle, contest, game or promotion except as authorized by law or rule;*
 - D. *Use any live animal as bait in any racing contest or in the training of animals for racing contests;*
 - E. *Tie, tether or restrain any animal in a manner that is inhumane or detrimental to its welfare;*

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- F. *Intentionally cause an equine to fall or lose its balance by any means whatsoever. For the purposes of this paragraph, the term “equine” means, but is not limited to, a horse, mare, pony, ass, donkey, burro, mule or hinny. This paragraph does not apply to the lawful laying down of an equine for medical or identification purposes; or*
- G. *Abandon, dump or dispose of any deceased domesticated animal on public property or on private property without the permission of the property owner.*
- 2. **Violation.** *Any person who makes unlawful use of animals contrary to this section commits a civil violation for which a forfeiture not to exceed \$100 may be adjudged. For the purposes of this section, “animal” does not include lobsters or shellfish.*
- 3. **Construction.** *Nothing in this section may be construed to apply to any animal to be used or raised for agriculture, aquaculture or fishing, to any dog to be used or raised for hunting or exhibition purposes, by persons with proper facilities otherwise authorized by law, or to games using animals in which the participating animal is not caused, directly or indirectly, to perform any act that deviates from the animal's natural behavior provided that the game is conducted by an educational or cultural institution or other nonprofit service organization.*
- 4. **Exception.** *Notwithstanding subsection 1, paragraph C, livestock may be raffled by charitable organizations in accordance with Title 17, section 1837-A for fund-raising purposes. For the purposes of this section, “charitable organization” has the same meaning as defined in Title 9, section 5003, subsection 1. Proceeds from a raffle under this subsection must be used for charitable purposes. The animal must be awarded in freezer-ready form.*

ME. REV. STAT. ANN. tit. 7, § 4011. Cruelty to animals.

- 1. **Cruelty to animals.** *Except as provided in subsection 1-A, a person, including an owner or the owner’s agent, is guilty of cruelty to animals if that person:*
 - A. *Kills or attempts to kill any animal belonging to another person without the consent of the owner or without legal privilege;*
 - B. *Except for a licensed veterinarian or a person certified under Title 17, section 1042, kills or attempts to kill an animal by a method that does not cause instantaneous death;*
 - C. *Is a licensed veterinarian or a person certified under Title 17, section 1042 and that person kills or attempts to kill an animal by a method that does not conform to standards adopted by a national association of licensed veterinarians;*
 - D. *Injures, overworks, tortures, torments, abandons, neglects or cruelly beats or intentionally mutilates an animal; gives drugs, including but not limited to, a scheduled drug as defined in Title 17-A, section 1101, subsection 11, to an animal with an intent to harm or intoxicate the animal; gives poison or alcohol to an animal; or exposes a poison with intent that it be taken by an animal. The owner*

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or occupant of property is privileged to use reasonable force to eject a trespassing animal;

- E. Deprives an animal that the person owns or possesses of necessary sustenance, necessary medical attention, proper shelter, protection from the weather or humanely clean conditions;*
- F. Keeps or leaves a domestic animal on an uninhabited or barren island lying off the coast of the State during the month of December, January, February or March without providing necessary sustenance and proper shelter;*
- G. Hunts, traps or sells for the purpose of hunting any animal, except as permitted pursuant to chapter 202-A and Title 12, Part 13, and excluding humane trapping of animals for population control efforts or animal control pursuant to this Part;*
- H. Injects, inserts or causes ingestion of any substance used solely to enhance the performance of an animal by altering the animal's metabolism to that animal's detriment, including but not limited to excessive levels of sodium bicarbonate in equines used for competition;*
- I. Kills or tortures an animal to frighten or intimidate a person or forces a person to injure or kill an animal;*
- J. Confines an animal in a building, enclosure, car, boat, vehicle or vessel of any kind when extreme heat or extreme cold will be harmful to its health.*

1-A. Animal cruelty. *Except as provided in paragraphs A and B, a person is guilty of cruelty to animals if that person kills or attempts to kill a cat or dog.*

- A.** A licensed veterinarian or a person certified under Title 17, section 1042 may kill a cat or dog according to the methods of euthanasia under Title 17, chapter 42, subchapter IV.
- B.** A person who owns a cat or dog, or the owner's agent, may kill that owner's cat or dog by shooting with a firearm provided the following conditions are met.
 - (1)** The shooting is performed by a person 18 years of age or older using a weapon and ammunition of suitable caliber and other characteristics to produce instantaneous death by a single shot.
 - (2)** Death is instantaneous.
 - (3)** Maximum precaution is taken to protect the general public, employees and other animals.
 - (4)** Any restraint of the cat or dog during the shooting does not cause undue suffering to the cat or dog.

2. Affirmative defenses. It is an affirmative defense to this section that:

- A.** The conduct was performed by a licensed veterinarian or was a part of scientific research governed by accepted standards;
- B.** The conduct was designed to control or eliminate rodents, ants or other common pests on the defendant's own property;
- C.** The conduct involved the use of live animals as bait or in the training of other animals in accordance with the laws of the Department of Inland Fisheries and Wildlife, Title 12, Part 13; or

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- D. The animal is kept as part of an agricultural operation and in compliance with best management practices for animal husbandry as determined by the department.

Evidence of proper care of any animal shall not be admissible in the defense of alleged cruelty to other animals.

ME. REV. STAT. ANN. tit. 7, § 4012. Cruelty to birds.

1. **Cruelty to birds.** *A person is guilty of cruelty to birds if that person:*
 - A. *Keeps or uses any live pigeon, fowl or other bird for a target or to be shot at, either for amusement or as a test of skill in marksmanship;*
 - B. *Shoots at any bird or is present as a party, umpire or judge at a shooting; or*
 - C. *Rents any building, shed, room, yard, field or premises or knowingly allows the use of the same for the purposes of paragraphs A and B.*
2. **Construction.** This section may not be construed to prohibit the shooting of wild game in its wild state or the shooting of birds at field trials under the supervision of the Department of Inland Fisheries and Wildlife in accordance with Title 12, chapter 915, subchapter 13.
3. **Affirmative defense.** It is an affirmative defense to this section that the conduct involved the use of live animals in the training of other animals in accordance with the laws of the Department of Inland Fisheries and Wildlife, Title 12, Part 13.

ME. REV. STAT. ANN. tit. 7, § 4013. Necessary sustenance.

No person owning or responsible for confining or impounding any animal may fail to supply the animal with a sufficient supply of food and water as prescribed in this section.

1. **Food.** *The food shall be of sufficient quantity and quality to maintain all animals in good health.*
2. **Water.** *If potable water is not accessible to the animal at all times, it must be provided daily and in sufficient quantity for the health of the animal. Snow or ice is not an adequate water source.*

ME. REV. STAT. ANN. tit. 7, § 4014. Necessary medical attention.

No person owning or responsible for confining or impounding any animal may fail to supply the animal with necessary medical attention when the animal is or has been suffering from illness, injury, disease, excessive parasitism or malformed or overgrown hoof.

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ME. REV. STAT. ANN. tit. 7, § 4015. Proper shelter, protection from the weather and humanely clean conditions.

No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter, protection from the weather and humanely clean conditions as prescribed in this section.

1. **Indoor standards.** *Minimum indoor standards of shelter shall be as follows.*
 - A. *The ambient temperature must be compatible with the health of the animal.*
 - B. *Indoor housing facilities must be adequately ventilated by natural or mechanical means to provide for the health of the animal at all times.*
2. **Outdoor standards.** *Minimum outdoor standards of shelter are as set out in this subsection.*
 - A. *When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means must be provided to protect the animal from direct sunlight. As used in this paragraph, “caged” does not include farm fencing used to confine livestock.*
 - B. *Except as provided in subsections 5, 5–A and 6, shelter from inclement weather must be as follows.*
 - (1) *An artificial shelter, with a minimum of 3 sides and a waterproof roof, appropriate to the local climatic conditions and for the species and breed of the animal must be provided as necessary for the health of the animal.*
 - (2) *If a dog is tied or confined unattended outdoors under weather conditions that adversely affect the health of the dog, a shelter must be provided in accordance with subsection 6, paragraph A to accommodate the dog and protect it from the weather and, in particular, from severe cold. Inadequate shelter may be indicated by shivering of the dog due to cold weather for a continuous period of 10 minutes or by symptoms of frostbite or hypothermia. A metal barrel is not adequate shelter for a dog.*
 - C. **Repealed.** *Laws 2007, C. 702 § 16.*
3. **Space standards.** *Minimum space requirements for both indoor and outdoor enclosures shall include the following.*
 - A. *The housing facilities must be structurally sound and maintained in good repair to protect the animal from injury and to contain the animal.*
 - B. *Enclosures shall be constructed and maintained to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of overcrowding, debility, stress or abnormal behavior patterns.*
4. **Humanely clean conditions.** *Minimum standards of sanitation necessary to provide humanely clean conditions for both indoor and outdoor enclosures shall include periodic cleanings to remove excretions and other waste materials, dirt and trash to minimize*

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health hazards.

5. **Livestock.** *Livestock must be provided with shelter suitable for the health of the animal. Except as provided in subsection 5–A, livestock must have access to a constructed or natural shelter that is large enough to accommodate all livestock comfortably at one time. The shelter should be well drained and protect the livestock from direct sun, rain, wind and other inclement weather. Notwithstanding this subsection, shelter for equines must be provided in accordance with subsection 2, paragraph B, subparagraph (1). For purposes of this subsection, “livestock” includes large game as defined in section 1341, subsection 5 kept at a licensed commercial large game shooting area as defined in section 1341, subsection 1.*

- 5–A. **Livestock maintained under a rotational grazing system.** *Notwithstanding subsection 5, a person is not required to provide shelter for livestock while the animals are maintained under a rotational grazing system as long as the animals do not have injuries or infirmities that prevent them from accessing food and water and are in good body condition. For the purposes of this subsection, “rotational grazing system” means the practice of dividing up available pasture into multiple smaller areas during grazing season when pasture is available to meet the dietary requirements of the animals and subsequently moving the animals from one area to another after a number of days or weeks as determined by forage production and quality.*

6. **Dogs confined by tethering for long time periods.** *In addition to the requirements of subsection 2, paragraph B, subparagraph (2), when tethering is the primary means of confinement for a dog, the standards for shelter and tethering are as follows:*
 - A. *A shelter must be provided that is fully enclosed except for a portal. The portal must be of a sufficient size to allow the dog unimpeded passage into and out of the structure but may not exceed by more than 3 inches the width and height of the largest dog using the shelter. For dogs other than arctic breeds, the portal must be constructed with a baffle or other means of keeping wind and precipitation out of the interior. The shelter must be constructed of materials with a thermal resistance factor of 0.9 or greater, must contain clean bedding material sufficient to retain the dog’s normal body heat and must be accessible to the dog at all times; and*
 - B. *The chain or tether must be attached to both the dog and the anchor using swivels or similar devices that prevent the chain or tether from becoming entangled or twisted. The chain or tether must be attached to a well-fitted collar or harness on the dog. For dogs other than dogs kept as sled dogs or dogs used in competition, the chain or tether must be at least 5 times the length of the dog measured from the tip of its nose to the base of its tail. For dogs kept as sled dogs or dogs used in competition, the chain or tether must be:*
 - (1) *At least 2.5 times the length of the dog measured from the tip of its nose to the base of its tail if the anchor is stationary; or*
 - (2) *At least 1.5 times the length of the dog measured from the tip of its nose to the base of its tail if the anchor is a pivot point allowing a 360°*

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area of movement.

For the purposes of this subsection, “primary means of confinement” means the method used to confine a dog for periods of time that exceed 12 hours in a 24-hour period. For the purposes of this subsection, “arctic breeds” means Siberian Huskies, Alaskan Huskies, Alaskan Malamutes and other dogs with a double-layered coat and bred to live in an arctic climate and “dogs kept as sled dogs or dogs used in competition” means dogs regularly and consistently used in training or participation in competitive or recreational sled dog activities or other competition canine events.

ME. REV. STAT. ANN. tit. 7, § 4020 Cruel confinement of calves raised for veal and sows during gestation

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.
 - A. “Calf raised for veal” means a calf of the bovine species kept for the purpose of producing the food product referred to as veal.
 - B. “Covered animal” means a sow during gestation or calf raised for veal that is kept on a farm.
 - C. “Enclosure” means a cage, crate or other structure used to confine a covered animal, including, but not limited to, what is commonly described as a “gestation crate” for sows or a “veal crate” for calves.
 - D. “Farm” has the same meaning as in section 152.
 - E. Fully extending the animal's limbs” means fully extending all limbs without touching the side of an enclosure.
 - F. “Sow during gestation” means a pregnant pig of the porcine species kept for the primary purpose of breeding.
 - G. “Turning around freely” means turning in a complete circle without any impediment, including a tether, and without touching the side of an enclosure.
2. *Prohibition. A person may not tether or confine a covered animal for all or the majority of a day in a manner that prevents the animal from:*
 - A. *Lying down, standing up and fully extending the animal's limbs; and*
 - B. *Turning around freely.*
3. Exceptions. Subsection 2 does not apply:
 - A. To an animal while it is the subject of scientific or agricultural research;
 - B. During examination, testing, individual treatment of or operation on an animal for veterinary purposes;
 - C. To an animal being transported;
 - D. To an animal at a rodeo exhibition or state or county fair exhibition;
 - E. To an animal at a 4-H event or similar exhibition;
 - F. To the slaughter of an animal in accordance with Title 22, chapter 562-A, subchapter 41 and rules pertaining to the slaughter of animals; and

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- G. To a sow during the 7-day period prior to the sow's expected date of giving birth and until the sow's litter is weaned.
- 4. Relation to other laws. The provisions of this section are in addition to, and not in lieu of, any other laws protecting animal welfare. This section may not be construed to limit any state law or rules protecting the welfare of animals or to prevent a local governing body from adopting and enforcing its own animal welfare laws and regulations.
- 5. The affirmative defense provisions in section 4016, subsection 3 do not apply to this section. *It is not an affirmative defense to alleged violations of this section that the calf or sow was kept as part of an agricultural operation and in compliance with best management practices for animal husbandry.*

Criminal

ME. REV. STAT. ANN. tit. 17, § 1011. Definitions.

As used in this chapter, and in every law relating to or affecting animals, unless the context indicates otherwise, the following terms have the following meanings.

- 1. **Act.** "Act" means the Animal Welfare Act.
- 2. **Animal.** "Animal" means every living, sentient creature not a human being.
- 2-A. **Animal care facility.** "Animal care facility" means any person that provides care, sustenance, housing, maintenance or other necessary care of an animal and includes, but is not limited to, veterinarians' offices, boarding kennels, equine facilities, animal grooming facilities, animal shelters and animal day care facilities
- 3. **Animal control.** "Animal control" means control of dogs, cats, domesticated or undomesticated animals which may be a problem in the community and which are not controlled by any other law.
- 4. **Animal control officer.** "Animal control officer" means the person appointed periodically by municipal officers pursuant to Title 7, chapter 725.
- 5. **Repealed.** Laws 1993, c. 657, § 43.
- 5-A. **Animal shelter.** "Animal shelter" means a facility that houses animals and operates for the purpose of providing stray, abandoned, abused or owner-surrendered animals with sanctuary or finding the animals temporary or permanent adoptive homes.
- 6. **At large.** "At large" means off the premises of the owner and not under the control of any person whose personal presence and attention would reasonably control the conduct of the dog.
- 7. **Repealed.** Laws 1999, c. 254, § 18.
- 8. **Boarding kennel.** "Boarding kennel" means any place, building, tract of land, abode or vehicle in or on which privately owned animals, are kept for their owners in return for a fee.
- 8-A. **Breeding kennel.** "Breeding kennel" means a location where 5 or more adult dogs or

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cats capable of breeding are kept and some or all of the offspring are offered for sale, sold or exchanged for value or a location where more than 16 dogs or cats raised on the premises are sold to the public in a 12-month period. “Breeding kennel” does not include a kennel licensed by a municipality under Title 7, section 3923-C when the dogs are kept primarily for hunting, show, training, sledding, competition, field trials or exhibition purposes and not more than 16 dogs are offered for sale, sold or exchanged for value within a 12-month period.

- 9. Business day.** “Business day” means any day of the calendar year other than a Saturday, Sunday or legal holiday.
- 10. Clerk; municipal clerk.** “Clerk” or “municipal clerk” means the clerk of a municipality, the deputy clerk or assistant clerk, where directed by the clerk, carrying out the duties of this chapter.
- 11. Commissioner.** “Commissioner” means the Commissioner of Agriculture, Food and Rural Resources or his duly authorized agent.
- 12. Constable.** “Constable” means a law enforcement officer appointed by municipal officers pursuant to law.
- 12-A. Equine facility.** “Equine facility” means a boarding stable or commercial riding facility.
- 12-B. Dog.** “Dog” means a member of the genus and species known as *canis familiaris* or any canine, regardless of generation, resulting from the interbreeding of a member of *canis familiaris* with a wolf hybrid as defined in subsection 30.
- 13. Service dog kept for breeding purposes.** “Service dog kept for breeding purposes” means a male or female dog owned by a nonprofit organization for the purpose of producing puppies to be trained as service dogs and living with a resident of the State.
- 14. Service dog kept prior to training.** “Service dog kept prior to training” means a dog under 18 months of age, owned by a nonprofit organization for the purpose of training as a service dog and living temporarily with a resident of the State prior to training.
- 15. Humane agent.** “Humane agent” means an employee of the Department of Agriculture, Food and Rural Resources who assists in enforcing this chapter.
- 15-A. Humane society.** “Humane society” means a nonprofit group or organization incorporated for the purpose of providing physical service directly to abused and abandoned animals, improving the conditions of animals, providing education concerning animals or fund-raising to promote animal welfare.
- 15-B. Humanely clean conditions.** “Humanely clean conditions” means that both indoor areas and outdoor enclosures are cleaned on a periodic basis to remove excretions and other waste materials, dirt and trash with sufficient frequency to minimize health hazards and to provide adequately clean living conditions for the species of animal.
- 16. Keeper.** “Keeper” means a person in possession or control of a dog or other animal. A person becomes the keeper of a stray domesticated animal, other than a dog or livestock, if the person feeds that animal for at least 10 consecutive days.
- 17. Kennel.** “Kennel” means 5 or more dogs kept in a single location under one ownership for breeding, hunting, show, training, field trials, sledding, competition or exhibition purposes. The sale or exchange of one litter of puppies within a 12-month period alone

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does not constitute the operation of a kennel.

- 18. Law enforcement officer.** “Law enforcement officer” means any person who, by virtue of his public employment, is vested by law with a duty to maintain public order, enforce any law of this State establishing a civil violation, prosecute offenders or make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.
- 18-A. Livestock.** “Livestock” means cattle; equines; sheep; goats; swine; domesticated cervids, fowl and rabbits; members of the family Camelidae, genus lama and genus vicugna; bison; and ratites.
- 19. Municipality.** “Municipality” means a city, town or plantation.
- 20. Mutilate.** “Mutilate” means to injure or disfigure by irreparably damaging body parts. “Mutilate” does not include conduct performed by a licensed veterinarian or conduct that conforms to accepted veterinary practices.
- 21. Owner.** “Owner” means any person, firm, partnership, association or corporation owning, keeping or harboring a dog or other animal.
- 22. Person.** “Person” means an individual, corporation, partnership, association or any other legal entity.
- 22-A. Repealed.** Laws 1997, c. 690, § 58.
- 23. Pet shop.** “Pet shop” means a place or vehicle in or on which any dogs, cats, rodents, reptiles, fish, pet birds, exotic birds or exotic animals not born and raised on those premises are kept for the purpose of sale to the public.
- 24. Respective municipality.** “Respective municipality” means, in the case of towns and cities, the municipality where the dog is found or in the case of unorganized townships, the municipality near or adjacent to the unorganized township where the dog is found or the designee of that municipality.
- 24-A. Service dog.** “Service dog” means a dog that meets the definition of “service animal” set forth in Title 5, section 4553, subsection 9-E, or “assistance animal” set forth in Title 5, section 4553, subsection 1-H.
- 25. Shelter.** “Shelter” means any building or physical structure or part of any building or structure, other than a private dwelling, housing dogs or other animals and not used for agricultural purposes or as a laboratory, research facility, medical facility or educational institution.
- 26. Torment, torture and cruelty.** “Torment, torture and cruelty” means every act, omission or neglect, whether by the owner or any other person, where unjustifiable physical pain, suffering or death is caused or permitted.
- 27. Vertebrate.** “Vertebrate” means a subphylum of chordate animals comprising those having a brain enclosed in a skull or cranium and a segmented spinal column, including mammals, birds, reptiles, amphibians and fish.
- 28. Warrant.** “Warrant” means an order of municipal officers directing a police officer, constable, sheriff or animal control officer to enter a complaint and summons against the owners or keepers of unlicensed dogs following notice of and noncompliance with a violation of law.
- 29. Well cared for.** “Well cared for” means that the animal is receiving necessary

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sustenance, necessary medical attention, proper shelter, protection from the weather and humanely clean conditions and that the animal has not been nor is being injured, overworked, tormented, tortured, abandoned, poisoned, beaten, mutilated or exposed to a poison with the intent that it be taken by the animal.

- 30. Wolf hybrid.** “Wolf hybrid” means a mammal that is the offspring of the reproduction between any species of wild canid or wild canid hybrid and a domestic dog or wild canid hybrid. “Wolf hybrid” includes a mammal that is represented by its owner to be a wolf hybrid, coyote hybrid, coydog or any other kind of wild canid hybrid.

ME. REV. STAT. ANN. tit. 17, § 1031. Cruelty to animals.

- 1. Cruelty to animals.** *Except as provided in subsections 1-D and 1-E, a person, including an owner or the owner’s agent, is guilty of cruelty to animals if that person intentionally, knowingly or recklessly:*
 - A.** *Kills or attempts to kill any animal belonging to another person without the consent of the owner or without legal privilege. Violation of this paragraph is a Class D crime;*
 - A-1.** *Violates paragraph A and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;*
 - B.** *Except for a licensed veterinarian or a person certified under section 1042, kills or attempts to kill an animal by a method that does not cause instantaneous death. Violation of this paragraph is a Class D crime;*
 - B-1.** *Violates paragraph B and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;*
 - C.** *If that person is a licensed veterinarian or a person certified under section 1042, kills or attempts to kill an animal by a method that does not conform to standards adopted by a national association of licensed veterinarians. Violation of this paragraph is a Class D crime;*
 - C-1.** *Violates paragraph C and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;*
 - D.** *Injures, overworks, tortures, torments, abandons or cruelly beats or intentionally mutilates an animal; gives drugs, including, but not limited to, a scheduled drug as defined in Title 17-A, section 1101, subsection 11, to an animal with an intent to harm or intoxicate the animal; gives poison or alcohol to an animal; or exposes a poison with intent that it be taken by an animal. The owner or occupant of property is privileged to use reasonable force to eject a trespassing animal. Violation of this paragraph is a Class D crime;*
 - D-1.** *Violates paragraph D and, at the time of the offense, has 2 or more prior*

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convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;

- D-2.** *Abandons an animal in violation of paragraph D and that animal dies as a result. Violation of this paragraph is a Class C crime;*
- E.** *Deprives an animal that the person owns or possesses of necessary sustenance, necessary medical attention, proper shelter, protection from the weather or humanely clean conditions. Violation of this paragraph is a Class D crime;*
- E-1.** *Violates paragraph E and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;*
- F.** *Keeps or leaves a domestic animal on an uninhabited or barren island lying off the coast of the State during the month of December, January, February or March without providing necessary sustenance and proper shelter. Violation of this paragraph is a Class D crime;*
- F-1.** *Violates paragraph F and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;*
- G.** *Hunts, traps or sells for the purpose of hunting any animal, except as permitted pursuant to Title 7, chapter 202-A and Title 12, Part 13, and excluding humane trapping of animals for population control efforts or animal control under Title 7, Part 9. Violation of this paragraph is a Class D crime;*
- G-1.** *Violates paragraph G and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;*
- H.** *Injects, inserts or causes ingestion of any substance used solely to enhance the performance of an animal by altering the animal's metabolism to that animal's detriment, including but not limited to excessive levels of sodium bicarbonate in equines used for competition. Violation of this paragraph is a Class D crime;*
- H-1.** *Violates paragraph H and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;*
- I.** *Commits bestiality on an animal. For purposes of this paragraph, "commits bestiality" means that a person:*
 - (1)** *Engages in a sexual act with an animal for the purpose of that person's sexual gratification;*
 - (2)** *Coerces anyone to engage in a sexual act with an animal;*
 - (3)** *Engages in a sexual act with an animal in the presence of a minor;*
 - (4)** *Uses any part of the person's body or an object to sexually stimulate an animal;*
 - (5)** *Videotapes a person engaging in a sexual act with an animal; or*
 - (6)** *For the purpose of that person's sexual gratification, kills or physically abuses an animal.*

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For purposes of this paragraph, “sexual act” means any act between a person and an animal involving direct physical contact between the genitals of one and the mouth or anus of the other, or direct physical contact between the genitals of one and the genitals of the other. A sexual act may be proved without allegation or proof of penetration.

This paragraph may not be construed to prohibit normal and accepted practices of animal husbandry.

Violation of this paragraph is a Class D crime;

- I-1.** Violates paragraph I and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
- J.** *Kills or tortures an animal to frighten or intimidate a person or forces a person to injure or kill an animal. Violation of this paragraph is a Class D crime;*
- J-1.** *Violates paragraph J and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime; or*
- K.** *Confines an animal in a building, enclosure, car, boat, vehicle or vessel of any kind when extreme heat or extreme cold will be harmful to its health. Violation of this paragraph is a Class D crime.*

1-A. Repealed. Laws 2003, c. 452, § I-14, eff. July 1, 2004.

1-B. Aggravated cruelty to animals. A person is guilty of aggravated cruelty to animals if that person, in a manner manifesting a depraved indifference to animal life or suffering, intentionally, knowingly or recklessly:

- A.** Causes extreme physical pain to an animal;
- B.** Causes the death of an animal; or
- C.** Physically tortures an animal.

Violation of this subsection is a Class C crime. Notwithstanding Title 17-A, section 1301, the court shall impose a fine of not less than \$1,000 and not more than \$10,000 for a first or subsequent violation of this subsection. The sentencing provisions in subsection 3-B also apply to a person convicted of aggravated cruelty to animals.

1-C. Cat or dog; exceptions. Except as provided in subsections 1-D and 1-E, a person is guilty of cruelty to animals if that person intentionally, knowingly or recklessly:

- A.** *Kills or attempts to kill a cat or dog. Violation of this paragraph is a Class D crime; or*
- B.** *Violates paragraph A and, at the time of the offense, has 2 or more convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime.*

1-D. Licensed veterinarian. A licensed veterinarian or a person certified under section 1042 may kill a cat or dog according to the methods of euthanasia under subchapter 4.

1-E. Owner or owner’s agent. A person who owns a cat or dog, or the owner’s agent, may kill that owner’s cat or dog by shooting it with a firearm if the following conditions are met:

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- A. The shooting is performed by a person 18 years of age or older using a weapon and ammunition of suitable caliber and other characteristics to produce instantaneous death by a single shot;
 - B. Death is instantaneous;
 - C. Maximum precaution is taken to protect the general public, employees and other animals; and
 - D. Any restraint of the cat or dog during the shooting does not cause undue suffering.
- 2. Affirmative defense.** It is an affirmative defense to prosecution under this section that:
- A. The defendant's conduct conformed to accepted veterinary practice or was a part of scientific research governed by accepted standards;
 - B. The defendant's conduct or that of the defendant's agent was designed to control or eliminate rodents, ants or other common pests on the defendant's own property;
 - C. The defendant's conduct involved the use of live animals as bait or in the training of other animals in accordance with the laws of the Department of Inland Fisheries and Wildlife, Title 12, Part 13; or
 - D. The animal is kept as part of an agricultural operation and in compliance with best management practices for animal husbandry as determined by the Department of Agriculture, Food and Rural Resources.

Evidence of proper care of any animal is not admissible in the defense of alleged cruelty to other animals.

3. Repealed. Laws 2003, c. 452, § 1-18, eff. July 1, 2004.

3-A. Repealed. Laws 2003, c. 452, § 1-19, eff. July 1, 2004.

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

- A. In addition to any other penalty authorized by law, the court shall impose a fine of not less than \$500 for each violation of this section. The court may order the defendant to pay the costs of the care, housing and veterinary medical treatment for the animal including the costs of relocating the animal.
- B. **Repealed.** Laws 2019, c. 99, § 1, eff. Sept. 19, 2019
- C. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence under this subsection.
- 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

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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 or probation and removal of the animal at the probationer's expense if this condition is intentionally or knowingly violated.

3-C. Separate Advocate. In any proceeding brought under this section, the court may order, upon its own initiative or upon request of a party or counsel for a party, that a separate advocate be appointed to represent the interests of justice. A decision of the court denying a request to appoint a separate advocate to represent the interests of justice is not subject to appeal. An advocate appointed under this subsection must be appointed from a list provided to the court by the Maine State Bar Association pursuant to paragraph B.

A. The advocate may:

- (1) Monitor the proceeding;
- (2) Consult any individual with information that could aid the judge or fact finder and review records relating to the condition of the animal and the defendant's actions, including, but not limited to, records from animal control officers, veterinarians and law enforcement officers;
- (3) Attend hearings; and
- (4) Present information or recommendations to the court pertinent to determinations that relate to the interests of justice, as long as the information and recommendations are based solely on the duties undertaken pursuant to this subsection.

B. The Maine State Bar Association shall maintain a list of attorneys with knowledge of animal issues and the legal system and a list of law schools that have students with an interest in animal issues and the legal system. Attorneys and law students serve on a voluntary basis as advocates under this subsection.

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4. **Criminal or civil prosecution.** A person may be arrested or detained for the crime of cruelty to animals in accordance with the rules of criminal procedure. A person may not be arrested or detained for the civil violation of cruelty to animals. The attorney for the State shall elect to charge a defendant with the crime of cruelty to animals under this section or the civil violation of cruelty to animals under Title 7, section 4011. In making this election, the attorney for the State shall consider the severity of the cruelty displayed, the number of animals involved, any prior convictions or adjudications of animal cruelty entered against the defendant and such other factors as may be relevant to a determination of whether criminal or civil sanctions will best accomplish the goals of the animal welfare laws in the particular case before the attorney for the State. The election and determination required by this subsection are not subject to judicial review. The factors involved in such election and determination are not elements of the criminal offense or civil violation of animal cruelty and are not subject to proof or disproof as prerequisites or conditions for conviction under this subsection or adjudication under Title 7, section 4011.
5. **Exception.** This section may not be construed to prohibit the shooting of wild game in its wild state. This section may not be construed to prohibit the disposal of farm animals using an acceptable animal husbandry practice.

ME. REV. STAT. ANN. tit. 17, § 1032. Cruelty to birds.

1. **Cruelty to birds.** *A person is guilty of cruelty to birds if that person intentionally, knowingly or recklessly:*
 - A. *Keeps or uses any live pigeon, fowl or other bird for a target or to be shot at, either for amusement or as a test of skill in marksmanship. Violation of this paragraph is a Class D crime;*
 - A-1. *Violates paragraph A and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1031 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;*
 - B. *Shoots at any bird or is present as a party, umpire or judge at such shooting. Violation of this paragraph is a Class D crime;*
 - B-1. *Violates paragraph B and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1031 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;*
 - C. *Rents any building, shed, room, yard, field or premises or knowingly suffers the use of the building, shed, room, yard, field or premises for any of the purposes described in paragraphs A and B. Violation of this paragraph is a Class D crime; or*
 - C-1. *Violates paragraph C and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1031 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime.*
2. **Penalty.** *The following apply to violations of this section.*

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- A. *In addition to any other penalty authorized by law, the court shall impose a fine of not less than \$100 for each violation of this section.*
- B. *Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.*
- 3. **Exception.** Nothing in this section may be construed to prohibit the shooting of wild game in its wild state or the shooting of birds at field trials under the supervision of the Department of Inland Fisheries and Wildlife in accordance with Title 12, chapter 915, subchapter 13.
- 4. **Criminal or civil prosecution.** A person may not be arrested or detained for cruelty to birds. The attorney for the State shall elect to charge a defendant with the crime of cruelty to birds under this section or the civil violation of cruelty to birds under Title 7, section 4012. In making this election, the attorney for the State shall consider the severity of the cruelty displayed, the number of birds involved, any prior convictions or adjudications of bird cruelty entered against the defendant and such other factors as may be relevant to a determination of whether criminal or civil sanctions will best accomplish the goals of the animal welfare laws in the particular case before the attorney for the State. The election and determination required by this subsection is not subject to judicial review. The factors involved in such election and determination are not elements of the criminal offense or civil violation of bird cruelty and are not subject to proof or disproof as prerequisites or conditions for conviction under this subsection or adjudication under Title 7, section 4012.

ME. REV. STAT. ANN. tit. 17, § 1035. Necessary sustenance.

No person owning or responsible for confining or impounding any animal may fail to supply the animal with a sufficient supply of food and water as prescribed in this section.

- 1. **Food.** *The food shall be of sufficient quantity and quality to maintain all animals in good health.*
- 2. **Water.** *If potable water is not accessible to the animal at all times, it must be provided daily and in sufficient quantity for the health of the animal. Snow or ice is not an adequate water source.*
- 3. **Penalty.** *Failure to provide a sufficient supply of food or water is a Class D crime.*

ME. REV. STAT. ANN. tit. 17, § 1036. Necessary medical attention.

A person owning or responsible for confining or impounding any animal may not fail to supply the animal with necessary medical attention when the animal is or has been suffering from illness, injury, disease, excessive parasitism or malformed or overgrown hoof. Failure to provide necessary medical attention is a Class D crime.

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ME. REV. STAT. ANN. tit. 17, § 1037. Proper shelter; protection from the weather and humanely clean conditions.

No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter, protection from the weather or humanely clean conditions as prescribed in this section.

1. **Indoor standards.** *Minimum indoor standards of shelter shall be as follows.*
 - A. *The ambient temperature shall be compatible with the health of the animal.*
 - B. *Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animal at all times.*
2. **Outdoor standards.** *Minimum outdoor standards of shelter shall be as follows.*
 - A. *When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this paragraph, "caged" does not include farm fencing used to confine farm animals.*
 - B. *Except as provided in subsections 5, 5-A and 7, shelter from inclement weather must be provided according to this paragraph.*
 - (1) *An artificial shelter, with a minimum of 3 sides and a waterproof roof, appropriate to the local climatic conditions for the species and breed of the animal must be provided as necessary for the health of the animal.*
 - (2) *If a dog is tied or confined unattended outdoors, a shelter of suitable size with an aboveground floor and waterproof roof must be provided in accordance with subsection 7, paragraph A to accommodate the dog and protect it from the weather and, in particular, from severe cold and direct sunlight. Inadequate shelter from cold may be indicated by the shivering of the dog due to cold weather for a continuous period of 10 minutes or by symptoms of frostbite or hypothermia. A metal barrel is not adequate shelter for a dog.*
 - C. **Repealed.** *Laws 2007, c. 702, § 50.*
3. **Space standards.** *Minimum space requirements for both indoor and outdoor enclosures shall include the following.*
 - A. *The housing facilities shall be structurally sound and maintained in good repair to protect the animal from injury and to contain the animal.*
 - B. *Enclosures shall be constructed and maintained to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of overcrowding, debility, stress or abnormal behavior patterns.*
4. **Humanely clean conditions.** *Minimum standards of sanitation necessary to provide humanely clean conditions for both indoor and outdoor enclosures shall include periodic cleanings to remove excretions and other waste materials, dirt and trash to minimize health hazards.*

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5. Livestock. *Livestock must be provided with shelter suitable for the health of the animal. Except as provided in subsection 5–A, livestock must have access to a constructed or natural shelter that is large enough to accommodate all livestock comfortably at one time. The shelter should be well drained and protect the livestock from direct sun, rain, wind and other inclement weather. Notwithstanding this subsection, shelter for equines must be provided in accordance with subsection 2, paragraph B, subparagraph (1). For purposes of this subsection, “livestock” includes large game as defined in Title 7, section 1341, subsection 5 kept at a licensed commercial large game shooting area as defined in Title 7, section 1341, subsection 1.*

5–A. Livestock maintained under a rotational grazing system. *Notwithstanding subsection 5, a person is not required to provide shelter for livestock while the animals are maintained under a rotational grazing system as long as the animals do not have injuries or infirmities that prevent them from accessing food and water and are in good body condition. For the purposes of this subsection, “rotational grazing system” means the practice of dividing up available pasture into multiple smaller areas during grazing season when pasture is available to meet the dietary requirements of the animals and subsequently moving the animals from one area to another after a number of days or weeks as determined by forage production and quality.*

6. Penalty. *Failure to provide shelter in accordance with this section is a Class D crime.*

7. Dogs confined by tethering for long time periods. *In addition to the requirements of subsection 2, paragraph B, subparagraph (2), when tethering is the primary means of confinement for a dog, the standards for shelter and tethering are as follows:*

A. *A shelter must be provided that is fully enclosed except for a portal. The portal must be of a sufficient size to allow the dog unimpeded passage into and out of the structure but may not exceed by more than 3 inches the width and height of the largest dog using the shelter. For dogs other than arctic breeds, the portal must be constructed with a baffle or other means of keeping wind and precipitation out of the interior. The shelter must be constructed of materials with a thermal resistance factor of 0.9 or greater and must contain clean bedding material sufficient to retain the dog’s normal body heat; and*

B. *The chain or tether must be attached to both the dog and the anchor using swivels or similar devices that prevent the chain or tether from becoming entangled or twisted. The chain or tether must be attached to a well-fitted collar or harness on the dog. For dogs other than dogs kept as sled dogs or dogs used in competition, the chain or tether must be at least 5 times the length of the dog measured from the tip of its nose to the base of its tail. For dogs kept as sled dogs or dogs used in competition, the chain or tether must be:*

(1) *At least 2.5 times the length of the dog measured from the tip of its nose to the base of its tail if the anchor is stationary; or*

(2) *At least 1.5 times the length of the dog measured from the tip of its nose to the base of its tail if the anchor is a pivot point allowing a 360° area of movement.*

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For the purposes of this subsection, “primary means of confinement” means the method used to confine a dog for periods of time that exceed 12 hours in a 24-hour period. For the purposes of this subsection, “arctic breeds” means Siberian Huskies, Alaskan Huskies, Alaskan Malamutes and other dogs with a double-layered coat and bred to live in an arctic climate and “dogs kept as sled dogs or dogs used in competition” means dogs regularly and consistently used in training or participation in competitive or recreational sled dog activities or other competition canine events.

ME. REV. STAT. ANN. tit. 17, § 1038. Animals abandoned at animal care facilities.

Abandoning an animal at an animal day-care facility is a Class D crime.

1. **Determination of abandonment.** *There is a rebuttable presumption of abandonment if an owner:*
 - A. *Places an animal in the custody of an animal care facility for services offered by that facility; and*
 - B. *Fails to claim the animal within 10 days after written notice is sent in accordance with subsection 2.*
2. **Notice requirement.** *Before any animal may be considered abandoned under this section, an animal care facility shall send written notice, by registered or certified mail, return receipt requested, to the owner or keeper at the owner’s or keeper’s last known address. Proof of attempted delivery constitutes sufficient notice.*
3. **Ownership of abandoned animal.** *When an owner or keeper fails to claim an animal within 10 days of a notice being sent under subsection 2, the animal care facility or individual who has custody and control of the animal is considered the owner of the animal and shall arrange for its care, including, but not limited to, its adoption, sale or placement with a licensed animal shelter.*
4. **Financial obligation.** *The disposal of an abandoned animal under this section does not relieve the owner or keeper of the animal of any financial obligation, including, but not limited to, costs incurred for veterinary treatment, boarding, grooming or other care.*
5. **Penalty.** *In addition to the penalties provided in Title 17-A for a Class D crime, the penalties in section 1031, subsection 3-B also apply.*

ME. REV. STAT. ANN. tit. 17, § 1039. Cruel confinement of calves raised for veal and sows during gestation

1. **Definitions.** *As used in this section, unless the context otherwise indicates, the following terms have the following meanings.*
 - A. *“Calf raised for veal” means a calf of the bovine species kept for the purpose of producing the food product referred to as veal.*
 - B. *“Covered animal” means a sow during gestation or calf raised for veal that is*

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kept on a farm.

- C. *“Enclosure” means a cage, crate or other structure used to confine a covered animal, including, but not limited to, what is commonly described as a “gestation crate” for sows or a “veal crate” for calves.*
 - D. *“Farm” has the same meaning as in Title 7, section 152, subsection 5.*
 - E. *“Fully extending the animal's limbs” means fully extending all limbs without touching the side of an enclosure.*
 - F. *“Sow during gestation” means a pregnant pig of the porcine species kept for the primary purpose of breeding.*
 - G. *“Turning around freely” means turning in a complete circle without any impediment, including a tether, and without touching the side of an enclosure.*
2. **Prohibition.** *A person may not tether or confine a covered animal for all or the majority of a day in a manner that prevents the animal from:*
- A. *Lying down, standing up and fully extending the animal's limbs; and*
 - B. *Turning around freely.*
3. **Exceptions.** Subsection 2 does not apply:
- A. *To an animal while it is the subject of scientific or agricultural research;*
 - B. *During examination, testing, individual treatment of or operation on an animal for veterinary purposes;*
 - C. *To an animal being transported;*
 - D. *To an animal at a rodeo exhibition or state or county fair exhibition;*
 - E. *To an animal at a 4-H event or similar exhibition;*
 - F. *To the slaughter of an animal in accordance with Title 22, chapter 562-A, subchapter 4 and rules pertaining to the slaughter of animals; and*
 - G. *To a sow during the 7-day period prior to the sow's expected date of giving birth and until the sow's litter is weaned.*
4. **Relation to other laws.** *The provisions of this section are in addition to, and not in lieu of, any other laws protecting animal welfare. This section may not be construed to limit any state law or rules protecting the welfare of animals or to prevent a local governing body from adopting and enforcing its own animal welfare laws and regulations.*
5. **Penalty.** *A violation of subsection 2 is a Class D crime.*
6. **Criminal or civil prosecution.** *A person may be arrested or detained for a violation of subsection 2 in accordance with the rules of criminal procedure. A person may not be arrested or detained for the civil violation of cruel confinement under Title 7, section 1039. The attorney for the State may elect to charge a defendant with a criminal violation under this section or a civil violation under Title 7, section 4020. In making this election, the attorney for the State shall consider the severity of the cruelty displayed, the number of animals involved, any prior convictions or adjudications of animal cruelty entered against the defendant and such other factors as may be relevant to a determination of whether criminal or civil sanctions will best accomplish the goals of the animal welfare laws in the particular case before the attorney for the State. The election and determination required by this subsection are not subject to judicial review. The factors*

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involved in the election and determination are not elements of the criminal offense or civil violation of cruel confinement and are not subject to proof or disproof as prerequisites or conditions for conviction under this section or adjudication under Title 7, section 4020.

It is not an affirmative defense to prosecution under this section that the sow or calf is kept as part of an agricultural operation and in compliance with best management practices for animal husbandry.

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3. EXEMPTIONS

Civil:

ME. REV. STAT. ANN. tit. 7, § 3907. Definitions.

NOTE: unrelated statutory text has been omitted.

As used in this Part, and in every law relating to or affecting animals, unless the context indicates otherwise, the following terms have the following meanings.

20. Mutilate. “Mutilate” means to injure or disfigure by irreparably damaging body parts.

“Mutilate” does not include conduct performed by a licensed veterinarian or conduct that conforms to accepted veterinary practices.

ME. REV. STAT. ANN. tit. 7, § 3950-B. Euthanasia for severely sick or severely injured livestock.

1. **Written authorization.** *A humane agent, animal control officer or animal shelter may authorize in writing the euthanasia of severely sick or severely injured livestock under the following conditions:*
 - A. *The clerk or animal control officer of the municipality in which the livestock was found has been notified of the livestock’s presence and a reasonable attempt to contact the owner of the livestock has been made; and*
 - B. *A veterinarian states in writing that given reasonable time and reasonable care the livestock’s recovery from the livestock’s sickness or injury is doubtful.*
2. **Immediate euthanasia.** *Notwithstanding subsection 1, paragraphs A and B, a veterinarian may authorize immediate euthanasia if, in the veterinarian’s judgment, there is no possibility of recovery for severely sick or severely injured livestock.*

ME. REV. STAT. ANN. tit. 7, § 3950-C. Immunity from civil liability.

A municipality, veterinarian, humane agent, animal control officer or animal shelter is not civilly liable to any party for authorization made in accordance with section 3950-B nor is any person performing euthanasia under that authorization civilly liable.

ME. REV. STAT. ANN. tit. 7, § 3951. Killing for assault permitted

Any person may lawfully kill a dog if necessary to protect that person, another person or a domesticated animal during the course of a sudden, unprovoked assault.

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ME. REV. STAT. ANN. tit. 7, § 3972. Unlawful use of animals.

1. **Unlawful use of animals.** It is unlawful for any person to:
 - A. Sell, display, raffle, give away or offer for sale within the State any live animals that have been dyed or otherwise artificially colored;
 - B. Sell, display, raffle, give away or offer for sale to the public any live fowl, turtles or rabbits under 8 weeks of age in lots of less than 2;
 - C. Use any live animal as a premium, fund-raising device, prize or award or use any live animal in a raffle, contest, game or promotion except as authorized by law or rule;
 - D. Use any live animal as bait in any racing contest or in the training of animals for racing contests;
 - E. Tie, tether or restrain any animal in a manner that is inhumane or detrimental to its welfare;
 - F. Intentionally cause an equine to fall or lose its balance by any means whatsoever. For the purposes of this paragraph, the term “equine” means, but is not limited to, a horse, mare, pony, ass, donkey, burro, mule or hinny. This paragraph does not apply to the lawful laying down of an equine for medical or identification purposes; or
 - G. Abandon, dump or dispose of any deceased domesticated animal on public property or on private property without the permission of the property owner.
2. **Violation.** Any person who makes unlawful use of animals contrary to this section commits a civil violation for which a forfeiture not to exceed \$100 may be adjudged. *For the purposes of this section, “animal” does not include lobsters or shellfish.*
3. **Construction.** *Nothing in this section may be construed to apply to any animal to be used or raised for agriculture, aquaculture or fishing, to any dog to be used or raised for hunting or exhibition purposes, by persons with proper facilities otherwise authorized by law, or to games using animals in which the participating animal is not caused, directly or indirectly, to perform any act that deviates from the animal's natural behavior provided that the game is conducted by an educational or cultural institution or other nonprofit service organization.*
4. **Exception.** *Notwithstanding subsection 1, paragraph C, livestock may be raffled by charitable organizations in accordance with Title 17, section 1837-A for fund-raising purposes. For the purposes of this section, “charitable organization” has the same meaning as defined in Title 9, section 5003, subsection 1. Proceeds from a raffle under this subsection must be used for charitable purposes. The animal must be awarded in freezer-ready form.*

ME. REV. STAT. ANN. tit. 7, § 4011. Cruelty to animals.

1. **Cruelty to animals.** Except as provided in subsection 1-A, a person, including an owner

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or the owner's agent, is guilty of cruelty to animals if that person:

- A. Kills or attempts to kill any animal belonging to another person without the consent of the owner or without legal privilege;
- B. *Except for a licensed veterinarian or a person certified under Title 17, section 1042, kills or attempts to kill an animal by a method that does not cause instantaneous death;*
- C. Is a licensed veterinarian or a person certified under Title 17, section 1042 and that person kills or attempts to kill an animal by a method that does not conform to standards adopted by a national association of licensed veterinarians;
- D. Injures, overworks, tortures, torments, abandons, neglects or cruelly beats or intentionally mutilates an animal; gives drugs, including but not limited to, a scheduled drug as defined in Title 17-A, section 1101, subsection 11, to an animal with an intent to harm or intoxicate the animal; gives poison or alcohol to an animal; or exposes a poison with intent that it be taken by an animal. *The owner or occupant of property is privileged to use reasonable force to eject a trespassing animal;*
- E. Deprives an animal that the person owns or possesses of necessary sustenance, necessary medical attention, proper shelter, protection from the weather or humanely clean conditions;
- F. Keeps or leaves a domestic animal on an uninhabited or barren island lying off the coast of the State during the month of December, January, February or March without providing necessary sustenance and proper shelter;
- G. Hunts, traps or sells for the purpose of hunting any animal, except as permitted pursuant to chapter 202-A and Title 12, Part 13, and excluding humane trapping of animals for population control efforts or animal control pursuant to this Part;
- H. Injects, inserts or causes ingestion of any substance used solely to enhance the performance of an animal by altering the animal's metabolism to that animal's detriment, including but not limited to excessive levels of sodium bicarbonate in equines used for competition;
- I. Kills or tortures an animal to frighten or intimidate a person or forces a person to injure or kill an animal;
- J. Confines an animal in a building, enclosure, car, boat, vehicle or vessel of any kind when extreme heat or extreme cold will be harmful to its health.

1-A. Animal cruelty. Except as provided in paragraphs A and B, a person is guilty of cruelty to animals if that person kills or attempts to kill a cat or dog.

- A. *A licensed veterinarian or a person certified under Title 17, section 1042 may kill a cat or dog according to the methods of euthanasia under Title 17, chapter 42, subchapter IV.*
- B. *A person who owns a cat or dog, or the owner's agent, may kill that owner's cat or dog by shooting with a firearm provided the following conditions are met.*
 - (1) *The shooting is performed by a person 18 years of age or older using a weapon and ammunition of suitable caliber and other characteristics to*

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produce instantaneous death by a single shot.

- (2) *Death is instantaneous.*
- (3) *Maximum precaution is taken to protect the general public, employees and other animals.*
- (4) *Any restraint of the cat or dog during the shooting does not cause undue suffering to the cat or dog.*

2. Affirmative defenses. *It is an affirmative defense to this section that:*

- A. *The conduct was performed by a licensed veterinarian or was a part of scientific research governed by accepted standards;*
- B. *The conduct was designed to control or eliminate rodents, ants or other common pests on the defendant's own property;*
- C. *The conduct involved the use of live animals as bait or in the training of other animals in accordance with the laws of the Department of Inland Fisheries and Wildlife, Title 12, Part 13; or*
- D. *The animal is kept as part of an agricultural operation and in compliance with best management practices for animal husbandry as determined by the department.*

Evidence of proper care of any animal shall not be admissible in the defense of alleged cruelty to other animals.

ME. REV. STAT. ANN. tit. 7, § 4012. Cruelty to birds.

- 1. Cruelty to birds.** A person is guilty of cruelty to birds if that person:
 - A. Keeps or uses any live pigeon, fowl or other bird for a target or to be shot at, either for amusement or as a test of skill in marksmanship;
 - B. Shoots at any bird or is present as a party, umpire or judge at a shooting; or
 - C. Rents any building, shed, room, yard, field or premises or knowingly allows the use of the same for the purposes of paragraphs A and B.
- 2. Construction.** *This section may not be construed to prohibit the shooting of wild game in its wild state or the shooting of birds at field trials under the supervision of the Department of Inland Fisheries and Wildlife in accordance with Title 12, chapter 915, subchapter 13.*
- 3. Affirmative defense.** *It is an affirmative defense to this section that the conduct involved the use of live animals in the training of other animals in accordance with the laws of the Department of Inland Fisheries and Wildlife, Title 12, Part 13.*

Me. Rev. Stat. Ann. tit. 7, § 4016. Violation.

- 1. Penalty.** A person who violates this chapter commits a civil violation.
 - A. The court shall adjudge a civil fine of not less than \$500 nor more than \$5,000

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for the first violation, none of which may be suspended, and a civil fine of not less than \$1,000 nor more than \$10,000 for a 2nd or subsequent violation of section 4011, none of which may be suspended.

- B. The court may order a person adjudicated as having violated the laws against cruelty to animals to pay the costs of the care, housing and veterinary medical treatment for the animal.
- C. The court, as part of the judgment, may prohibit a person adjudicated as having violated the laws against cruelty to animals from owning, possessing or having on the defendant's premises an animal for a period of time up to and including permanent relinquishment.
- D. The court, as part of the judgment, may order that the defendant submit to and complete a psychological evaluation for in camera review by the court.

1-A. Separate Advocate. In any proceeding brought under this section, the court may order, upon its own initiative or upon request of a party or counsel for a party, that a separate advocate be appointed to represent the interests of justice. A decision of the court denying a request to appoint a separate advocate to represent the interests of justice is not subject to appeal. An advocate appointed under this subsection must be appointed from a list provided to the court by the Maine State Bar Association pursuant to paragraph B.

A. The advocate may:

- (1) Monitor the proceeding;
- (2) Consult any individual with information that could aid the judge or fact finder and review records relating to the condition of the animal and the defendant's actions, including, but not limited to, records from animal control officers, veterinarians and law enforcement officers;
- (3) Attend hearings; and
- (4) Present information or recommendations to the court pertinent to determinations that relate to the interests of justice, as long as the information and recommendations are based solely on the duties undertaken pursuant to this subsection.

B. The Maine State Bar Association shall maintain a list of attorneys with knowledge of animal issues and the legal system and a list of law schools that have students with an interest in animal issues and the legal system. Attorneys and law students serve on a voluntary basis as advocates under this subsection.

2. Criminal or civil prosecution. A person may be arrested or detained for the crime of cruelty to animals under Title 17, chapter 42, subchapter III in accordance with the rules of criminal procedure. A person may not be arrested or detained for the civil violation of cruelty to animals. The attorney for the State may elect to charge a defendant with either the crime of cruelty to animals under Title 17, chapter 42, subchapter III or the civil violation of cruelty to animals under this chapter. In making this election, the attorney for the State shall consider the severity of the cruelty displayed, the number of animals involved, any prior convictions or adjudications of animal cruelty entered

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against the defendant and such other factors as may be relevant to a determination of whether criminal or civil sanctions will best accomplish the goals of the animal welfare laws in the particular case before the attorney for the State. The election and determination required by this subsection are not subject to judicial review. The factors involved in the election and determination are not elements of the criminal offense or civil violation of animal cruelty and are not subject to proof or disproof as prerequisites or conditions for conviction under Title 17, chapter 42, subchapter III or adjudication under this chapter.

3. ***Affirmative defenses.*** *It is an affirmative defense to alleged violations of this chapter that the animal was kept as part of an agricultural operation and in compliance with best management practices for animal husbandry as determined by the department.*

ME. REV. STAT. ANN. tit. 7, § 4020 Cruel confinement of calves raised for veal and sows during gestation

6. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.
 - A. “Calf raised for veal” means a calf of the bovine species kept for the purpose of producing the food product referred to as veal.
 - B. “Covered animal” means a sow during gestation or calf raised for veal that is kept on a farm.
 - C. “Enclosure” means a cage, crate or other structure used to confine a covered animal, including, but not limited to, what is commonly described as a “gestation crate” for sows or a “veal crate” for calves.
 - D. “Farm” has the same meaning as in section 152.
 - E. Fully extending the animal's limbs” means fully extending all limbs without touching the side of an enclosure.
 - F. “Sow during gestation” means a pregnant pig of the porcine species kept for the primary purpose of breeding.
 - G. “Turning around freely” means turning in a complete circle without any impediment, including a tether, and without touching the side of an enclosure.
7. Prohibition. A person may not tether or confine a covered animal for all or the majority of a day in a manner that prevents the animal from:
 - A. Lying down, standing up and fully extending the animal's limbs; and
 - B. Turning around freely.
8. *Exceptions. Subsection 2 does not apply:*
 - H. *To an animal while it is the subject of scientific or agricultural research;*
 - I. *During examination, testing, individual treatment of or operation on an animal for veterinary purposes;*
 - J. *To an animal being transported;*
 - K. *To an animal at a rodeo exhibition or state or county fair exhibition;*
 - L. *To an animal at a 4-H event or similar exhibition;*

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- M. To the slaughter of an animal in accordance with Title 22, chapter 562-A, subchapter 41 and rules pertaining to the slaughter of animals; and*
- N. To a sow during the 7-day period prior to the sow's expected date of giving birth and until the sow's litter is weaned.*
9. Relation to other laws. The provisions of this section are in addition to, and not in lieu of, any other laws protecting animal welfare. This section may not be construed to limit any state law or rules protecting the welfare of animals or to prevent a local governing body from adopting and enforcing its own animal welfare laws and regulations.
10. The affirmative defense provisions in section 4016, subsection 3 do not apply to this section. It is not an affirmative defense to alleged violations of this section that the calf or sow was kept as part of an agricultural operation and in compliance with best management practices for animal husbandry.

Criminal

ME. REV. STAT. ANN. tit. 17, § 1011. Definitions.

NOTE: unrelated statutory text has been omitted.

- 20. Mutilate.** “Mutilate” means to injure or disfigure by irreparably damaging body parts. “Mutilate” does not include conduct performed by a licensed veterinarian or conduct that conforms to accepted veterinary practices.

ME. REV. STAT. ANN. tit. 17, § 1031. Cruelty to animals.

- 1. Cruelty to animals.** Except as provided in subsections 1-D and 1-E, a person, including an owner or the owner’s agent, is guilty of cruelty to animals if that person intentionally, knowingly or recklessly:
- A.** Kills or attempts to kill any animal belonging to another person *without the consent of the owner or without legal privilege*. Violation of this paragraph is a Class D crime;
 - A-1.** Violates paragraph A and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
 - B.** *Except for a licensed veterinarian or a person certified under section 1042*, kills or attempts to kill an animal by a method that does not cause instantaneous death. Violation of this paragraph is a Class D crime;
 - B-1.** Violates paragraph B and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar

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- crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
- C.** If that person is a licensed veterinarian or a person certified under section 1042, kills or attempts to kill an animal by a method that does not conform to standards adopted by a national association of licensed veterinarians. Violation of this paragraph is a Class D crime;
 - C-1.** Violates paragraph C and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
 - D.** Injures, overworks, tortures, torments, abandons or cruelly beats or intentionally mutilates an animal; gives drugs, including, but not limited to, a scheduled drug as defined in Title 17-A, section 1101, subsection 11, to an animal with an intent to harm or intoxicate the animal; gives poison or alcohol to an animal; or exposes a poison with intent that it be taken by an animal. *The owner or occupant of property is privileged to use reasonable force to eject a trespassing animal.* Violation of this paragraph is a Class D crime;
 - D-1.** Violates paragraph D and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
 - D-2.** Abandons an animal in violation of paragraph D and that animal dies as a result. Violation of this paragraph is a Class C crime;
 - E.** Deprives an animal that the person owns or possesses of necessary sustenance, necessary medical attention, proper shelter, protection from the weather or humanely clean conditions. Violation of this paragraph is a Class D crime;
 - E-1.** Violates paragraph E and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
 - F.** Keeps or leaves a domestic animal on an uninhabited or barren island lying off the coast of the State during the month of December, January, February or March without providing necessary sustenance and proper shelter. Violation of this paragraph is a Class D crime;
 - F-1.** Violates paragraph F and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
 - G.** Hunts, traps or sells for the purpose of hunting any animal, except as permitted pursuant to Title 7, chapter 202-A and Title 12, Part 13, and excluding humane trapping of animals for population control efforts or animal control under Title 7, Part 9. Violation of this paragraph is a Class D crime;
 - G-1.** Violates paragraph G and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
 - H.** Injects, inserts or causes ingestion of any substance used solely to enhance the performance of an animal by altering the animal's metabolism to that animal's

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detriment, including but not limited to excessive levels of sodium bicarbonate in equines used for competition. Violation of this paragraph is a Class D crime;

- H-1.** Violates paragraph H and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
- I.** Commits bestiality on an animal. For purposes of this paragraph, “commits bestiality” means that a person:
 - (1)** Engages in a sexual act with an animal for the purpose of that person’s sexual gratification;
 - (2)** Coerces anyone to engage in a sexual act with an animal;
 - (3)** Engages in a sexual act with an animal in the presence of a minor;
 - (4)** Uses any part of the person’s body or an object to sexually stimulate an animal;
 - (5)** Videotapes a person engaging in a sexual act with an animal; or
 - (6)** For the purpose of that person’s sexual gratification, kills or physically abuses an animal.

For purposes of this paragraph, “sexual act” means any act between a person and an animal involving direct physical contact between the genitals of one and the mouth or anus of the other, or direct physical contact between the genitals of one and the genitals of the other. A sexual act may be proved without allegation or proof of penetration.

This paragraph may not be construed to prohibit normal and accepted practices of animal husbandry.

Violation of this paragraph is a Class D crime;

- I-1.** Violates paragraph I and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
 - J.** Kills or tortures an animal to frighten or intimidate a person or forces a person to injure or kill an animal. Violation of this paragraph is a Class D crime;
 - J-1.** Violates paragraph J and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime; or
 - K.** Confines an animal in a building, enclosure, car, boat, vehicle or vessel of any kind when extreme heat or extreme cold will be harmful to its health. Violation of this paragraph is a Class D crime.
- 1-A. Repealed.** Laws 2003, c. 452, § I-14, eff. July 1, 2004.
- 1-B. Aggravated cruelty to animals.** A person is guilty of aggravated cruelty to animals if that person, in a manner manifesting a depraved indifference to animal life or suffering, intentionally, knowingly or recklessly:
- A.** Causes extreme physical pain to an animal;
 - B.** Causes the death of an animal; or
 - C.** Physically tortures an animal.

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Violation of this subsection is a Class C crime. Notwithstanding Title 17-A, section 1301, the court shall impose a fine of not less than \$1,000 and not more than \$10,000 for a first or subsequent violation of this subsection. The sentencing provisions in subsection 3-B also apply to a person convicted of aggravated cruelty to animals.

1-C. Cat or dog; exceptions. Except as provided in subsections 1-D and 1-E, a person is guilty of cruelty to animals if that person intentionally, knowingly or recklessly:

- A. Kills or attempts to kill a cat or dog. Violation of this paragraph is a Class D crime; or
- B. Violates paragraph A and, at the time of the offense, has 2 or more convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime.

1-D. Licensed veterinarian. *A licensed veterinarian or a person certified under section 1042 may kill a cat or dog according to the methods of euthanasia under subchapter 4.*

1-E. Owner or owner's agent. *A person who owns a cat or dog, or the owner's agent, may kill that owner's cat or dog by shooting it with a firearm if the following conditions are met:*

- A. *The shooting is performed by a person 18 years of age or older using a weapon and ammunition of suitable caliber and other characteristics to produce instantaneous death by a single shot;*
- B. *Death is instantaneous;*
- C. *Maximum precaution is taken to protect the general public, employees and other animals; and*
- D. *Any restraint of the cat or dog during the shooting does not cause undue suffering.*

2. Affirmative defense. *It is an affirmative defense to prosecution under this section that:*

- A. *The defendant's conduct conformed to accepted veterinary practice or was a part of scientific research governed by accepted standards;*
- B. *The defendant's conduct or that of the defendant's agent was designed to control or eliminate rodents, ants or other common pests on the defendant's own property;*
- C. *The defendant's conduct involved the use of live animals as bait or in the training of other animals in accordance with the laws of the Department of Inland Fisheries and Wildlife, Title 12, Part 13; or*
- D. *The animal is kept as part of an agricultural operation and in compliance with best management practices for animal husbandry as determined by the Department of Agriculture, Food and Rural Resources.*

Evidence of proper care of any animal is not admissible in the defense of alleged cruelty to other animals.

3. Repealed. Laws 2003, c. 452, § 1-18, eff. July 1, 2004.

3-A. Repealed. Laws 2003, c. 452, § 1-19, eff. July 1, 2004.

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

- A. In addition to any other penalty authorized by law, the court shall impose a fine of not less than \$500 for each violation of this section. The court may order the

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defendant to pay the costs of the care, housing and veterinary medical treatment for the animal including the costs of relocating the animal.

- B. Repealed.** Laws 2019, c. 99, § 1, eff. Sept. 9, 2019
- C.** Title 17-A, section 9-A governs the use of prior convictions when determining a sentence under this subsection.
- 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.
- 3-C. Separate Advocate.** In any proceeding brought under this section, the court may order, upon its own initiative or upon request of a party or counsel for a party, that a separate advocate be appointed to represent the interests of justice. A decision of the court denying a request to appoint a separate advocate to represent the interests of justice is not subject to appeal. An advocate appointed under this subsection must be appointed from a list provided to the court by the Maine State Bar Association pursuant to paragraph B.

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- A. The advocate may:
 - (1) Monitor the proceeding;
 - (2) Consult any individual with information that could aid the judge or fact finder and review records relating to the condition of the animal and the defendant's actions, including, but not limited to, records from animal control officers, veterinarians and law enforcement officers;
 - (3) Attend hearings; and
 - (4) Present information or recommendations to the court pertinent to determinations that relate to the interests of justice, as long as the information and recommendations are based solely on the duties undertaken pursuant to this subsection.
 - B. The Maine State Bar Association shall maintain a list of attorneys with knowledge of animal issues and the legal system and a list of law schools that have students with an interest in animal issues and the legal system. Attorneys and law students serve on a voluntary basis as advocates under this subsection.
4. **Criminal or civil prosecution.** A person may be arrested or detained for the crime of cruelty to animals in accordance with the rules of criminal procedure. A person may not be arrested or detained for the civil violation of cruelty to animals. The attorney for the State shall elect to charge a defendant with the crime of cruelty to animals under this section or the civil violation of cruelty to animals under Title 7, section 4011. In making this election, the attorney for the State shall consider the severity of the cruelty displayed, the number of animals involved, any prior convictions or adjudications of animal cruelty entered against the defendant and such other factors as may be relevant to a determination of whether criminal or civil sanctions will best accomplish the goals of the animal welfare laws in the particular case before the attorney for the State. The election and determination required by this subsection are not subject to judicial review. The factors involved in such election and determination are not elements of the criminal offense or civil violation of animal cruelty and are not subject to proof or disproof as prerequisites or conditions for conviction under this subsection or adjudication under Title 7, section 4011.
5. **Exception.** *This section may not be construed to prohibit the shooting of wild game in its wild state. This section may not be construed to prohibit the disposal of farm animals using an acceptable animal husbandry practice.*

ME. REV. STAT. ANN. tit. 17, § 1032. Cruelty to birds.

- 1. **Cruelty to birds.** A person is guilty of cruelty to birds if that person intentionally, knowingly or recklessly:
 - A. Keeps or uses any live pigeon, fowl or other bird for a target or to be shot at, either for amusement or as a test of skill in marksmanship. Violation of this paragraph is a Class D crime;

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- A-1. Violates paragraph A and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1031 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
 - B. Shoots at any bird or is present as a party, umpire or judge at such shooting. Violation of this paragraph is a Class D crime;
 - B-1. Violates paragraph B and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1031 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
 - C. Rents any building, shed, room, yard, field or premises or knowingly suffers the use of the building, shed, room, yard, field or premises for any of the purposes described in paragraphs A and B. Violation of this paragraph is a Class D crime; or
 - C-1. Violates paragraph C and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1031 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime.
- 2. **Penalty.** The following apply to violations of this section.
 - A. In addition to any other penalty authorized by law, the court shall impose a fine of not less than \$100 for each violation of this section.
 - B. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.
- 3. **Exception.** *Nothing in this section may be construed to prohibit the shooting of wild game in its wild state or the shooting of birds at field trials under the supervision of the Department of Inland Fisheries and Wildlife in accordance with Title 12, chapter 915, subchapter 13.*
- 4. **Criminal or civil prosecution.** A person may not be arrested or detained for cruelty to birds. The attorney for the State shall elect to charge a defendant with the crime of cruelty to birds under this section or the civil violation of cruelty to birds under Title 7, section 4012. In making this election, the attorney for the State shall consider the severity of the cruelty displayed, the number of birds involved, any prior convictions or adjudications of bird cruelty entered against the defendant and such other factors as may be relevant to a determination of whether criminal or civil sanctions will best accomplish the goals of the animal welfare laws in the particular case before the attorney for the State. The election and determination required by this subsection is not subject to judicial review. The factors involved in such election and determination are not elements of the criminal offense or civil violation of bird cruelty and are not subject to proof or disproof as prerequisites or conditions for conviction under this subsection or adjudication under Title 7, section 4012.

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ME. REV. STAT. ANN. tit. 17, § 1037-A. Affirmative defense.

It is an affirmative defense to alleged violations of sections 1035, 1036 and 1037 that the animal is kept as part of an agricultural operation and in compliance with best management practices for animal husbandry as determined by the Department of Agriculture, Conservation and Forestry.

ME. REV. STAT. ANN. tit. 17, § 1039. Cruel confinement of calves raised for veal and sows during gestation

1. **Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.
 - A. “Calf raised for veal” means a calf of the bovine species kept for the purpose of producing the food product referred to as veal.
 - B. “Covered animal” means a sow during gestation or calf raised for veal that is kept on a farm.
 - C. “Enclosure” means a cage, crate or other structure used to confine a covered animal, including, but not limited to, what is commonly described as a “gestation crate” for sows or a “veal crate” for calves.
 - D. “Farm” has the same meaning as in Title 7, section 152, subsection 5.
 - E. “Fully extending the animal's limbs” means fully extending all limbs without touching the side of an enclosure.
 - F. “Sow during gestation” means a pregnant pig of the porcine species kept for the primary purpose of breeding.
 - G. “Turning around freely” means turning in a complete circle without any impediment, including a tether, and without touching the side of an enclosure.
2. **Prohibition.** A person may not tether or confine a covered animal for all or the majority of a day in a manner that prevents the animal from:
 - A. Lying down, standing up and fully extending the animal's limbs; and
 - B. Turning around freely.
3. **Exceptions.** Subsection 2 does not apply:
 - A. To an animal while it is the subject of scientific or agricultural research;
 - B. During examination, testing, individual treatment of or operation on an animal for veterinary purposes;
 - C. To an animal being transported;
 - D. To an animal at a rodeo exhibition or state or county fair exhibition;
 - E. To an animal at a 4-H event or similar exhibition;
 - F. To the slaughter of an animal in accordance with Title 22, chapter 562-A, subchapter 4 and rules pertaining to the slaughter of animals; and
 - G. To a sow during the 7-day period prior to the sow's expected date of giving birth and until the sow's litter is weaned.
4. **Relation to other laws.** The provisions of this section are in addition to, and not in lieu of,

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any other laws protecting animal welfare. This section may not be construed to limit any state law or rules protecting the welfare of animals or to prevent a local governing body from adopting and enforcing its own animal welfare laws and regulations.

5. **Penalty.** A violation of subsection 2 is a Class D crime.
6. **Criminal or civil prosecution.** A person may be arrested or detained for a violation of subsection 2 in accordance with the rules of criminal procedure. A person may not be arrested or detained for the civil violation of cruel confinement under Title 7, section 1039. The attorney for the State may elect to charge a defendant with a criminal violation under this section or a civil violation under Title 7, section 4020. In making this election, the attorney for the State shall consider the severity of the cruelty displayed, the number of animals involved, any prior convictions or adjudications of animal cruelty entered against the defendant and such other factors as may be relevant to a determination of whether criminal or civil sanctions will best accomplish the goals of the animal welfare laws in the particular case before the attorney for the State. The election and determination required by this subsection are not subject to judicial review. The factors involved in the election and determination are not elements of the criminal offense or civil violation of cruel confinement and are not subject to proof or disproof as prerequisites or conditions for conviction under this section or adjudication under Title 7, section 4020.

It is not an affirmative defense to prosecution under this section that the sow or calf is kept as part of an agricultural operation and in compliance with best management practices for animal husbandry.

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4. FIGHTING AND RACKETEERING

ME. REV. STAT. ANN. tit. 17, § 1033. Animal fighting.

1. **Animal fighting.** *A person is guilty of animal fighting if that person knowingly:*
 - A. *Owns, possesses, keeps or trains any animal with the intent that the animal engage in an exhibition of fighting with another animal;*
 - B. *For amusement or gain, causes any animal to fight with another animal or causes any animals to injure each other; or*
 - C. *Permits any act in violation of paragraph A or B to be done on any premises under that person's charge or control.*
- 1-A. **Penalty.** *A person who violates subsection 1 commits a Class C crime. In addition to any other penalty authorized by law, the court shall impose a fine of not less than \$500 for each violation of subsection 1.*
2. **Viewing animal fighting.** *A person is guilty of viewing animal fighting if that person knowingly is present at any place or building where preparations are being made for an exhibition of the fighting of animals or is present at such an exhibition.*
- 2-A. **Penalty.** *A person who violates subsection 2 commits a Class D crime.*
3. **Affirmative defense.** *It is an affirmative defense to prosecution under subsections 1 and 2 that the activity charged involves the possession, training, exhibition or use of an animal in the otherwise lawful sport of animal hunting and the training or use of hunting dogs. It is also an affirmative defense that the defendant's conduct involved the use of live animals as bait or in the training of other animals in accordance with the laws of the Department of Inland Fisheries and Wildlife, Title 12, Part 13.*
4. **Exception.** *Activity involving the possession, training, exhibition or use of an animal in the otherwise lawful pursuits of hunting, farming and security services is exempt from subsections 1 and 2.*

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5. SEXUAL ASSAULT

ME. REV. STAT. ANN. tit. 17, § 1031. Cruelty to animals.

1. **Cruelty to animals.** Except as provided in subsections 1-D and 1-E, a person, including an owner or the owner's agent, is guilty of cruelty to animals if that person intentionally, knowingly or recklessly:
 - A. Kills or attempts to kill any animal belonging to another person without the consent of the owner or without legal privilege. Violation of this paragraph is a Class D crime;
 - A-1. Violates paragraph A and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
 - B. Except for a licensed veterinarian or a person certified under section 1042, kills or attempts to kill an animal by a method that does not cause instantaneous death. Violation of this paragraph is a Class D crime;
 - B-1. Violates paragraph B and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
 - C. If that person is a licensed veterinarian or a person certified under section 1042, kills or attempts to kill an animal by a method that does not conform to standards adopted by a national association of licensed veterinarians. Violation of this paragraph is a Class D crime;
 - C-1. Violates paragraph C and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
 - D. Injures, overworks, tortures, torments, abandons or cruelly beats or intentionally mutilates an animal; gives drugs, including, but not limited to a scheduled drug as defined in Title 17-A, section 1101, subsection 11, to an animal with an intent to harm or intoxicate the animal; gives poison or alcohol to an animal; or exposes a poison with intent that it be taken by an animal. The owner or occupant of property is privileged to use reasonable force to eject a trespassing animal. Violation of this paragraph is a Class D crime;
 - D-1. Violates paragraph D and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
 - D-2. Abandons an animal in violation of paragraph D and that animal dies as a result. Violation of this paragraph is a Class C crime;
 - E. Deprives an animal that the person owns or possesses of necessary sustenance, necessary medical attention, proper shelter, protection from the weather or humanely clean conditions. Violation of this paragraph is a Class D crime;
 - E-1. Violates paragraph E and, at the time of the offense, has 2 or more prior

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convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;

- F. Keeps or leaves a domestic animal on an uninhabited or barren island lying off the coast of the State during the month of December, January, February or March without providing necessary sustenance and proper shelter. Violation of this paragraph is a Class D crime;
- F-1. Violates paragraph F and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
- G. Hunts, traps or sells for the purpose of hunting any animal, except as permitted pursuant to Title 7, chapter 202-A and Title 12, Part 13, and excluding humane trapping of animals for population control efforts or animal control under Title 7, Part 9. Violation of this paragraph is a Class D crime;
- G-1. Violates paragraph G and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
- H. Injects, inserts or causes ingestion of any substance used solely to enhance the performance of an animal by altering the animal's metabolism to that animal's detriment, including but not limited to excessive levels of sodium bicarbonate in equines used for competition. Violation of this paragraph is a Class D crime;
- H-1. Violates paragraph H and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
- I. *Commits bestiality on an animal. For purposes of this paragraph, "commits bestiality" means that a person:*
 - (1) *Engages in a sexual act with an animal for the purpose of that person's sexual gratification;*
 - (2) *Coerces anyone to engage in a sexual act with an animal;*
 - (3) *Engages in a sexual act with an animal in the presence of a minor;*
 - (4) *Uses any part of the person's body or an object to sexually stimulate an animal;*
 - (5) *Videotapes a person engaging in a sexual act with an animal; or*
 - (6) *For the purpose of that person's sexual gratification, kills or physically abuses an animal.*

For purposes of this paragraph, "sexual act" means any act between a person and an animal involving direct physical contact between the genitals of one and the mouth or anus of the other, or direct physical contact between the genitals of one and the genitals of the other. A sexual act may be proved without allegation or proof of penetration.

This paragraph may not be construed to prohibit normal and accepted practices of animal husbandry.

Violation of this paragraph is a Class D crime;

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- I-1. Violates paragraph I and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
- J. Kills or tortures an animal to frighten or intimidate a person or forces a person to injure or kill an animal. Violation of this paragraph is a Class D crime;
- J-1. Violates paragraph J and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime; or
- K. Confines an animal in a building, enclosure, car, boat, vehicle or vessel of any kind when extreme heat or extreme cold will be harmful to its health. Violation of this paragraph is a Class D crime.

1-A. Repealed. Laws 2003, c. 452, § I-14, eff. July 1, 2004.

1-B. Aggravated cruelty to animals. A person is guilty of aggravated cruelty to animals if that person, in a manner manifesting a depraved indifference to animal life or suffering, intentionally, knowingly or recklessly:

- A. Causes extreme physical pain to an animal;
- B. Causes the death of an animal; or
- C. Physically tortures an animal.

Violation of this subsection is a Class C crime. Notwithstanding Title 17-A, section 1301, the court shall impose a fine of not less than \$1,000 and not more than \$10,000 for a first or subsequent violation of this subsection. The sentencing provisions in subsection 3-B also apply to a person convicted of aggravated cruelty to animals.

1-C. Cat or dog; exceptions. Except as provided in subsections 1-D and 1-E, a person is guilty of cruelty to animals if that person intentionally, knowingly or recklessly:

- A. Kills or attempts to kill a cat or dog. Violation of this paragraph is a Class D crime; or
- B. Violates paragraph A and, at the time of the offense, has 2 or more convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime.

1-D. Licensed veterinarian. A licensed veterinarian or a person certified under section 1042 may kill a cat or dog according to the methods of euthanasia under subchapter 4.

1-E. Owner or owner's agent. A person who owns a cat or dog, or the owner's agent, may kill that owner's cat or dog by shooting it with a firearm if the following conditions are met:

- A. The shooting is performed by a person 18 years of age or older using a weapon and ammunition of suitable caliber and other characteristics to produce instantaneous death by a single shot;
- B. Death is instantaneous;
- C. Maximum precaution is taken to protect the general public, employees and other animals; and
- D. Any restraint of the cat or dog during the shooting does not cause undue suffering.

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2. Affirmative defense. It is an affirmative defense to prosecution under this section that:

- A.** The defendant's conduct conformed to accepted veterinary practice or was a part of scientific research governed by accepted standards;
- B.** The defendant's conduct or that of the defendant's agent was designed to control or eliminate rodents, ants or other common pests on the defendant's own property;
- C.** The defendant's conduct involved the use of live animals as bait or in the training of other animals in accordance with the laws of the Department of Inland Fisheries and Wildlife, Title 12, Part 13; or
- D.** The animal is kept as part of an agricultural operation and in compliance with best management practices for animal husbandry as determined by the Department of Agriculture, Food and Rural Resources.

Evidence of proper care of any animal is not admissible in the defense of alleged cruelty to other animals.

3. Repealed. Laws 2003, c. 452, § 1-18, eff. July 1, 2004.

3-A. Repealed. Laws 2003, c. 452, § 1-19, eff. July 1, 2004.

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

- A.** In addition to any other penalty authorized by law, the court shall impose a fine of not less than \$500 for each violation of this section. The court may order the defendant to pay the costs of the care, housing and veterinary medical treatment for the animal including the costs of relocating the animal.
- B. Repealed.** Laws 2019, c. 99, § 1, eff. Sept. 19, 2019.
- C.** Title 17-A, section 9-A governs the use of prior convictions when determining a sentence under this subsection.
- 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

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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.

3-C. Separate Advocate. In any proceeding brought under this section, the court may order, upon its own initiative or upon request of a party or counsel for a party, that a separate advocate be appointed to represent the interests of justice. A decision of the court denying a request to appoint a separate advocate to represent the interests of justice is not subject to appeal. An advocate appointed under this subsection must be appointed from a list provided to the court by the Maine State Bar Association pursuant to paragraph B.

A. The advocate may:

- (1) Monitor the proceeding;
- (2) Consult any individual with information that could aid the judge or fact finder and review records relating to the condition of the animal and the defendant's actions, including, but not limited to, records from animal control officers, veterinarians and law enforcement officers;
- (3) Attend hearings; and
- (4) Present information or recommendations to the court pertinent to determinations that relate to the interests of justice, as long as the information and recommendations are based solely on the duties undertaken pursuant to this subsection.

B. The Maine State Bar Association shall maintain a list of attorneys with knowledge of animal issues and the legal system and a list of law schools that have students with an interest in animal issues and the legal system. Attorneys and law students serve on a voluntary basis as advocates under this subsection.

- 4. **Criminal or civil prosecution.** A person may be arrested or detained for the crime of cruelty to animals in accordance with the rules of criminal procedure. A person may not be arrested or detained for the civil violation of cruelty to animals. The attorney for the State shall elect to charge a defendant with the crime of cruelty to animals under this section or the civil violation of cruelty to animals under Title 7, section 4011. In making this election, the attorney for the State shall consider the severity of the cruelty displayed, the number of animals involved, any prior convictions or adjudications of animal cruelty entered against the defendant and such other factors as may be relevant

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to a determination of whether criminal or civil sanctions will best accomplish the goals of the animal welfare laws in the particular case before the attorney for the State. The election and determination required by this subsection are not subject to judicial review. The factors involved in such election and determination are not elements of the criminal offense or civil violation of animal cruelty and are not subject to proof or disproof as prerequisites or conditions for conviction under this subsection or adjudication under Title 7, section 4011.

5. **Exception.** This section may not be construed to prohibit the shooting of wild game in its wild state. This section may not be construed to prohibit the disposal of farm animals using an acceptable animal husbandry practice.

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6. CRUELTY TO WORKING ANIMALS

ME. REV. STAT. ANN. tit. 17-A, § 752-B. Unlawful interference with law enforcement dogs.

1. *A person is guilty of unlawful interference with a law enforcement dog if the person intentionally or knowingly:*
 - A. *Kills, mutilates or permanently disables any dog that is in fact certified for law enforcement use and that the person knows or reasonably should have known is used for law enforcement purposes. Violation of this paragraph is a Class C crime; or*
 - B. *Torments, beats, strikes, injures, temporarily disables or otherwise mistreats any dog that is in fact certified for law enforcement use and that the person knows or reasonably should have known is used for law enforcement purposes. Violation of this paragraph is a Class D crime.*
2. For the purposes of this section, a dog is certified for law enforcement use if the State has certified that the dog has satisfactorily completed requisite training for one or more law enforcement purposes.
3. **Repealed.** Laws 2001, c. 383, § 83, eff. Jan. 31, 2003.

ME. REV. STAT. ANN. tit. 17-A, § 752-D. Unlawful interference with law enforcement horses.

1. *A person is guilty of unlawful interference with a law enforcement horse if the person intentionally or knowingly:*
 - A. *Kills, mutilates or permanently disables a horse that the person knows or reasonably should have known is used for law enforcement purposes. Violation of this paragraph is a Class C crime; or*
 - B. *Torments, beats, strikes, injures, temporarily disables or otherwise mistreats a horse that the person knows or reasonably should have known is used for law enforcement purposes. Violation of this paragraph is a Class D crime.*

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7. MAXIMUM PENALTIES & STATUTES OF LIMITATIONS

Civil

ME. REV. STAT. ANN. tit. 7, § 4016. Violation.

1. **Penalty.** A person who violates this chapter commits a civil violation.
 - A. *The court shall adjudge a civil fine of not less than \$500 nor more than \$5,000 for the first violation, none of which may be suspended, and a civil fine of not less than \$1,000 nor more than \$10,000 for a 2nd or subsequent violation of section 4011, none of which may be suspended.*
 - B. *The court may order a person adjudicated as having violated the laws against cruelty to animals to pay the costs of the care, housing and veterinary medical treatment for the animal.*
 - C. *The court, as part of the judgment, may prohibit a person adjudicated as having violated the laws against cruelty to animals from owning, possessing or having on the defendant's premises an animal for a period of time up to and including permanent relinquishment.*
 - D. *The court, as part of the judgment, may order that the defendant submit to and complete a psychological evaluation for in camera review by the court.*
2. **Criminal or civil prosecution.** A person may be arrested or detained for the crime of cruelty to animals under Title 17, chapter 42, subchapter III in accordance with the rules of criminal procedure. A person may not be arrested or detained for the civil violation of cruelty to animals. The attorney for the State may elect to charge a defendant with either the crime of cruelty to animals under Title 17, chapter 42, subchapter III or the civil violation of cruelty to animals under this chapter. In making this election, the attorney for the State shall consider the severity of the cruelty displayed, the number of animals involved, any prior convictions or adjudications of animal cruelty entered against the defendant and such other factors as may be relevant to a determination of whether criminal or civil sanctions will best accomplish the goals of the animal welfare laws in the particular case before the attorney for the State. The election and determination required by this subsection are not subject to judicial review. The factors involved in the election and determination are not elements of the criminal offense or civil violation of animal cruelty and are not subject to proof or disproof as prerequisites or conditions for conviction under Title 17, chapter 42, subchapter III or adjudication under this chapter.
3. **Affirmative defenses.** It is an affirmative defense to alleged violations of this chapter that the animal was kept as part of an agricultural operation and in compliance with best management practices for animal husbandry as determined by the department.

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Criminal

NOTE: some crimes are punishable by additional fines, as provided in the [General Cruelty](#) section of this document.

ME. REV. STAT. ANN. tit. 17-A, § 8. Statute of Limitations.

1. It is a defense that prosecution was commenced after the expiration of the applicable period of limitations provided in this section, except that the following prosecutions may be commenced at any time:
 - A. A prosecution for murder or criminal homicide in the first or 2nd degree; or
 - B. If the victim had not attained the age of 16 years at the time of the crime, a prosecution for: incest; unlawful sexual contact; sexual abuse of a minor; rape or gross sexual assault, formerly denominated as gross sexual misconduct.
2. *Except as provided in subsection 1 or 2-A, a prosecution for a Class A, Class B or Class C crime must be commenced within 6 years after it is committed and a prosecution for a Class D or Class E crime must be commenced within 3 years after it is committed.*
A and B. Deleted. Laws 2019, c. 483, § 2, eff. Sept. 19, 2019.
- 2-A. A prosecution for a Class A, Class B or Class C crime involving unlawful sexual contact or gross sexual assault must be commenced within 20 years after it is committed.
 This subsection does not apply to a Class D crime enhanced to a Class C crime pursuant to section 1252, subsection 4-A.
3. The periods of limitations shall not run:
 - A. During any time when the accused is absent from the State, but in no event shall this provision extend the period of limitation otherwise applicable by more than 5 years;
 - B. During any time when a prosecution against the accused for the same crime based on the same conduct is pending in this State; or
 - C. During any time when a prosecution against the accused for the corresponding juvenile crime based on the same conduct is pending in the Juvenile Court. For purposes of this section, pending includes any appeal period and, if an appeal is taken, any period pending its final disposition.
4. If a timely complaint, information or indictment is dismissed for any error, defect, insufficiency or irregularity, a new prosecution for the same crime based on the same conduct may be commenced within 6 months after the dismissal, or during the next session of the grand jury, whichever occurs later, even though the periods of limitations have expired at the time of such dismissal or will expire within such period of time.
5. If the period of limitation has expired, a prosecution may nevertheless be commenced for:
 - A. Any crime based upon breach of fiduciary obligation, within one year after discovery of the crime by an aggrieved party or by a person who has a legal duty

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- to represent an aggrieved party, and who is not a party to the crime, whichever occurs first;
- B. Any crime based upon official misconduct by a public servant, at any time when such person is in public office or employment or within 2 years thereafter.
- C. This subsection shall in no event extend the limitation period otherwise applicable by more than 5 years.
- 6. For purposes of this section:
 - A. A crime is committed when every element thereof has occurred, or if the crime consists of a continuing course of conduct, at the time when the course of conduct or the defendant's complicity therein is terminated; and
 - B. A prosecution is commenced whenever one of the following occurs:
 - (1) A criminal complaint is filed;
 - (2) An indictment is returned; or
 - (3) Following waiver of an indictment, an information is filed.
- 7. The defense established by this section shall not bar a conviction of a crime included in the crime charged, notwithstanding that the period of limitation has expired for the included crime, if as to the crime charged the period of limitation has not expired or there is no such period, and there is evidence which would sustain a conviction for the crime charged.

ME. REV. STAT. ANN. tit. 17-A, § 1604. Imprisonment for crimes other than murder.

1. **Maximum terms of imprisonment dependent on crime class.** Unless a different maximum term of imprisonment is specified by statute, the maximum term of imprisonment is as follows:
 - A. In the case of a Class A crime, 30 years;
 - B. In the case of a Class B crime, 10 years;
 - C. *In the case of a Class C crime, 5 years;*
 - D. *In the case of a Class D crime, less than one year; or*
 - E. In the case of a Class E crime, 6 months.
2. **Exceptions to maximum term of imprisonment based on crime class.**
Notwithstanding subsection 1:
 - A. In the case of the Class A crime of aggravated attempted murder, the court shall set a term of imprisonment under section 152-A, subsection 2 of life or a definite period of any term of years;
 - B. If the State pleads and proves that the defendant is a repeat sexual assault offender, the court may set a definite term of imprisonment under section 253-A, subsection 1 for any term of years; and
 - C. In the case of the Class A crime of gross sexual assault against an individual who had not yet attained 12 years of age, the court shall set a definite term of imprisonment under section 253-A, subsection 2 for any term of years.

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- 3. Mandatory minimum term of imprisonment for crime with use of firearm against an individual.** If the State pleads and proves that a Class A, B, or C crime was committed with the use of a firearm against an individual, the minimum sentence of imprisonment, which may not be suspended, is as follows:

- A.** In the case of a Class A crime, 4 years;
- B.** In the case of a Class B crime, 2 years; and
- C.** In the case of a Class C crime, one year.

For the purposes of this subsection, the applicable sentencing class is determined in accordance with subsection 5, paragraph A.

This subsection does not apply if the State pleads and proves criminal threatening or attempted criminal threatening, as defined in section 209, or terrorizing or attempted terrorizing, as defined in section 210, subsection 1, paragraph A.

- 4. Mandatory minimum sentence of imprisonment for certain drug crimes.** For an individual convicted of violating section 1105-A, 1105-B, 1105-C, 1105-D or 1118-A, except as otherwise provided in section 1125, subsections 2 and 3, the court shall impose a minimum sentence of imprisonment, which may not be suspended, as provided in section 1125, subsection 1.
- 5. Circumstances elevating class of crime.** The following circumstances elevate the class of a crime.
- A.** If the State pleads and proves that a Class B, C, D or E crime was committed with the use of a dangerous weapon, then the sentencing class for such crime is one class higher than it would otherwise be. In the case of a Class A crime committed with the use of a dangerous weapon, such use must be assigned special weight by the court in exercising its sentencing discretion. This paragraph does not apply to a violation or an attempted violation of section 208, to any other offenses to which use of a dangerous weapon serves as an element or to any offense for which the sentencing class is otherwise elevated because the actor or an accomplice to that actor's or accomplice's knowledge was armed with a firearm or other dangerous weapon.
 - B.** If the State pleads and proves that, at the time any crime, excluding murder, under chapter 9, 11, 12, 13, 27 or 35, excluding section 853-A; section 401-A, subsection 1, paragraph A; or section 752-A or 752-C was committed, or an attempt of any such crime was committed, the individual had 2 or more prior convictions under chapter 9, 11, 12, 13, 17 or 35, excluding section 853-A; section 402-A, subsection 1, paragraph A; or section 752-A or 752-C, or for an attempt of any such crime, or for engaging in substantially similar conduct in another jurisdiction, the sentencing class for the crime is one class higher than it would otherwise be.
 - 1) In the case of a Class A crime, the sentencing class is not elevated, but the prior record must be assigned special weight by the court when imposing a sentence.
 - 2) Section 9-A governs the use of prior convictions when determining a

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sentence, except that, for the purposes of this paragraph, for violations under chapter 11, the dates of prior convictions may have occurred at any time.

This paragraph does not apply to section 210-A if the prior convictions have already served to elevate the sentencing class under section 210-A, subsection 1, paragraph C or E or any other offense in which prior convictions have already served to elevate the sentencing class.

- C. The sentencing class for a crime that is pled and proved and is subject to elevation pursuant to both paragraphs A and B may be elevated successively pursuant to both of those paragraphs if the crime that is pled and proved contains different class elevation factors.

6. Special weight required for certain aggravating sentencing factors pleaded and proved. In exercising its sentencing discretion, a court shall assign special weight to the following aggravating sentencing factors pleaded and proved by the State:

- A. In the case of Class A gross sexual assault, the aggravating sentencing factor specified in section 253-A, subsection 3, paragraph A;
- B. In the case of gross sexual assault in violation of section 253, subsection 1 or section 253, subsection 2, the aggravating sentencing factor specified in section 253-A, subsection 3, paragraph B; and
- C. In the case of sexual exploitation of a minor, the aggravating sentencing factor specified in section 282, subsection 3.

7. Special weight required for certain aggravating sentencing factors found present by court. In exercising its sentencing discretion, the court shall assign special weight to the following aggravating sentencing factors if found by the court.

- A. In imposing a sentence alternative involving a term of imprisonment for an individual convicted of aggravated attempted murder, attempted murder, manslaughter, elevated aggravated assault or aggravated assault of a child who had not in fact attained 6 years of age at the time the crime was committed, the court shall assign special weight to this objective fact in determining the basic term of imprisonment as the first step in the sentencing process specified in section 1602, subsection 1, paragraph A. The court shall assign special weight to any subjective victim impact in determining the maximum term of incarceration in the 2nd step in the sentencing process specified in section 1602, subsection 1, paragraph B. The court may not suspend that portion of the maximum term of imprisonment based on objective or subjective victim impact in arriving at the final sentence as the 3rd and final step in sentencing process specified in section 1602, subsection 1, paragraph C. This paragraph may not be construed to restrict a court in setting a sentence from considering the age of the victim in other circumstances when relevant.
- B. In imposing a sentencing alternative involving a term of imprisonment for an individual convicted of aggravated attempted murder, attempted murder, manslaughter, elevated aggravated assault or aggravated assault of a woman who the convicted individual knew or had reasonable cause to believe to be in

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fact pregnant at the time the crime was committed, the court shall assign special weight to this fact in determining the basic term of imprisonment as the first step in the sentencing process specified in section 1602, subsection 1, paragraph A. The court shall assign special weight to any subjective victim impact in determining the maximum term of incarceration in the 2nd step in the sentencing process specified in section 1602, subsection 1, paragraph B. The court may not suspend that portion of the maximum term of imprisonment based on objective or subjective victim impact in arriving at the final sentence as the 3rd and final step in the sentencing process specified in section 1602, subsection 1, paragraph C. This paragraph may not be construed to restrict a court in setting a sentence from considering the fact that the victim was pregnant in other circumstances when relevant.

- C. In imposing a sentencing alternative involving a term of imprisonment for an individual convicted of a Class C or higher crime, the victim of which was at the time of the commission of the crime in fact being stalked by that individual, the court shall assign special weight to this objective fact in determining the basic sentence in the first step of the sentencing process specified in section 1602, subsection 1, paragraph A. The court shall assign special weight to any subjective victim impact caused by the stalking in determining the maximum term of incarceration in the 2nd step in the sentencing process specified in section 1602, subsection 1, paragraph B.

ME. REV. STAT. ANN. tit. 17-A, § 1704. Maximum fine amounts authorized for convicted individuals

An individual who has been convicted of a Class A, Class B, Class C, Class D, or Class E crime may be sentenced to pay a fine. Except as provided in section 1706 and unless a different maximum fine is specified by statute, the maximum fine that may be imposed by a court on a convicted individual is as follows:

1. **Class A crime.** In the case of a Class A crime, \$50,000;
2. **Class B crime.** In the case of a Class B crime, \$20,000;
3. **Class C crime.** In the case of a Class C crime, \$5,000;
4. **Class D crime.** In the case of a Class D crime, \$2,000; and
5. **Class E crime.** In the case of a Class E crime, \$1,000.

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8. CROSS ENFORCEMENT & REPORTING

ME. REV. STAT. ANN. tit. 22, § 3477. Persons mandated to report suspected abuse, neglect or exploitation.

- 1. Report required.** *The following persons immediately shall report to the department when the person knows or has reasonable cause to suspect that an incapacitated or dependent adult has been or likely to be abused, neglected or exploited:*

A. While acting in a professional capacity:

- (1) An allopathic or osteopathic physician;
- (2) A medical resident or intern;
- (3) A medical examiner;
- (4) A physician's assistant;
- (5) A dentist, dental hygienist or dental assistant;
- (6) A chiropractor;
- (7) A podiatrist;
- (8) A registered or licensed practical nurse;
- (9) A certified nursing assistant;
- (10) A social worker;
- (11) A psychologist;
- (12) A pharmacist;
- (13) A physical therapist;
- (14) A speech therapist;
- (15) An occupational therapist;
- (16) A mental health professional;
- (17) A law enforcement official, corrections officer or other person holding a certification from the Maine Criminal Justice Academy;
- (18) Emergency room personnel;
- (19) An ambulance attendant;
- (20) An emergency medical technician or other licensed medical service provider;
- (21) Unlicensed assistive personnel;
- (22) *A humane agent employed by the Department of Agriculture, Food and Rural Resources;*
- (23) A clergy member acquiring the information as a result of clerical professional work except for information received during confidential communications;
- (24) A sexual assault counselor;
- (25) A family or domestic violence victim advocate;
- (26) A naturopathic doctor;
- (27) A respiratory therapist;
- (28) A court-appointed guardian or conservator; or

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- (29) A chair of a professional licensing board that has jurisdiction over mandated reporters;
- B. Any person who has assumed full, intermittent or occasional responsibility for the care or custody of the incapacitated or dependent adult, regardless of whether the person receives compensation;
 - C. Any person affiliated with a church or religious institution who serves in an administrative capacity or has otherwise assumed a position of trust or responsibility to the members of that church or religious institution, while acting in that capacity, regardless of whether the person receives compensation; or
 - D. Any person providing transportation services as a volunteer or employee of an agency, business or other entity, whether or not the services are provided for compensation. The duty to report under this subsection applies to individuals who must report directly to the department. A supervisor or administrator of a person making a report under this section may not impede or inhibit the reporting, and a person making a report may not be subject to any sanction for making a report. Internal procedures to facilitate reporting consistent with this chapter and to ensure confidentiality of and apprise supervisors and administrators of reports may be established as long as those procedures are consistent with this chapter.
- 1-A. Permitted reporters.** An animal control officer, as defined in Title 7, section 3907, subsection 4, may report to the department when that person has reasonable cause to suspect that an incapacitated or dependent adult has been or is at substantial risk of abuse, neglect or exploitation.
- 2. Reports.** Reports regarding abuse, neglect or exploitation must be made immediately by telephone to the department and must be followed by a written report within 48 hours if requested by the department. The reports must contain the name and address of the involved adult; information regarding the nature and extent of the abuse, neglect or exploitation; the source of the report; the person making the report; that person's occupation; and where that person can be contacted. The report may contain any other information that the reporter believes may be helpful.
- 3. Confidentiality in case of treatment of individual suspected of causing abuse, neglect or exploitation.** This section does not require any person acting in that person's professional capacity to report when all of the following requirements are met:
- A. The factual basis for knowing or suspecting abuse, neglect or exploitation of an adult covered under this subchapter derives from the professional's treatment of the individual suspected of causing the abuse, neglect or exploitation;
 - B. The treatment was sought by the individual for a problem relating to the abuse, neglect or exploitation; and
 - C. In the opinion of the person required to report, the abused, neglected or exploited adult's life or health is not immediately threatened.
- 4. Confidentiality in case of treatment of individual suspected of being abused, neglected or exploited.** This section does not require any person acting in that person's

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professional capacity to report when all of the following requirements are met:

- A. The factual basis for knowing or suspecting abuse, neglect or exploitation of an adult covered under this subchapter derives from the professional's treatment of the individual suspected of being abused, neglected or exploited;
 - B. The treatment was sought by the individual for a problem relating to the abuse, neglect or exploitation; and
 - C. In the opinion of the person required to report, the individual is not incapacitated and the individual's life or health is not immediately threatened.
5. **Permissive reporting of animal cruelty, abuse or neglect.** *Notwithstanding any other provision of state law imposing a duty of confidentiality, a person listed in subsection 1 may report a reasonable suspicion of animal cruelty, abuse or neglect to the local animal control officer or to the animal welfare program of the Department of Agriculture, Food and Rural Resources established pursuant to Title 7, section 3902. For purposes of this subsection, the reporter shall disclose only such limited confidential information as is necessary for the local animal control officer or animal welfare program employee to identify the animal's location and status and the owner's name and address. For purposes of this subsection, "cruelty, abuse or neglect" has the same meaning as provided in Title 34-B, section 1901, subsection 1, paragraph B. A reporter under this subsection may assert immunity from civil and criminal liability under Title 34-B, chapter 1, subchapter 6.*
6. **Photographs of visible trauma.** Whenever a person required to report as a staff member of a law enforcement agency or a hospital sees areas of trauma on an incapacitated or dependent adult, that person shall make reasonable efforts to take, or cause to be taken, color photographs of those areas of trauma.
 - A. The taking of photographs must be done with minimal trauma to the incapacitated or dependent adult and in a manner consistent with professional forensic standards. Consent to the taking of photographs is not required from the adult's legal guardian or by a health care power of attorney.
 - B. Photographs must be made available to the department as soon as possible. The department shall pay the reasonable costs of the photographs from funds appropriated for adult protective services.
 - C. The person shall notify the department as soon as possible if that person is unable to take, or cause to be taken, these photographs.
 - D. Designated agents of the department may take photographs of any subject matter when necessary and relevant to an investigation of a report of suspected abuse, neglect or exploitation or to subsequent adult protection proceedings.
7. **Information about duty to report.** Whenever possible, the department and state licensing boards of professionals required to report under this section shall collaborate to facilitate the dissemination of information regarding the duty to report and the reporting procedure.

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ME. REV. STAT. ANN. tit. 22, § 4011-A. Reporting of suspected abuse or neglect.

1. **Required report to department.** *The following adult persons shall immediately report or cause a report to be made to the department when the person knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected or that a suspicious child death has occurred:*

- A. *When acting in a professional capacity:*

- (1) An allopathic or osteopathic physician, resident or intern;
- (2) An emergency medical services person;
- (3) A medical examiner;
- (4) A physician's assistant;
- (5) A dentist;
- (6) A dental hygienist;
- (7) A dental assistant;
- (8) A chiropractor;
- (9) A podiatrist;
- (10) A registered or licensed practical nurse;
- (11) A teacher;
- (12) A guidance counselor;
- (13) A school official;
- (14) A youth camp administrator or counselor;
- (15) A social worker;
- (16) A court-appointed special advocate or guardian ad litem for the child;
- (17) A homemaker;
- (18) A home health aide;
- (19) A medical or social service worker;
- (20) A psychologist;
- (21) Child care personnel;
- (22) A mental health professional;
- (23) A law enforcement official;
- (24) A state or municipal fire inspector;
- (25) A municipal code enforcement official;
- (26) A commercial film and photographic print processor;
- (27) A clergy member acquiring the information as a result of clerical professional work except for information received during confidential communications;
- (28) A chair of a professional licensing board that has jurisdiction over mandated reporters; and
- (29) *A humane agent employed by the Department of Agriculture, Food and Rural Resources;*
- (30) A sexual assault counselor;
- (31) A family or domestic violence victim advocate; and
- (32) A school bus driver or school bus attendant.

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- B. Any person who has assumed full, intermittent or occasional responsibility for the care or custody of the child, regardless of whether the person receives compensation; and
- C. Any person affiliated with a church or religious institution who serves in an administrative capacity or has otherwise assumed a position of trust or responsibility to the members of that church or religious institution, while acting in that capacity, regardless of whether the person receives compensation.

Whenever a person is required to report in a capacity as a member of the staff of a medical or public or private institution, agency or facility, that person immediately shall notify either the person in charge of the institution, agency or facility or a designated agent who then shall cause a report to be made. The staff also may make a report directly to the department.

If a person required to report notifies either the person in charge of the institution, agency or facility or the designated agent, the notifying person shall acknowledge in writing that the institution, agency or facility has provided confirmation to the notifying person that another individual from the institution, agency or facility has made a report to the department. The confirmation must include, at a minimum, the name of the individual making the report to the department, the date and time of the report and a summary of the information conveyed. If the notifying person does not receive the confirmation from the institution, agency or facility within 24 hours of the notification, the notifying person immediately shall make a report directly to the department.

An employer may not take any action to prevent or discourage an employee from making a report.

- 1-A. Permitted reporters.** An animal control officer, as defined in Title 7, section 3907, subsection 4, may report to the department when that person knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected.
- 2. Required report to district attorney.** When, while acting in a professional capacity, any person required to report under this section knows or has reasonable cause to suspect that a child has been abused or neglected by a person not responsible for the child or that a suspicious child death has been caused by a person not responsible for the child, the person immediately shall report or cause a report to be made to the appropriate district attorney's office.

Whenever a person is required to report in a capacity as a member of the staff of a medical or public or private institution, agency or facility, that person immediately shall notify either the person in charge of the institution, agency or facility or a designated agent who then shall cause a report to be made. The staff also may make a report directly to the appropriate district attorney's office.

If a person required to report notifies either the person in charge of the institution, agency or facility or the designated agent, the notifying person shall acknowledge in writing that the institution, agency or facility has provided confirmation to the notifying person that another individual from the institution, agency or facility has made a report to the appropriate district attorney's office. The confirmation must include, at a

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minimum, the name of the individual making the report to the appropriate district attorney's office, the date and time of the report and a summary of the information conveyed. If the notifying person does not receive the confirmation from the institution, agency or facility within 24 hours of the notification, the notifying person immediately shall make a report directly to the appropriate district attorney's office.

An employer may not take any action to prevent or discourage an employee from making a report.

3. **Optional report.** Any person may make a report if that person knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected.
4. **Mental health treatment.** When a licensed mental health professional is required to report under subsection 1 and the knowledge or reasonable cause to suspect that a child has been or is likely to be abused or neglected comes from treatment of a person responsible for the abuse or neglect, the licensed mental health professional shall report to the department in accordance with subsection 1 and under the following conditions.
 - A. The department shall consult with the licensed mental health professional who has made the report and shall attempt to reach agreement with the mental health professional as to how the report is to be pursued. If agreement is not reached, the licensed mental health professional may request a meeting under paragraph B.
 - B. Upon the request of the licensed mental health professional who has made the report, after the department has completed its investigation of the report under section 4021 or has received a preliminary protection order under section 4034 and when the department plans to initiate or has initiated a jeopardy order under section 4035 or plans to refer or has referred the report to law enforcement officials, the department shall convene at least one meeting of the licensed mental health professional who made the report, at least one representative from the department, a licensed mental health professional with expertise in child abuse or neglect and a representative of the district attorney's office having jurisdiction over the report, unless that office indicates that prosecution is unlikely.
 - C. The persons meeting under paragraph B shall make recommendations regarding treatment and prosecution of the person responsible for the abuse or neglect. The persons making the recommendations shall take into account the nature, extent and severity of abuse or neglect, the safety of the child and the community and needs of the child and other family members for treatment of the effects of the abuse or neglect and the willingness of the person responsible for the abuse or neglect to engage in treatment. The persons making the recommendations may review or revise these recommendations at their discretion.

The intent of this subsection is to encourage offenders to seek and effectively utilize treatment and, at the same time, provide any necessary protection and treatment for

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the child and other family members.

5. **Photographs of visible trauma.** Whenever a person is required to report as a staff member of a law enforcement agency or a hospital, that person shall make reasonable efforts to take, or cause to be taken, color photographs of any areas of trauma visible on a child.
 - A. The taking of photographs must be done with minimal trauma to the child and in a manner consistent with professional standards. The parent's or custodian's consent to the taking of photographs is not required.
 - B. Photographs must be made available to the department as soon as possible. The department shall pay the reasonable costs of the photographs from funds appropriated for child welfare services.
 - C. The person shall notify the department as soon as possible if that person is unable to take, or cause to be taken, these photographs.
 - D. Designated agents of the department may take photographs of any subject matter when necessary and relevant to an investigation of a report of suspected abuse or neglect or to subsequent child protection proceedings.
6. ***Permissive reporting of animal cruelty, abuse or neglect.*** *Notwithstanding any other provision of state law imposing a duty of confidentiality, a person listed in subsection 1 may report a reasonable suspicion of animal cruelty, abuse or neglect to the local animal control officer or to the animal welfare program of the Department of Agriculture, Food and Rural Resources established pursuant to Title 7, section 3902. For purposes of this subsection, the reporter shall disclose only such limited confidential information as is necessary for the local animal control officer or animal welfare program employee to identify the animal's location and status and the owner's name and address. For purposes of this subsection, "cruelty, abuse or neglect" has the same meaning as provided in Title 34-B, section 1901, subsection 1, paragraph B. A reporter under this subsection may assert immunity from civil and criminal liability under Title 34-B, chapter 1, subchapter 6.*
7. Children under 6 months of age or otherwise nonambulatory. A person required to make a report under subsection 1 shall report to the department if a child who is under 6 months of age or otherwise nonambulatory exhibits evidence of the following:
 - A. Fracture of a bone;
 - B. Substantial bruising or multiple bruises;
 - C. Subdural hematoma;
 - D. Burns;
 - E. Poisoning; or
 - F. Injury resulting in substantial bleeding, soft tissue swelling or impairment of an organ.

This subsection does not require the reporting of injuries occurring as a result of the delivery of a child attended by a licensed medical practitioner or the reporting of burns or other injuries occurring as a result of medical treatment following the delivery of the child while the child remains hospitalized following the delivery.

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8. **Required report of residence with nonfamily.** A person required to make a report under subsection 1 shall report to the department if the person knows or has reasonable cause to suspect that a child is not living with the child's family. Although a report may be made at any time, a report must be made immediately if there is reason to suspect that a child has been living with someone other than the child's family for more than 6 months or if there is reason to suspect that a child has been living with someone other than the child's family for more than 12 months pursuant to a power of attorney or other nonjudicial authorization.
9. **Training requirement.** A person required to make a report under subsection 1 shall complete at least once every 4 years mandated reporter training approved by the department.

ME. REV. STAT. ANN. tit. 34-B, § 1901. Animal cruelty, abuse or neglect; reporting.

1. **Definitions.**

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

- A. *"Animal" means every living, sentient creature not a human being.*
- B. *"Cruelty, abuse or neglect" means every act, omission or instance of neglect when unnecessary or unjustifiable pain or suffering is caused or permitted.*
- C. *"Owner" means a person, firm, partnership, association or corporation owning, keeping or harboring an animal.*
- D. *"Reasonably suspect" means to hold an objectively reasonable suspicion based upon facts that would cause a reasonable person in a like position to draw on that person's training or experience to suspect animal cruelty, abuse or neglect.*

2. **Report.**

An employee of a state-funded child or adult protective services agency or other social service agency, including those providing mental health services that are funded or licensed by the department, while acting in the employee's professional capacity or within the scope of the employee's employment, who has knowledge of or observes an animal that the employee knows or reasonably suspects has been the victim of cruelty, abuse or neglect may report the known or reasonably suspected animal cruelty, abuse or neglect to the local animal control officer or to the animal welfare program of the Department of Agriculture, Food and Rural Resources established pursuant to Title 7, section 3902.

3. **Duty.**

Nothing in this section may be construed to impose a duty to investigate known or reasonably suspected animal cruelty, abuse or neglect.

4. **Immunity from liability.**

A person participating in good faith in reporting under this subchapter is immune from any civil or criminal liability that might otherwise result from these actions, including,

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but not limited to, any civil or criminal liability that might otherwise arise under state or local laws or rules regarding confidentiality of information.

In a proceeding regarding immunity from liability, there is a rebuttable presumption of good faith.

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9. VETERINARY REPORTING & IMMUNITY

ME. REV. STAT. ANN. tit. 7, § 4018. Report of suspected cruelty.

1. **Report by veterinarian.** *Except as provided in subsection 1-A, a veterinarian licensed in accordance with Title 32, chapter 71-A who, while acting in a professional capacity, has reasonable cause to suspect that an animal is the subject of cruelty or neglect in violation of this chapter or Title 17, chapter 42 may report the suspected violation to the commissioner or the commissioner's designee. A veterinarian making a report under this section may appear and testify in a judicial or administrative proceeding concerning the condition or care of the animal.*
- 1-A. **Report by veterinarian required.** *A veterinarian licensed in accordance with Title 32, chapter 71-A who, while acting in a professional capacity, has reasonable cause to suspect that an animal is the subject of aggravated cruelty under Title 17, section 1031, subsection 1-B shall report the suspected violation to the commissioner or the commissioner's designee. A veterinarian making a report under this section may appear and testify in a judicial or administrative proceeding concerning the condition or care of the animal.*
2. **Immunity.** *A veterinarian reporting or testifying under this section is immune from criminal or civil liability or professional disciplinary action that might otherwise result from these actions. The immunity from liability for releasing confidential information applies only to the release of information to the court or to the department, an animal control officer, attorney for the State or law enforcement agency involved in the investigation.*

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10. LAW ENFORCEMENT POLICIES

ME. REV. STAT. ANN. tit. 17, § 1021. Possession of animals.

1. **Possession.** A state veterinarian, humane agent, sheriff, deputy sheriff, constable, police officer, animal control officer, person authorized to make arrests or the commissioner may apply to the District Court or the Superior Court for authorization:
 - A. To take possession of any maimed, disabled, diseased, dehydrated, malnourished or injured animal or any animal whose owner has abandoned or cruelly treated it and turn over the animal to the applicant or other suitable person; or
 - B. To cause the animal to be disposed of humanely.
2. **Notice to owner.** If the owner is known, a copy of the application must be served upon the owner with an order of court to appear at a stated time and place to show cause why the animal should not be taken and turned over to the applicant or other suitable person or disposed of humanely.
 If the owner cannot be found by reasonable diligence, or is out of state although a resident of this State, a copy of the application and order of court must be left at the owner's last and usual place of abode.
 If the owner is not known, then the court shall order a notice to be published at least once in a newspaper of general circulation in the county where the animal was found, stating the case and circumstances and giving 48 hours notice of the hearing.
3. **Full Hearing.** A full hearing must be held within 31 days of application for authorization under subsection 1. The court shall take notice that the evidence in a matter under this subsection is a living animal requiring proper care and nourishment and shall advance the matter on the docket and give the matter priority over other cases when the court determines that the interests of justice so require. In the event of a postponement of the original hearing date, the court shall reschedule the matter for full hearing no more than 14 days than the original hearing date. It is the owner's responsibility at the hearing to show case why the animal should not be seized permanently or disposed of humanely. If it appears at the hearing that the animal has been abandoned or cruelly treated by its owner or the animal is maimed, disabled, diseased, dehydrated, malnourished or injured the court shall:
 - A. Declare the animal forfeited and direct the applicant or other suitable person to take possession of an provide for the animal, or order its sale, adoption or placement;
 - B. Order the animal to be disposed of humanely if a veterinarian determines that, given reasonable time and care, the animal's recovery is doubtful or that the animal is diseased or disabled beyond recovery; or
 - C. If appropriate, allow the animal to be returned to its owner.
 All veterinary records, seizure reports prepared by a humane agent, a state veterinarian or a person authorized to make arrests, police reports, witness statements and other

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written documents are admissible as evidence when the authors of these documents are available for cross-examination at a hearing. An oral statement of a witness included in a police report is admissible only if the witness is present. After hearing, the court shall issue a writ of possession, order the disposition of the animal or return the animal to its owner, in which case the animal must be returned within 30 days of the seizure.

3-A. Emergency euthanasia. If an animal in possession of a humane agent, state veterinarian, sheriff, deputy sheriff, constable, police officer, animal control officer, person authorized to make arrests or the commissioner is in a condition that could cause the animal to suffer while in custody or if the animal is severely sick or severely injured and there is no possibility of recovery, the animal may be euthanized. The custodian of the animal shall submit in writing to the district attorney in the prosecutorial district where the animal is located a written report including a statement from a veterinarian stating the condition of the animal and how continued care could cause greater harm or damage to the animal. An animal euthanized under this subsection must receive a full necropsy to detail the condition of the animal and confirm the veterinarian's diagnosis.

4. Ex parte order. An ex parte order shall be as follows.

A. A state veterinarian, humane agent, sheriff, deputy sheriff, constable, police officer, animal control officer, person authorized to make arrests or the commissioner may apply to the District Court, Superior Court or a justice of the peace for an ex parte order for authorization to take possession of any maimed, disabled, diseased, dehydrated, malnourished or injured animal or any animal whose owner has abandoned or cruelly treated it and turn it over to the applicant or any other suitable person.

An order may be entered ex parte upon findings by the court or justice of the peace that there is a reasonable likelihood that:

- (1)** The defendant is not subject to the jurisdiction of the court for the purposes of a hearing or the owner cannot be found by reasonable diligence or is out-of-state although a resident of this State, and there is a danger that unless immediate action is taken:
 - (a)** The condition of an injured, overworked, tormented, tortured, abandoned, poisoned or mutilated animal, or animal deprived of necessary sustenance, necessary medical attention, proper shelter or protection from the weather or humanely clean conditions will be substantially impaired or worsened;
 - (b)** The animal's life will be jeopardized; or
 - (c)** A great degree of medical attention will be necessary to restore the animal to a normal, healthy condition;
- (2)** There is a clear danger that if the owner or the owner's agent is notified in advance of the issuance of the order of court, as provided in subsection 3, the owner or the owner's agent may remove the animal from the State, conceal it or otherwise make it unavailable;

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- (3) There is immediate danger that the owner or the owner's agent will kill or injure the animal; or
 - (4) An animal is being or has been injured, overworked, tormented, tortured, abandoned, poisoned, mutilated, or deprived of necessary sustenance, necessary medical attention, proper shelter or protection from the weather or humanely clean conditions and, unless an ex parte order issues allowing the applicant to take possession of the animal, the animal will die, its condition will be substantially impaired or worsened or medical attention will be necessary to restore the animal to a normal, healthy condition.
- B. This subsection does not apply to animals currently being well cared for when euthanasia is necessary due to old age or to a person's conduct designed to control or eliminate rodents, ants or other common pests.
- C. On 2 days' notice or such shorter period as the court may prescribe, the applicant who obtained the ex parte order or the owner whose animal has been possessed pursuant to an ex parte order may appear in the District Court or Superior Court and move the dissolution or modification of the ex parte order. *The court shall hear and determine the motion, and the hearing may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require.*
 The moving party shall submit an affidavit setting forth specific facts to substantiate such findings as would serve to modify or dissolve the order. The opposing party shall have the burden of presenting evidence to substantiate the original findings.
- 5. **Seizure for observation and examination.** Seizure of animals for observation and examination is as follows.
 - A. Whenever a humane agent, a state veterinarian or a person authorized to make arrests has reason to believe that an animal may be disabled, diseased, dehydrated or malnourished, humane agent, state veterinarian or person shall apply to the District Court or Superior Court for authorization to take possession of the animal and turn it over to the applicant or other suitable person for examination and observation for a 30-day period. At the end of 30 days, the court must receive a report from the person in possession of the animal and either dissolve the possession order or set the matter for hearing within 31 days under subsection 3.
 - B. If the owner is known, the owner must be advised of the time and place of hearing and asked to show cause why the animal should not be seized permanently or disposed of humanely.
 - C. If the court finds at the hearing that the animal is disabled, diseased, dehydrated or malnourished, the court shall:
 - (1) Declare the animal forfeited and order its sale, adoption or donation; or
 - (2) Order the animal to be disposed of humanely if, given reasonable time and care, the animal's recovery is doubtful.

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5-A. Seizure by state humane agent or state veterinarian without court order. A humane agent, state veterinarian or person authorized to make arrests who has reasonable cause to believe that a violation of section 1031 or 1032 has taken place or is taking place may take possession of and retain the cruelly treated animal. Upon taking possession of an animal under this section, the humane agent or the state veterinarian shall present the owner with a notice that:

- A. States the reason for seizure;
- B. Gives the name, address and phone number of the humane agent or the state veterinarian or the person authorized to make arrests to contact for information regarding the animal; and
- C. Advises the owner of the ensuing court procedure.

If the owner cannot be found, the humane agent, the state veterinarian or the person authorized to make arrests shall send a copy of the notice to the owner at the owner's last known address by certified mail, return receipt requested. If the owner is not known or cannot be located, the humane agent, the state veterinarian or the person authorized to make arrests shall contact the animal shelter or shelters used by the municipality in which the animal was found. The humane agent, the state veterinarian or the person authorized to make arrests shall provide the shelter with a description of the animal, the date of seizure and the name of a person to contact for more information.

Within 3 working days of possession of the animal, the humane agent, the state veterinarian or the person authorized to make arrests shall apply to the court for a possession order under subsection 3. Notwithstanding the provisions of subsection 3, upon good cause shown, the court shall expedite the case and schedule a prehearing conference to take place within 7 days of the seizure. The court shall set a hearing date, and the hearing may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require. The humane agent, the state veterinarian or the person authorized to make arrests shall arrange care for the animal, including medical treatment, if necessary, pending the hearing.

The humane agent, the state veterinarian or the person authorized to make arrests shall notify the owner, if located, of the time and place of the hearing. If the owner has not been located, the court shall order a notice to be published at least once in a newspaper of general circulation in the county where the animal was found stating the case and circumstances and giving 48 hours notice of the hearing.

5-B. Temporary possession ban. An owner or keeper of an animal that was lawfully seized or impounded pursuant to this section or section 1034 is prohibited from possessing or acquiring an animal prior to any hearing to determine possession of the animal that was lawfully seized or impounded. Notice of the prohibition under this subsection must be served to the owner or keeper subject to the prohibition. An owner or keeper who violates the prohibition under this subsection commits a civil violation for which a fine of not more than \$200 may be adjudged for each day of violation.

6. Attachment and enforcement of lien. Attachment and enforcement of liens shall be as follows.

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- A. Any person taking possession of an animal as provided in this subchapter shall have a lien for expenses as provided in this subsection unless the complaint is dismissed for lack of merit. If the complaint is dismissed for lack of merit, the board and the municipality where the possession occurred may share in paying the lienor's expenses.
- B. Expenses covered by this subsection include expenses reasonably incident to taking an animal into custody such as transportation, food, shelter, veterinary care and expenses of disposing of animal taken into custody.
- C. The lienor may enforce the lien in the same manner as enforcements of liens on personal property pursuant to Title 10, chapter 631. In giving judgement for the lien, the court shall include expenses as set forth in paragraph B, incurred by the lienor from the date of commencement of proceedings to the entry of judgment or final disposition of the animal as ordered by the court.
In the event of the sale of the animal, all expenses incurred in transporting, taking, keeping and caring for the animal shall be deducted from the sale price and the balance, if any, turned over to the owner.
- D. The defendant may appeal as in a civil action, but before appeal is allowed, the defendant shall give sufficient security to satisfy the applicant or person taking custody of the animal that he will pay expenses for its care and support pending appeal.

ME. REV. STAT. ANN. tit. 17, § 1022. Prevention of cruelty.

The commissioner, a humane agent, a state veterinarian or any person authorized to make arrests may lawfully interfere to prevent the perpetration of any act of cruelty upon an animal in that person's presence.

ME. REV. STAT. ANN. tit. 17, § 1023. Investigation and reporting of cruelty.

1. **Investigations; reports.** *Law enforcement officers, animal control officers and humane agents shall investigate alleged violations of Title 7, chapter 739 and this chapter. The commissioner shall maintain a record of each alleged case of cruelty to animals investigated by a humane agent. The commissioner shall report annually on the disposition of cases as required under Title 7, section 3906-B.
A law enforcement officer or animal control officer who investigates a case of alleged cruelty to animals and pursues a civil or criminal action based on that investigation shall report to the commissioner on the final disposition of the case.*
2. **Repealed.** Laws 1997, c. 690, § 67.
3. **Cooperation between agencies.** *For the purposes of this section, law enforcement officers, the commissioner or the commissioner's designee, humane agents, a state*

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veterinarian and certified animal control officers may exchange information and reports pertaining to an investigation of cruelty to animals pursuant to subsection 4 and Title 7, section 3909, subsection 6.

4. **Confidential information.** *The names of and other identifying information about persons providing information pertaining to criminal or civil cruelty to animals to the Department of Agriculture, Conservation and Forestry are confidential information and may not be released.*

ME. REV. STAT. ANN. tit. 17, § 1024. Impeding the performance of an officer.

It is unlawful for a person to assault, resist, oppose, impede, intimidate or interfere with a person engaged in or on account of the performance of that person's official duties under this subchapter.

ME. REV. STAT. ANN. tit. 17, § 1031. Cruelty to animals.

1. **Cruelty to animals.** Except as provided in subsections 1-D and 1-E, a person, including an owner or the owner's agent, is guilty of cruelty to animals if that person intentionally, knowingly or recklessly:
 - A. Kills or attempts to kill any animal belonging to another person without the consent of the owner or without legal privilege. Violation of this paragraph is a Class D crime;
 - A-1. Violates paragraph A and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
 - B. Except for a licensed veterinarian or a person certified under section 1042, kills or attempts to kill an animal by a method that does not cause instantaneous death. Violation of this paragraph is a Class D crime;
 - B-1. Violates paragraph B and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
 - C. If that person is a licensed veterinarian or a person certified under section 1042, kills or attempts to kill an animal by a method that does not conform to standards adopted by a national association of licensed veterinarians. Violation of this paragraph is a Class D crime;
 - C-1. Violates paragraph C and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
 - D. Injures, overworks, tortures, torments, abandons or cruelly beats or intentionally mutilates an animal; gives drugs, including, but not limited to, a scheduled drug

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as defined in Title 17-A, section 1101, subsection 11, to an animal with an intent to harm or intoxicate the animal; gives poison or alcohol to an animal; or exposes a poison with intent that it be taken by an animal. The owner or occupant of property is privileged to use reasonable force to eject a trespassing animal. Violation of this paragraph is a Class D crime;

- D-1.** Violates paragraph D and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
- D-2.** Abandons an animal in violation of paragraph D and that animal dies as a result. Violation of this paragraph is a Class C crime;
- E.** Deprives an animal that the person owns or possesses of necessary sustenance, necessary medical attention, proper shelter, protection from the weather or humanely clean conditions. Violation of this paragraph is a Class D crime;
- E-1.** Violates paragraph E and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
- F.** Keeps or leaves a domestic animal on an uninhabited or barren island lying off the coast of the State during the month of December, January, February or March without providing necessary sustenance and proper shelter. Violation of this paragraph is a Class D crime;
- F-1.** Violates paragraph F and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
- G.** Hunts, traps or sells for the purpose of hunting any animal, except as permitted pursuant to Title 7, chapter 202-A and Title 12, Part 13, and excluding humane trapping of animals for population control efforts or animal control under Title 7, Part 9. Violation of this paragraph is a Class D crime;
- G-1.** Violates paragraph G and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
- H.** Injects, inserts or causes ingestion of any substance used solely to enhance the performance of an animal by altering the animal's metabolism to that animal's detriment, including but not limited to excessive levels of sodium bicarbonate in equines used for competition. Violation of this paragraph is a Class D crime;
- H-1.** Violates paragraph H and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
- I.** Commits bestiality on an animal. For purposes of this paragraph, "commits bestiality" means that a person:
 - (1)** Engages in a sexual act with an animal for the purpose of that person's sexual gratification;
 - (2)** Coerces anyone to engage in a sexual act with an animal;

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- (3) Engages in a sexual act with an animal in the presence of a minor;
- (4) Uses any part of the person's body or an object to sexually stimulate an animal;
- (5) Videotapes a person engaging in a sexual act with an animal; or
- (6) For the purpose of that person's sexual gratification, kills or physically abuses an animal.

For purposes of this paragraph, "sexual act" means any act between a person and an animal involving direct physical contact between the genitals of one and the mouth or anus of the other, or direct physical contact between the genitals of one and the genitals of the other. A sexual act may be proved without allegation or proof of penetration.

This paragraph may not be construed to prohibit normal and accepted practices of animal husbandry.

Violation of this paragraph is a Class D crime;

- I-1. Violates paragraph I and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
- J. Kills or tortures an animal to frighten or intimidate a person or forces a person to injure or kill an animal. Violation of this paragraph is a Class D crime;
- J-1. Violates paragraph J and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime; or
- K. Confines an animal in a building, enclosure, car, boat, vehicle or vessel of any kind when extreme heat or extreme cold will be harmful to its health. Violation of this paragraph is a Class D crime.

1-A. Repealed. Laws 2003, c. 452, § I-14, eff. July 1, 2004.

1-B. Aggravated cruelty to animals. A person is guilty of aggravated cruelty to animals if that person, in a manner manifesting a depraved indifference to animal life or suffering, intentionally, knowingly or recklessly:

- A. Causes extreme physical pain to an animal;
- B. Causes the death of an animal; or
- C. Physically tortures an animal.

Violation of this subsection is a Class C crime. Notwithstanding Title 17-A, section 1301, the court shall impose a fine of not less than \$1,000 and not more than \$10,000 for a first or subsequent violation of this subsection. The sentencing provisions in subsection 3-B also apply to a person convicted of aggravated cruelty to animals.

1-C. Cat or dog; exceptions. Except as provided in subsections 1-D and 1-E, a person is guilty of cruelty to animals if that person intentionally, knowingly or recklessly:

- A. Kills or attempts to kill a cat or dog. Violation of this paragraph is a Class D crime; or
- B. Violates paragraph A and, at the time of the offense, has 2 or more convictions for violations of this section, section 1032 or essentially similar crimes in other

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jurisdictions. Violation of this paragraph is a Class C crime.

1-D. Licensed veterinarian. A licensed veterinarian or a person certified under section 1042 may kill a cat or dog according to the methods of euthanasia under subchapter 4.

1-E. Owner or owner's agent. A person who owns a cat or dog, or the owner's agent, may kill that owner's cat or dog by shooting it with a firearm if the following conditions are met:

- A. The shooting is performed by a person 18 years of age or older using a weapon and ammunition of suitable caliber and other characteristics to produce instantaneous death by a single shot;
- B. Death is instantaneous;
- C. Maximum precaution is taken to protect the general public, employees and other animals; and
- D. Any restraint of the cat or dog during the shooting does not cause undue suffering.

2. Affirmative defense. It is an affirmative defense to prosecution under this section that:

- A. The defendant's conduct conformed to accepted veterinary practice or was a part of scientific research governed by accepted standards;
- B. The defendant's conduct or that of the defendant's agent was designed to control or eliminate rodents, ants or other common pests on the defendant's own property;
- C. The defendant's conduct involved the use of live animals as bait or in the training of other animals in accordance with the laws of the Department of Inland Fisheries and Wildlife, Title 12, Part 13; or
- D. The animal is kept as part of an agricultural operation and in compliance with best management practices for animal husbandry as determined by the Department of Agriculture, Food and Rural Resources.

Evidence of proper care of any animal is not admissible in the defense of alleged cruelty to other animals.

3. Repealed. Laws 2003, c. 452, § 1-18, eff. July 1, 2004.

3-A. Repealed. Laws 2003, c. 452, § 1-19, eff. July 1, 2004.

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

- A. In addition to any other penalty authorized by law, the court shall impose a fine of not less than \$500 for each violation of this section. The court may order the defendant to pay the costs of the care, housing and veterinary medical treatment for the animal including the costs of relocating the animal.
- B. **Repealed.** Laws 2019, c. 99, § 1, eff. Sept. 19, 2019
- C. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence under this subsection.
- D. The court, as part of the sentence for a violation of this section:
 - (1) May prohibit the 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

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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 the 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.

3-C. Separate Advocate. In any proceeding brought under this section, the court may order, upon its own initiative or upon request of a party or counsel for a party, that a separate advocate be appointed to represent the interests of justice. A decision of the court denying a request to appoint a separate advocate to represent the interests of justice is not subject to appeal. An advocate appointed under this subsection must be appointed from a list provided to the court by the Maine State Bar Association pursuant to paragraph B.

A. The advocate may:

- (1) Monitor the proceeding;
- (2) Consult any individual with information that could aid the judge or fact finder and review records relating to the condition of the animal and the defendant's actions, including, but not limited to, records from animal control officers, veterinarians and law enforcement officers;
- (3) Attend hearings; and
- (4) Present information or recommendations to the court pertinent to determinations that relate to the interests of justice, as long as the

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information and recommendations are based solely on the duties undertaken pursuant to this subsection.

- B. The Maine State Bar Association shall maintain a list of attorneys with knowledge of animal issues and the legal system and a list of law schools that have students with an interest in animal issues and the legal system. Attorneys and law students serve on a voluntary basis as advocates under this subsection.
- 4. ***Criminal or civil prosecution.*** *A person may be arrested or detained for the crime of cruelty to animals in accordance with the rules of criminal procedure. A person may not be arrested or detained for the civil violation of cruelty to animals. The attorney for the State shall elect to charge a defendant with the crime of cruelty to animals under this section or the civil violation of cruelty to animals under Title 7, section 4011. In making this election, the attorney for the State shall consider the severity of the cruelty displayed, the number of animals involved, any prior convictions or adjudications of animal cruelty entered against the defendant and such other factors as may be relevant to a determination of whether criminal or civil sanctions will best accomplish the goals of the animal welfare laws in the particular case before the attorney for the State. The election and determination required by this subsection are not subject to judicial review. The factors involved in such election and determination are not elements of the criminal offense or civil violation of animal cruelty and are not subject to proof or disproof as prerequisites or conditions for conviction under this subsection or adjudication under Title 7, section 4011.*
- 5. **Exception.** This section may not be construed to prohibit the shooting of wild game in its wild state. This section may not be construed to prohibit the disposal of farm animals using an acceptable animal husbandry practice.

ME. REV. STAT. ANN. tit. 17, § 1032. Cruelty to birds.

- 1. Cruelty to birds. A person is guilty of cruelty to birds if that person intentionally, knowingly or recklessly:
 - A. Keeps or uses any live pigeon, fowl or other bird for a target or to be shot at, either for amusement or as a test of skill in marksmanship. Violation of this paragraph is a Class D crime;
 - A-1. Violates paragraph A and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1031 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
 - B. Shoots at any bird or is present as a party, umpire or judge at such shooting. Violation of this paragraph is a Class D crime;
 - B-1. Violates paragraph B and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1031 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
 - C. Rents any building, shed, room, yard, field or premises or knowingly suffers the

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- use of the building, shed, room, yard, field or premises for any of the purposes described in paragraphs A and B. Violation of this paragraph is a Class D crime; or
- C-1.** Violates paragraph C and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1031 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime.
- 2. Penalty.** The following apply to violations of this section.
- A.** In addition to any other penalty authorized by law, the court shall impose a fine of not less than \$100 for each violation of this section.
 - B.** Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.
- 3. Exception.** Nothing in this section may be construed to prohibit the shooting of wild game in its wild state or the shooting of birds at field trials under the supervision of the Department of Inland Fisheries and Wildlife in accordance with Title 12, chapter 915, subchapter 13.
- 4. Criminal or civil prosecution.** *A person may not be arrested or detained for cruelty to birds.* The attorney for the State shall elect to charge a defendant with the crime of cruelty to birds under this section or the civil violation of cruelty to birds under Title 7, section 4012. In making this election, the attorney for the State shall consider the severity of the cruelty displayed, the number of birds involved, any prior convictions or adjudications of bird cruelty entered against the defendant and such other factors as may be relevant to a determination of whether criminal or civil sanctions will best accomplish the goals of the animal welfare laws in the particular case before the attorney for the State. The election and determination required by this subsection is not subject to judicial review. The factors involved in such election and determination are not elements of the criminal offense or civil violation of bird cruelty and are not subject to proof or disproof as prerequisites or conditions for conviction under this subsection or adjudication under Title 7, section 4012.

ME. REV. STAT. ANN. tit. 17, § 1034. Application for search warrant.

A law enforcement officer or humane agent, having probable cause to believe that a violation of section 1031, 1032 or 1033 has taken place or is taking place, shall enter the premises where the animal is kept with the consent of the owner or shall make application for a search warrant. If the judge or justice of the peace is satisfied that probable cause exists, he shall issue a search warrant directing a law enforcement officer or humane agent in the county to proceed immediately to the location of the alleged violation and directing the law enforcement officer or humane agent to search the place designated in the warrant, retaining in his custody, subject to the order of the court, such property or things as specified in the warrant, including any animal.

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11. SEIZURE

ME. REV. STAT. ANN. tit. 17, § 1021. Possession of animals.

1. **Possession.** *A state veterinarian, humane agent, sheriff, deputy sheriff, constable, police officer, animal control officer, person authorized to make arrests or the commissioner may apply to the District Court or the Superior Court for authorization:*
 - A. *To take possession of any maimed, disabled, diseased, dehydrated, malnourished or injured animal or any animal whose owner has abandoned or cruelly treated it and turn over the animal to the applicant or other suitable person; or*
 - B. *To cause the animal to be disposed of humanely.*
 2. **Notice to owner.** *If the owner is known, a copy of the application must be served upon the owner with an order of court to appear at a stated time and place to show cause why the animal should not be taken and turned over to the applicant or other suitable person or disposed of humanely.*
If the owner cannot be found by reasonable diligence, or is out of state although a resident of this State, a copy of the application and order of court must be left at the owner's last and usual place of abode.
If the owner is not known, then the court shall order a notice to be published at least once in a newspaper of general circulation in the county where the animal was found, stating the case and circumstances and giving 48 hours notice of the hearing.
 3. **Full Hearing.** A full hearing must be held within 31 days of application for authorization under subsection 1. The court shall take notice that the evidence in a matter under this subsection is a living animal requiring proper care and nourishment and shall advance the matter on the docket and give the matter priority over other cases when the court determines that the interests of justice so require. In the event of a postponement of the original hearing date, the court shall reschedule the matter for full hearing no more than 14 days than the original hearing date. It is the owner's responsibility at the hearing to show case why the animal should not be seized permanently or disposed of humanely. If it appears at the hearing that the animal has been abandoned or cruelly treated by its owner or the animal is maimed, disabled, diseased, dehydrated, malnourished or injured the court shall:
 - A. Declare the animal forfeited and direct the applicant or other suitable person to take possession of and provide for the animal, or order its sale, adoption or placement;
 - B. Order the animal to be disposed of humanely if a veterinarian determines that, given reasonable time and care, the animal's recovery is doubtful or that the animal is diseased or disabled beyond recovery; or
 - C. If appropriate, allow the animal to be returned to its owner.
- All veterinary records, seizure reports prepared by a humane agent, a state veterinarian or a person authorized to make arrests, police reports, witness statements and other written documents are admissible as evidence when the authors of these documents

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are available for cross-examination at a hearing. An oral statement of a witness included in a police report is admissible only if the witness is present. After hearing, the court shall issue a writ of possession, order the disposition of the animal or return the animal to its owner, in which case the animal must be returned within 30 days of the seizure.

3-A. Emergency euthanasia. If an animal in possession of a humane agent, state veterinarian, sheriff, deputy sheriff, constable, police officer, animal control officer, person authorized to make arrests or the commissioner is in a condition that could cause the animal to suffer while in custody or if the animal is severely sick or severely injured and there is no possibility of recovery, the animal may be euthanized. The custodian of the animal shall submit in writing to the district attorney in the prosecutorial district where the animal is located a written report including a statement from a veterinarian stating the condition of the animal and how continued care could cause greater harm or damage to the animal. An animal euthanized under this subsection must receive a full necropsy to detail the condition of the animal and confirm the veterinarian's diagnosis.

4. Ex parte order. An ex parte order shall be as follows.

A. A state veterinarian, humane agent, sheriff, deputy sheriff, constable, police officer, animal control officer, person authorized to make arrests or the commissioner may apply to the District Court, Superior Court or a justice of the peace for an ex parte order for authorization to take possession of any maimed, disabled, diseased, dehydrated, malnourished or injured animal or any animal whose owner has abandoned or cruelly treated it and turn it over to the applicant or any other suitable person.

An order may be entered ex parte upon findings by the court or justice of the peace that there is a reasonable likelihood that:

- (1)** The defendant is not subject to the jurisdiction of the court for the purposes of a hearing or the owner cannot be found by reasonable diligence or is out-of-state although a resident of this State, and there is a danger that unless immediate action is taken:
 - (a)** The condition of an injured, overworked, tormented, tortured, abandoned, poisoned or mutilated animal, or animal deprived of necessary sustenance, necessary medical attention, proper shelter or protection from the weather or humanely clean conditions will be substantially impaired or worsened;
 - (b)** The animal's life will be jeopardized; or
 - (c)** A great degree of medical attention will be necessary to restore the animal to a normal, healthy condition;
- (2)** There is a clear danger that if the owner or the owner's agent is notified in advance of the issuance of the order of court, as provided in subsection 3, the owner or the owner's agent may remove the animal from the State, conceal it or otherwise make it unavailable;
- (3)** There is immediate danger that the owner or the owner's agent will kill or

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injure the animal; or

- (4) An animal is being or has been injured, overworked, tormented, tortured, abandoned, poisoned, mutilated, or deprived of necessary sustenance, necessary medical attention, proper shelter or protection from the weather or humanely clean conditions and, unless an ex parte order issues allowing the applicant to take possession of the animal, the animal will die, its condition will be substantially impaired or worsened or medical attention will be necessary to restore the animal to a normal, healthy condition.

- B. This subsection does not apply to animals currently being well cared for when euthanasia is necessary due to old age or to a person's conduct designed to control or eliminate rodents, ants or other common pests.
- C. On 2 days' notice or such shorter period as the court may prescribe, the applicant who obtained the ex parte order or the owner whose animal has been possessed pursuant to an ex parte order may appear in the District Court or Superior Court and move the dissolution or modification of the ex parte order. The court shall hear and determine the motion, and the hearing may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require.

The moving party shall submit an affidavit setting forth specific facts to substantiate such findings as would serve to modify or dissolve the order. The opposing party shall have the burden of presenting evidence to substantiate the original findings.

5. *Seizure for observation and examination.* Seizure of animals for observation and examination is as follows.

- A. *Whenever a humane agent, a state veterinarian or a person authorized to make arrests has reason to believe that an animal may be disabled, diseased, dehydrated or malnourished, humane agent, state veterinarian or person shall apply to the District Court or Superior Court for authorization to take possession of the animal and turn it over to the applicant or other suitable person for examination and observation for a 30-day period. At the end of 30 days, the court must receive a report from the person in possession of the animal and either dissolve the possession order or set the matter for hearing within 31 days under subsection 3.*
- B. *If the owner is known, the owner must be advised of the time and place of hearing and asked to show cause why the animal should not be seized permanently or disposed of humanely.*
- C. If the court finds at the hearing that the animal is disabled, diseased, dehydrated or malnourished, the court shall:
 - (1) Declare the animal forfeited and order its sale, adoption or donation; or
 - (2) Order the animal to be disposed of humanely if, given reasonable time and care, the animal's recovery is doubtful.

5-A. *Seizure by state humane agent or state veterinarian without court order.* A humane

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agent, state veterinarian or person authorized to make arrests who has reasonable cause to believe that a violation of section 1031 or 1032 has taken place or is taking place may take possession of and retain the cruelly treated animal. Upon taking possession of an animal under this section, the humane agent or the state veterinarian shall present the owner with a notice that:

- A. States the reason for seizure;*
- B. Gives the name, address and phone number of the humane agent, the state veterinarian or the person authorized to make arrests to contact for information regarding the animal; and*
- C. Advises the owner of the ensuing court procedure.*

If the owner cannot be found, the humane agent, the state veterinarian or the person authorized to make arrests shall send a copy of the notice to the owner at the owner's last known address by certified mail, return receipt requested. If the owner is not known or cannot be located, the humane agent, the state veterinarian or the person authorized to make arrests shall contact the animal shelter or shelters used by the municipality in which the animal was found. The humane agent, the state veterinarian or the person authorized to make arrests shall provide the shelter with a description of the animal, the date of seizure and the name of a person to contact for more information.

Within 3 working days of possession of the animal, the humane agent, the state veterinarian or the person authorized to make arrests shall apply to the court for a possession order under subsection 3. Notwithstanding the provisions of subsection 3, upon good cause shown, the court shall expedite the case and schedule a prehearing conference to take place within 7 days of the seizure. The court shall set a hearing date, and the hearing may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require. The humane agent, the state veterinarian or the person authorized to make arrests shall arrange care for the animal, including medical treatment, if necessary, pending the hearing.

The humane agent, the state veterinarian or the person authorized to make arrests shall notify the owner, if located, of the time and place of the hearing. If the owner has not been located, the court shall order a notice to be published at least once in a newspaper of general circulation in the county where the animal was found stating the case and circumstances and giving 48 hours notice of the hearing.

- 5-B. Temporary possession ban.** *An owner or keeper of an animal that was lawfully seized or impounded pursuant to this section or section 1034 is prohibited from possessing or acquiring an animal prior to any hearing to determine possession of the animal that was lawfully seized or impounded. Notice of the prohibition under this subsection must be served to the owner or keeper subject to the prohibition. An owner or keeper who violates the prohibition under this subsection commits a civil violation for which a fine of not more than \$200 may be adjudged for each day of violation.*

- 6. Attachment and enforcement of lien.** Attachment and enforcement of liens shall be as follows.

- A.** Any person taking possession of an animal as provided in this subchapter shall

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have a lien for expenses as provided in this subsection unless the complaint is dismissed for lack of merit. If the complaint is dismissed for lack of merit, the board and the municipality where the possession occurred may share in paying the lienor's expenses.

- B. Expenses covered by this subsection include expenses reasonably incident to taking an animal into custody such as transportation, food, shelter, veterinary care and expenses of disposing of an animal taken into custody.
- C. The lienor may enforce the lien in the same manner as enforcements of liens on personal property pursuant to Title 10, chapter 631. In giving judgment for the lien, the court shall include expenses as set forth in paragraph B, incurred by the lienor from the date of commencement of proceedings to the entry of judgment or final disposition of the animal as ordered by the court.

In the event of the sale of the animal, all expenses incurred in transporting, taking, keeping and caring for the animal shall be deducted from the sale price and the balance, if any, turned over to the owner.

- D. The defendant may appeal as in a civil action, but before appeal is allowed, the defendant shall give sufficient security to satisfy the applicant or person taking custody of the animal that he will pay all expenses for its care and support pending appeal.

ME. REV. STAT. ANN. tit. 17, § 1034. Application for search warrant.

A law enforcement officer or humane agent, having probable cause to believe that a violation of section 1031, 1032 or 1033 has taken place or is taking place, shall enter the premises where the animal is kept with the consent of the owner or shall make application for a search warrant. If the judge or justice of the peace is satisfied that probable cause exists, he shall issue a search warrant directing a law enforcement officer or humane agent in the county to proceed immediately to the location of the alleged violation and directing the law enforcement officer or humane agent to search the place designated in the warrant, retaining in his custody, subject to the order of the court, such property or things as specified in the warrant, including any animal.

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12. COURTROOM ANIMAL ADVOCATE PROGRAM

ME. REV. STAT. ANN. tit. 17, § 4016. Violation.

1. **Penalty.** A person who violates this chapter commits a civil violation.
 - A. The court shall adjudge a civil fine of not less than \$500 nor more than \$5,000 for the first violation, none of which may be suspended, and a civil fine of not less than \$1,000 nor more than \$10,000 for a 2nd or subsequent violation of section 4011, none of which may be suspended.
 - B. The court may order a person adjudicated as having violated the laws against cruelty to animals to pay the costs of the care, housing and veterinary medical treatment for the animal.
 - C. The court, as part of the judgment, may prohibit a person adjudicated as having violated the laws against cruelty to animals from owning, possessing or having on the defendant's premises an animal for a period of time up to and including permanent relinquishment.
 - D. The court, as part of the judgment, may order that the defendant submit to and complete a psychological evaluation for in camera review by the court.
- 1-A. **Separate advocate.** *In any proceeding brought under this section, the court may order, upon its own initiative or upon request of a party or counsel for a party, that a separate advocate be appointed to represent the interests of justice. A decision of the court denying a request to appoint a separate advocate to represent the interests of justice is not subject to appeal. An advocate appointed under this subsection must be appointed from a list provided to the court by the Maine State Bar Association pursuant to paragraph B.*
 - A. *The advocate may:*
 - (1) *Monitor the proceeding;*
 - (2) *Consult any individual with information that could aid the judge or fact finder and review records relating to the condition of the animal and the defendant's actions, including, but not limited to, records from animal control officers, veterinarians and law enforcement officers;*
 - (3) *Attend hearings; and*
 - (4) *Present information or recommendations to the court pertinent to determinations that relate to the interests of justice, as long as the information and recommendations are based solely on the duties undertaken pursuant to this subsection.*
 - B. *The Maine State Bar Association shall maintain a list of attorneys with knowledge of animal issues and the legal system and a list of law schools that have students with an interest in animal issues and the legal system. Attorneys and law students serve on a voluntary basis as advocates under this subsection.*
2. **Criminal or civil prosecution.** A person may be arrested or detained for the crime of cruelty to animals under Title 17, chapter 42, subchapter III in accordance with the rules

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of criminal procedure. A person may not be arrested or detained for the civil violation of cruelty to animals. The attorney for the State may elect to charge a defendant with either the crime of cruelty to animals under Title 17, chapter 42, subchapter III or the civil violation of cruelty to animals under this chapter. In making this election, the attorney for the State shall consider the severity of the cruelty displayed, the number of animals involved, any prior convictions or adjudications of animal cruelty entered against the defendant and such other factors as may be relevant to a determination of whether criminal or civil sanctions will best accomplish the goals of the animal welfare laws in the particular case before the attorney for the State. The election and determination required by this subsection are not subject to judicial review. The factors involved in the election and determination are not elements of the criminal offense or civil violation of animal cruelty and are not subject to proof or disproof as prerequisites or conditions for conviction under Title 17, chapter 42, subchapter III or adjudication under this chapter.

3. **Affirmative defenses.** It is an affirmative defense to alleged violations of this chapter that the animal was kept as part of an agricultural operation and in compliance with best management practices for animal husbandry as determined by the department.

ME. REV. STAT. ANN. tit. 17, § 1031. Cruelty to animals.

1. **Cruelty to animals.** Except as provided in subsections 1-D and 1-E, a person, including an owner or the owner's agent, is guilty of cruelty to animals if that person intentionally, knowingly or recklessly:
 - A. Kills or attempts to kill any animal belonging to another person without the consent of the owner or without legal privilege. Violation of this paragraph is a Class D crime;
 - A-1. Violates paragraph A and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
 - B. Except for a licensed veterinarian or a person certified under section 1042, kills or attempts to kill an animal by a method that does not cause instantaneous death. Violation of this paragraph is a Class D crime;
 - B-1. Violates paragraph B and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
 - C. If that person is a licensed veterinarian or a person certified under section 1042, kills or attempts to kill an animal by a method that does not conform to standards adopted by a national association of licensed veterinarians. Violation of this paragraph is a Class D crime;
 - C-1. Violates paragraph C and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar

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- crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
- D.** Injures, overworks, tortures, torments, abandons or cruelly beats or intentionally mutilates an animal; gives drugs, including, but not limited to, a scheduled drug as defined in Title 17-A, section 1101, subsection 11, to an animal with an intent to harm or intoxicate the animal; gives poison or alcohol to an animal; or exposes a poison with intent that it be taken by an animal. The owner or occupant of property is privileged to use reasonable force to eject a trespassing animal. Violation of this paragraph is a Class D crime;
 - D-1.** Violates paragraph D and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
 - D-2.** Abandons an animal in violation of paragraph D and that animal dies as a result. Violation of this paragraph is a Class C crime;
 - E.** Deprives an animal that the person owns or possesses of necessary sustenance, necessary medical attention, proper shelter, protection from the weather or humanely clean conditions. Violation of this paragraph is a Class D crime;
 - E-1.** Violates paragraph E and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
 - F.** Keeps or leaves a domestic animal on an uninhabited or barren island lying off the coast of the State during the month of December, January, February or March without providing necessary sustenance and proper shelter. Violation of this paragraph is a Class D crime;
 - F-1.** Violates paragraph F and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
 - G.** Hunts, traps or sells for the purpose of hunting any animal, except as permitted pursuant to Title 7, chapter 202-A and Title 12, Part 13, and excluding humane trapping of animals for population control efforts or animal control under Title 7, Part 9. Violation of this paragraph is a Class D crime;
 - G-1.** Violates paragraph G and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
 - H.** Injects, inserts or causes ingestion of any substance used solely to enhance the performance of an animal by altering the animal's metabolism to that animal's detriment, including but not limited to excessive levels of sodium bicarbonate in equines used for competition. Violation of this paragraph is a Class D crime;
 - H-1.** Violates paragraph H and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
 - I.** Commits bestiality on an animal. For purposes of this paragraph, "commits bestiality" means that a person:

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- (1) Engages in a sexual act with an animal for the purpose of that person's sexual gratification;
- (2) Coerces anyone to engage in a sexual act with an animal;
- (3) Engages in a sexual act with an animal in the presence of a minor;
- (4) Uses any part of the person's body or an object to sexually stimulate an animal;
- (5) Videotapes a person engaging in a sexual act with an animal; or
- (6) For the purpose of that person's sexual gratification, kills or physically abuses an animal.

For purposes of this paragraph, "sexual act" means any act between a person and an animal involving direct physical contact between the genitals of one and the mouth or anus of the other, or direct physical contact between the genitals of one and the genitals of the other. A sexual act may be proved without allegation or proof of penetration.

This paragraph may not be construed to prohibit normal and accepted practices of animal husbandry.

Violation of this paragraph is a Class D crime;

- I-1. Violates paragraph I and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
- J. Kills or tortures an animal to frighten or intimidate a person or forces a person to injure or kill an animal. Violation of this paragraph is a Class D crime;
- J-1. Violates paragraph J and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime; or
- K. Confines an animal in a building, enclosure, car, boat, vehicle or vessel of any kind when extreme heat or extreme cold will be harmful to its health. Violation of this paragraph is a Class D crime.

1-A. Repealed. Laws 2003, c. 452, § I-14, eff. July 1, 2004.

1-B. Aggravated cruelty to animals. A person is guilty of aggravated cruelty to animals if that person, in a manner manifesting a depraved indifference to animal life or suffering, intentionally, knowingly or recklessly:

- A. Causes extreme physical pain to an animal;
- B. Causes the death of an animal; or
- C. Physically tortures an animal.

Violation of this subsection is a Class C crime. Notwithstanding Title 17-A, section 1301, the court shall impose a fine of not less than \$1,000 and not more than \$10,000 for a first or subsequent violation of this subsection. The sentencing provisions in subsection 3-B also apply to a person convicted of aggravated cruelty to animals.

1-C. Cat or dog; exceptions. Except as provided in subsections 1-D and 1-E, a person is guilty of cruelty to animals if that person intentionally, knowingly or recklessly:

- A. Kills or attempts to kill a cat or dog. Violation of this paragraph is a Class D crime;

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or

- B. Violates paragraph A and, at the time of the offense, has 2 or more convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime.

1-D. Licensed veterinarian. A licensed veterinarian or a person certified under section 1042 may kill a cat or dog according to the methods of euthanasia under subchapter 4.

1-E. Owner or owner's agent. A person who owns a cat or dog, or the owner's agent, may kill that owner's cat or dog by shooting it with a firearm if the following conditions are met:

- A. The shooting is performed by a person 18 years of age or older using a weapon and ammunition of suitable caliber and other characteristics to produce instantaneous death by a single shot;
- B. Death is instantaneous;
- C. Maximum precaution is taken to protect the general public, employees and other animals; and
- D. Any restraint of the cat or dog during the shooting does not cause undue suffering.

2. Affirmative defense. It is an affirmative defense to prosecution under this section that:

- A. The defendant's conduct conformed to accepted veterinary practice or was a part of scientific research governed by accepted standards;
- B. The defendant's conduct or that of the defendant's agent was designed to control or eliminate rodents, ants or other common pests on the defendant's own property;
- C. The defendant's conduct involved the use of live animals as bait or in the training of other animals in accordance with the laws of the Department of Inland Fisheries and Wildlife, Title 12, Part 13; or
- D. The animal is kept as part of an agricultural operation and in compliance with best management practices for animal husbandry as determined by the Department of Agriculture, Food and Rural Resources.

Evidence of proper care of any animal is not admissible in the defense of alleged cruelty to other animals.

3. Repealed. Laws 2003, c. 452, § 1-18, eff. July 1, 2004.

3-A. Repealed. Laws 2003, c. 452, § 1-19, eff. July 1, 2004.

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

- A. In addition to any other penalty authorized by law, the court shall impose a fine of not less than \$500 for each violation of this section. The court may order the defendant to pay the costs of the care, housing and veterinary medical treatment for the animal including the costs of relocating the animal.
- B. **Repealed.** Laws 2019, c. 99, § 1, eff. Sept. 19, 2019
- C. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence under this subsection.
- D. The court, as part of the sentence for a violation of this section:

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- (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 the 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.

3-C. Separate Advocate. *In any proceeding brought under this section, the court may order, upon its own initiative or upon request of a party or counsel for a party, that a separate advocate be appointed to represent the interests of justice. A decision of the court denying a request to appoint a separate advocate to represent the interests of justice is not subject to appeal. An advocate appointed under this subsection must be appointed from a list provided to the court by the Maine State Bar Association pursuant to paragraph B.*

A. *The advocate may:*

- (1) *Monitor the proceeding;*
- (2) *Consult any individual with information that could aid the judge or fact finder and review records relating to the condition of the animal and the defendant's actions, including, but not limited to, records from animal control officers, veterinarians and law enforcement officers:*

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- (3) *Attend hearings; and*
- (4) *Present information or recommendations to the court pertinent to determinations that relate to the interests of justice, as long as the information and recommendations are based solely on the duties undertaken pursuant to this subsection.*
- B. *The Maine State Bar Association shall maintain a list of attorneys with knowledge of animal issues and the legal system and a list of law schools that have students with an interest in animal issues and the legal system. Attorneys and law students serve on a voluntary basis as advocates under this subsection.*
- 4. **Criminal or civil prosecution.** A person may be arrested or detained for the crime of cruelty to animals in accordance with the rules of criminal procedure. A person may not be arrested or detained for the civil violation of cruelty to animals. The attorney for the State shall elect to charge a defendant with the crime of cruelty to animals under this section or the civil violation of cruelty to animals under Title 7, section 4011. In making this election, the attorney for the State shall consider the severity of the cruelty displayed, the number of animals involved, any prior convictions or adjudications of animal cruelty entered against the defendant and such other factors as may be relevant to a determination of whether criminal or civil sanctions will best accomplish the goals of the animal welfare laws in the particular case before the attorney for the State. The election and determination required by this subsection are not subject to judicial review. The factors involved in such election and determination are not elements of the criminal offense or civil violation of animal cruelty and are not subject to proof or disproof as prerequisites or conditions for conviction under this subsection or adjudication under Title 7, section 4011.
- 5. **Exception.** This section may not be construed to prohibit the shooting of wild game in its wild state. This section may not be construed to prohibit the disposal of farm animals using an acceptable animal husbandry practice.

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13. PROTECTION ORDERS

ME. REV. STAT. ANN. tit. 19-A, § 4007. Relief.

1. **Protection order; consent agreement.** *The court, after a hearing and upon finding that the defendant has committed the alleged abuse as defined in section 4002, subsection 1 or engaged in the alleged conduct described in section 4005, subsection 1, may grant a protective order to bring about a cessation of abuse or the alleged conduct. Alternatively, when the parties voluntarily request a consent agreement, the court may grant a protective order with or without a finding that the defendant committed abuse as defined in section 4002, subsection 1 or with or without a finding that the defendant engaged in conduct described in section 4005, subsection 1. The court may enter a finding that the defendant represents a credible threat to the physical safety of the plaintiff or a minor child residing in the plaintiff's household. The court may enter a finding of economic abuse. Relief granted under this section may include:*
 - A. Directing the defendant to refrain from threatening, assaulting, molesting, harassing, attacking or otherwise abusing the plaintiff and any minor children residing in the household;
 - A-1. Directing the defendant not to possess a firearm or other dangerous weapon for the duration of the order;
 - A-2. Prohibiting the defendant from the use, attempted use or threatened use of physical force that would reasonably be expected to cause bodily injury against the plaintiff or a minor child residing in the household;
 - B. Directing the defendant to refrain from going upon the premises of the plaintiff's residence;
 - C. Directing the defendant to refrain from repeatedly and without reasonable cause:
 - (1) Following the plaintiff;
 - (2) Being at or in the vicinity of the plaintiff's home, school, business or place of employment; or
 - (3) Engaging in conduct defined as stalking in Title 17-A, section 210-A; <Text of subsec. 1, par. D, as amended by Laws 2019, c. 176, § 2.>
 - D. Directing the defendant to refrain from having any direct or indirect contact with the plaintiff, including via social media; <Text of subsec. 1, par. D as amended by Laws 2019, c. 407 § 4.>
 - D. Directing the defendant to refrain from having any direct or indirect contact with the plaintiff;
 - E. When the mutual residence or household of the parties is jointly owned or jointly leased or when one party has a duty to support the other or their minor children living in the residence or household and that party is the sole owner or lessee:
 - (1) Granting or restoring possession of the residence or household to one party, excluding the other; or

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- (2) A consent agreement, allowing the party with the duty to support to provide suitable alternate housing;
- E-1. *Directing the defendant to refrain from injuring or threatening to injure any animal owned, possessed, leased, kept or held by either party or a minor child residing in the household;*
- F. Ordering a division of the personal property and household goods and furnishings of the parties and placing any protective orders considered appropriate by the court, including an order to refrain from taking, converting or damaging property in which the plaintiff has a legal interest;
- F-1. Ordering the termination of a life insurance policy or rider under that policy owned by the defendant if the plaintiff is the insured life under the policy or rider. Upon issuance, a copy of the court order must be sent to the insurer that issued the policy;
- G. Either awarding some or all temporary parental rights and responsibilities with regard to minor children or awarding temporary rights of contact with regard to minor children, or both, under such conditions that the court finds appropriate as determined in accordance with the best interest of the child pursuant to section 1653, subsections 3 to 6-B. The court's award of parental rights and responsibilities or rights of contact is not binding in any separate action involving an award of parental rights and responsibilities pursuant to chapter 55 or in a similar action brought in another jurisdiction exercising child custody jurisdiction in accordance with the Uniform Child Custody Jurisdiction and Enforcement Act;
- H. Requiring the defendant to receive counseling from a social worker, family service agency, mental health center, psychiatrist or any other guidance service that the court considers appropriate. The court may not order and the State may not pay for the defendant to attend a batterers' intervention program unless the program is certified under section 4014;
- I. Ordering the payment of temporary support for the dependent party or for a child in the dependent party's custody in accordance with chapter 63, or both, when there is a legal obligation to support that dependent party or that child, or both;
- J. Ordering the payment of temporary support payments to the State as provided in chapters 63 and 67;
- K. Ordering payment of monetary relief to the plaintiff for losses suffered as a result of the defendant's conduct. Monetary relief includes but is not limited to loss of earnings or support, reasonable expenses incurred for personal injuries or property damage, transitional living expenses and reasonable moving expenses. Upon the motion of either party, for sufficient cause, the court may set a later hearing on the issue of the amount of monetary relief, if any, to be awarded. Nothing in this paragraph may be construed to limit the court's discretion to enter any of the other available relief under this chapter, and does not preclude a plaintiff from seeking monetary relief through other action as permissible by

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law;

- L. Ordering the defendant to pay court costs or reasonable attorney's fees;
- L-1. Ordering the plaintiff to pay court costs or reasonable attorney's fees, or both, only if a judgment is entered against the plaintiff after a hearing in which both the plaintiff and the defendant are present and the court finds that the complaint is frivolous;
- M. Entering any other orders determined necessary or appropriate in the discretion of the court; or
- N. *Directing the care, custody or control of any animal owned, possessed, leased, kept or held by either party or a minor child residing in the household;*
- O. With regard to conduct described as aggravated sex trafficking or sex trafficking as described in Title 17-A, section 852 or 853, respectively, entering any other orders determined necessary or appropriate in the discretion of the court, including, but not limited to, requiring the defendant to pay economic damages related to the return or restoration of the plaintiff's passport or other immigration document and any debts of the plaintiff arising from the trafficking relationship;
- P. With respect to unauthorized dissemination of certain private images as described in Title 17-A, section 511-A, entering any orders determined necessary or appropriate in the discretion of the court, including but not limited to ordering the defendant to pay costs associated with removal, destruction or return of the private images; or
- Q. With respect to unauthorized dissemination of certain private images as described in Title 17-A, section 511-A, ordering the defendant to remove, destroy or return or to direct the removal, destruction or return of the private images, ordering the defendant to cease the dissemination of the private images and prohibiting the defendant from disseminating the private images.

If the court enjoins the defendant under this subsection and the enjoined conduct constitutes harassment under Title 17-A, section 506-A, the court shall include in the order a warning in conformity with Title 17-A, section 506-A.

1-A. No possession of firearm or dangerous weapons for duration of order. If the court prohibits the defendant from possessing a dangerous weapon other than a firearm, the court shall specify the type of weapon the defendant is prohibited from possessing. If the court prohibits the defendant from possessing a firearm or other dangerous weapon, the court shall direct the defendant to relinquish, within 24 hours after service of the order on the defendant or such earlier time as the court specifies in the order, all firearms and specified dangerous weapons in the possession of the defendant to a law enforcement officer or other individual for the duration of the order. If the weapons are relinquished to an individual other than a law enforcement officer, the defendant must file, within 24 hours after such relinquishment, with the court or local law enforcement agency designated in the order a written statement that contains the name and address of the individual holding the weapons and a description of all weapons held by that

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individual. The court may subsequently issue a search warrant authorizing a law enforcement officer to seize any firearms and other dangerous weapons at any location if there is probable cause to believe such firearms or dangerous weapons have not been relinquished by the defendant.

2. **Duration.** A protective order or approved consent agreement is for a fixed period not to exceed 2 years. At the expiration of that time, the court may extend an order, upon motion of the plaintiff, for such additional time as it determines necessary to protect the plaintiff or minor child from abuse. The court may continue the order in effect until the hearing under section 4006, subsection 1 on the motion to extend. Upon motion by either party, for sufficient cause, the court may modify the order or agreement from time to time as circumstances require.
3. **Consequences of violation.** A protective order or approved consent agreement must indicate, in a clear and conspicuous manner, the potential consequences of violation of the order or agreement, as provided in section 4011 and Title 15, section 393, subsection 1, paragraph D, if applicable.
4. **Title to property.** An order or agreement may not affect title to any real property.
5. **Bond prohibited.** The court may not require the execution of a bond by the plaintiff prior to issuance of an order of protection.
6. **Service of order or consent decree.** The court shall order a law enforcement agency; or, if the defendant is present in the courthouse, a court security officer qualified pursuant to Title 4, section 17, subsection 15; or, if the defendant is in the custody of the Department of Corrections, the chief administrative officer or the chief administrative officer's designee at the correctional facility, to serve the defendant personally with a protective order or consent decree.
 - A. Notwithstanding any other provision of law, service of an order may be made pursuant to this section through the use of electronically transmitted printed copies of orders that have been transmitted directly from the court to the law enforcement agency or correctional facility making service. Return of proof of service may be made by electronic transmission of the proof of service directly to the court from the law enforcement officer making service or the chief administrative officer, or the chief administrative officer's designee, of the correctional facility making service.
 - B. In any subsequent criminal prosecution for violation of this section when the service of an order was made through the use of an electronically transmitted printed copy of the order, with 10 days' advance written notice to the prosecution, the defendant may request that the prosecution call as a witness the law enforcement officer who served the order or the chief administrative officer, or the chief administrative officer's designee, of the correctional facility that served the order.
7. **Mutual order of protection or restraint.** The court may not issue a mutual order of protection or restraint.
8. **Action by plaintiff.** A plaintiff may extinguish or modify an order only by legal process in

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accordance with the Maine Rules of Civil Procedure. Any other action or inaction on the part of the plaintiff does not alter, diminish or negate the effectiveness of the order. Criminal sanctions may not be imposed upon the plaintiff for violation of a provision of the plaintiff's order for protection.

9. **Financial accounting.** In all proceedings under this chapter, the court shall apply the child support guidelines in chapter 63 using the information the plaintiff is able to provide the court. Failure of a party to file an income affidavit may not unnecessarily delay a proceeding and does not preclude the issuance of an order, except that the court shall require the plaintiff to complete and file an income affidavit at a final hearing involving child support even if the defendant does not appear for the hearing.

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14. RESTITUTION

Me. Rev. Stat. Ann. tit. 7, § 4016. Violation.

1. **Penalty.** A person who violates this chapter commits a civil violation.
 - A. The court shall adjudge a civil fine of not less than \$500 nor more than \$5,000 for the first violation, none of which may be suspended, and a civil fine of not less than \$1,000 nor more than \$10,000 for a 2nd or subsequent violation of section 4011, none of which may be suspended.
 - B. *The court may order a person adjudicated as having violated the laws against cruelty to animals to pay the costs of the care, housing and veterinary medical treatment for the animal.*
 - C. The court, as part of the judgment, may prohibit a person adjudicated as having violated the laws against cruelty to animals from owning, possessing or having on the defendant's premises an animal for a period of time up to and including permanent relinquishment.
 - D. The court, as part of the judgment, may order that the defendant submit to and complete a psychological evaluation for in camera review by the court.
2. **Criminal or civil prosecution.** A person may be arrested or detained for the crime of cruelty to animals under Title 17, chapter 42, subchapter III in accordance with the rules of criminal procedure. A person may not be arrested or detained for the civil violation of cruelty to animals. The attorney for the State may elect to charge a defendant with either the crime of cruelty to animals under Title 17, chapter 42, subchapter III or the civil violation of cruelty to animals under this chapter. In making this election, the attorney for the State shall consider the severity of the cruelty displayed, the number of animals involved, any prior convictions or adjudications of animal cruelty entered against the defendant and such other factors as may be relevant to a determination of whether criminal or civil sanctions will best accomplish the goals of the animal welfare laws in the particular case before the attorney for the State. The election and determination required by this subsection are not subject to judicial review. The factors involved in the election and determination are not elements of the criminal offense or civil violation of animal cruelty and are not subject to proof or disproof as prerequisites or conditions for conviction under Title 17, chapter 42, subchapter III or adjudication under this chapter.
3. **Affirmative defenses.** It is an affirmative defense to alleged violations of this chapter that the animal was kept as part of an agricultural operation and in compliance with best management practices for animal husbandry as determined by the department.

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ME. REV. STAT. ANN. tit. 17, § 1021. Possession of animals.

1. **Possession.** A state veterinarian, humane agent, sheriff, deputy sheriff, constable, police officer, animal control officer, person authorized to make arrests or the commissioner may apply to the District Court or the Superior Court for authorization:
 - A. To take possession of any maimed, disabled, diseased, dehydrated, malnourished or injured animal or any animal whose owner has abandoned or cruelly treated it and turn over the animal to the applicant or other suitable person; or
 - B. To cause the animal to be disposed of humanely.
2. **Notice to owner.** If the owner is known, a copy of the application must be served upon the owner with an order of court to appear at a stated time and place to show cause why the animal should not be taken and turned over to the applicant or other suitable person or disposed of humanely.
 If the owner cannot be found by reasonable diligence, or is out of state although a resident of this State, a copy of the application and order of court must be left at the owner's last and usual place of abode.
 If the owner is not known, then the court shall order a notice to be published at least once in a newspaper of general circulation in the county where the animal was found, stating the case and circumstances and giving 48 hours notice of the hearing.
3. **Full Hearing.** A full hearing must be held within 31 days of application for authorization under subsection 1. The court shall take notice that the evidence in a matter under this subsection is a living animal requiring proper care and nourishment and shall advance the matter on the docket and give the matter priority over other cases when the court determines that the interests of justice so require. In the event of a postponement of the original hearing date, the court shall reschedule the matter for full hearing no more than 14 days than the original hearing date. It is the owner's responsibility at the hearing to show case why the animal should not be seized permanently or disposed of humanely. If it appears at the hearing that the animal has been abandoned or cruelly treated by its owner or the animal is maimed, disabled, diseased, dehydrated, malnourished or injured the court shall:
 - A. Declare the animal forfeited and direct the applicant or other suitable person to take possession of an provide for the animal, or order its sale, adoption or placement;
 - B. Order the animal to be disposed of humanely if a veterinarian determines that, given reasonable time and care, the animal's recovery is doubtful or that the animal is diseased or disabled beyond recovery; or
 - C. If appropriate, allow the animal to be returned to its owner.

All veterinary records, seizure reports prepared by a humane agent, a state veterinarian or a person authorized to make arrests, police reports, witness statements and other written documents are admissible as evidence when the authors of these documents are available for cross-examination at a hearing. An oral statement of a witness included

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in a police report is admissible only if the witness is present. After hearing, the court shall issue a writ of possession, order the disposition of the animal or return the animal to its owner, in which case the animal must be returned within 30 days of the seizure.

3-A. Emergency euthanasia. If an animal in possession of a humane agent, state veterinarian, sheriff, deputy sheriff, constable, police officer, animal control officer, person authorized to make arrests or the commissioner is in a condition that could cause the animal to suffer while in custody or if the animal is severely sick or severely injured and there is no possibility of recovery, the animal may be euthanized. The custodian of the animal shall submit in writing to the district attorney in the prosecutorial district where the animal is located a written report including a statement from a veterinarian stating the condition of the animal and how continued care could cause greater harm or damage to the animal. An animal euthanized under this subsection must receive a full necropsy to detail the condition of the animal and confirm the veterinarian's diagnosis.

4. Ex parte order. An ex parte order shall be as follows.

A. A state veterinarian, humane agent, sheriff, deputy sheriff, constable, police officer, animal control officer, person authorized to make arrests or the commissioner may apply to the District Court, Superior Court or a justice of the peace for an ex parte order for authorization to take possession of any maimed, disabled, diseased, dehydrated, malnourished or injured animal or any animal whose owner has abandoned or cruelly treated it and turn it over to the applicant or any other suitable person.

An order may be entered ex parte upon findings by the court or justice of the peace that there is a reasonable likelihood that:

- (1)** The defendant is not subject to the jurisdiction of the court for the purposes of a hearing or the owner cannot be found by reasonable diligence or is out-of-state although a resident of this State, and there is a danger that unless immediate action is taken:
 - (a)** The condition of an injured, overworked, tormented, tortured, abandoned, poisoned or mutilated animal, or animal deprived of necessary sustenance, necessary medical attention, proper shelter or protection from the weather or humanely clean conditions will be substantially impaired or worsened;
 - (b)** The animal's life will be jeopardized; or
 - (c)** A great degree of medical attention will be necessary to restore the animal to a normal, healthy condition;
- (2)** There is a clear danger that if the owner or the owner's agent is notified in advance of the issuance of the order of court, as provided in subsection 3, the owner or the owner's agent may remove the animal from the State, conceal it or otherwise make it unavailable;
- (3)** There is immediate danger that the owner or the owner's agent will kill or injure the animal; or

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- (4) An animal is being or has been injured, overworked, tormented, tortured, abandoned, poisoned, mutilated, or deprived of necessary sustenance, necessary medical attention, proper shelter or protection from the weather or humanely clean conditions and, unless an ex parte order issues allowing the applicant to take possession of the animal, the animal will die, its condition will be substantially impaired or worsened or medical attention will be necessary to restore the animal to a normal, healthy condition.
 - B. This subsection does not apply to animals currently being well cared for when euthanasia is necessary due to old age or to a person's conduct designed to control or eliminate rodents, ants or other common pests.
 - C. On 2 days' notice or such shorter period as the court may prescribe, the applicant who obtained the ex parte order or the owner whose animal has been possessed pursuant to an ex parte order may appear in the District Court or Superior Court and move the dissolution or modification of the ex parte order. The court shall hear and determine the motion, and the hearing may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require. The moving party shall submit an affidavit setting forth specific facts to substantiate such findings as would serve to modify or dissolve the order. The opposing party shall have the burden of presenting evidence to substantiate the original findings.
- 5. Seizure for observation and examination.** Seizure of animals for observation and examination is as follows.
- A. Whenever a humane agent, a state veterinarian or a person authorized to make arrests has reason to believe that an animal may be disabled, diseased, dehydrated or malnourished, humane agent, state veterinarian or person shall apply to the District Court or Superior Court for authorization to take possession of the animal and turn it over to the applicant or other suitable person for examination and observation for a 30-day period. At the end of 30 days, the court must receive a report from the person in possession of the animal and either dissolve the possession order or set the matter for hearing within 31 days under subsection 3.
 - B. If the owner is known, the owner must be advised of the time and place of hearing and asked to show cause why the animal should not be seized permanently or disposed of humanely.
 - C. If the court finds at the hearing that the animal is disabled, diseased, dehydrated or malnourished, the court shall:
 - (1) Declare the animal forfeited and order its sale, adoption or donation; or
 - (2) Order the animal to be disposed of humanely if, given reasonable time and care, the animal's recovery is doubtful.
- 5-A. Seizure by state humane agent or state veterinarian without court order.** A humane agent, state veterinarian or person authorized to make arrests who has reasonable

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cause to believe that a violation of section 1031 or 1032 has taken place or is taking place may take possession of and retain the cruelly treated animal. Upon taking possession of an animal under this section, the humane agent or the state veterinarian shall present the owner with a notice that:

- A. States the reason for seizure;
- B. Gives the name, address and phone number of the humane agent, the state veterinarian or the person authorized to make arrests to contact for information regarding the animal; and
- C. Advises the owner of the ensuing court procedure.

If the owner cannot be found, the humane agent, the state veterinarian or the person authorized to make arrests shall send a copy of the notice to the owner at the owner's last known address by certified mail, return receipt requested. If the owner is not known or cannot be located, the humane agent, the state veterinarian or the person authorized to make arrests shall contact the animal shelter or shelters used by the municipality in which the animal was found. The humane agent, the state veterinarian or the person authorized to make arrests shall provide the shelter with a description of the animal, the date of seizure and the name of a person to contact for more information.

Within 3 working days of possession of the animal, the humane agent, the state veterinarian or the person authorized to make arrests shall apply to the court for a possession order under subsection 3. Notwithstanding the provisions of subsection 3, upon good cause shown, the court shall expedite the case and schedule a prehearing conference to take place within 7 days of the seizure. The court shall set a hearing date, and the hearing may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require. The humane agent, the state veterinarian or the person authorized to make arrests shall arrange care for the animal, including medical treatment, if necessary, pending the hearing.

The humane agent, the state veterinarian or the person authorized to make arrests shall notify the owner, if located, of the time and place of the hearing. If the owner has not been located, the court shall order a notice to be published at least once in a newspaper of general circulation in the county where the animal was found stating the case and circumstances and giving 48 hours notice of the hearing.

5-B. *Temporary possession ban.* *An owner or keeper of an animal that was lawfully seized or impounded pursuant to this section or section 1034 is prohibited from possessing or acquiring an animal prior to any hearing to determine possession of the animal that was lawfully seized or impounded. Notice of the prohibition under this subsection must be served to the owner or keeper subject to the prohibition. An owner or keeper who violates the prohibition under this subsection commits a civil violation for which a fine of not more than \$200 may be adjudged for each day of violation.*

6. *Attachment and enforcement of lien.* *Attachment and enforcement of liens shall be as follows.*

- A. *Any person taking possession of an animal as provided in this subchapter shall have a lien for expenses as provided in this subsection unless the complaint is*

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dismissed for lack of merit. If the complaint is dismissed for lack of merit, the board and the municipality where the possession occurred may share in paying the lienor's expenses.

- B.** *Expenses covered by this subsection include expenses reasonably incident to taking an animal into custody such as transportation, food, shelter, veterinary care and expenses of disposing of an animal taken into custody.*
- C.** *The lienor may enforce the lien in the same manner as enforcements of liens on personal property pursuant to Title 10, chapter 631. In giving judgment for the lien, the court shall include expenses as set forth in paragraph B, incurred by the lienor from the date of commencement of proceedings to the entry of judgment or final disposition of the animal as ordered by the court.*
In the event of the sale of the animal, all expenses incurred in transporting, taking, keeping and caring for the animal shall be deducted from the sale price and the balance, if any, turned over to the owner.
- D.** *The defendant may appeal as in a civil action, but before appeal is allowed, the defendant shall give sufficient security to satisfy the applicant or person taking custody of the animal that he will pay all expenses for its care and support pending appeal.*

ME. REV. STAT. ANN. tit. 17, § 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.
- 2. Repealed.** Laws 2019, c. 237, § 8, eff. Sept. 19, 2019.
- 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.
- 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*

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claiming an interest in the seized animal to post a security.

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.*
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.*
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.*
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.*
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.*
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.*
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.*

ME. REV. STAT. ANN. tit. 17, § 1031. Cruelty to animals.

1. **Cruelty to animals.** Except as provided in subsections 1-D and 1-E, a person, including an owner or the owner's agent, is guilty of cruelty to animals if that person intentionally, knowingly or recklessly:
 - A. Kills or attempts to kill any animal belonging to another person without the consent of the owner or without legal privilege. Violation of this paragraph is a Class D crime;
 - A-1. Violates paragraph A and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;

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- B.** Except for a licensed veterinarian or a person certified under section 1042, kills or attempts to kill an animal by a method that does not cause instantaneous death. Violation of this paragraph is a Class D crime;
- B-1.** Violates paragraph B and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
- C.** If that person is a licensed veterinarian or a person certified under section 1042, kills or attempts to kill an animal by a method that does not conform to standards adopted by a national association of licensed veterinarians. Violation of this paragraph is a Class D crime;
- C-1.** Violates paragraph C and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
- D.** Injures, overworks, tortures, torments, abandons or cruelly beats or intentionally mutilates an animal; gives drugs, including, but not limited to, a scheduled drug as defined in Title 17-A, section 1101, subsection 11, to an animal with an intent to harm or intoxicate the animal; gives poison or alcohol to an animal; or exposes a poison with intent that it be taken by an animal. The owner or occupant of property is privileged to use reasonable force to eject a trespassing animal. Violation of this paragraph is a Class D crime;
- D-1.** Violates paragraph D and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
- D-2.** Abandons an animal in violation of paragraph D and that animal dies as a result. Violation of this paragraph is a Class C crime;
- E.** Deprives an animal that the person owns or possesses of necessary sustenance, necessary medical attention, proper shelter, protection from the weather or humanely clean conditions. Violation of this paragraph is a Class D crime;
- E-1.** Violates paragraph E and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
- F.** Keeps or leaves a domestic animal on an uninhabited or barren island lying off the coast of the State during the month of December, January, February or March without providing necessary sustenance and proper shelter. Violation of this paragraph is a Class D crime;
- F-1.** Violates paragraph F and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
- G.** Hunts, traps or sells for the purpose of hunting any animal, except as permitted pursuant to Title 7, chapter 202-A and Title 12, Part 13, and excluding humane trapping of animals for population control efforts or animal control under Title 7, Part 9. Violation of this paragraph is a Class D crime;

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- G-1.** Violates paragraph G and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
- H.** Injects, inserts or causes ingestion of any substance used solely to enhance the performance of an animal by altering the animal's metabolism to that animal's detriment, including but not limited to excessive levels of sodium bicarbonate in equines used for competition. Violation of this paragraph is a Class D crime;
- H-1.** Violates paragraph H and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
- I.** Commits bestiality on an animal. For purposes of this paragraph, "commits bestiality" means that a person:
 - (1)** Engages in a sexual act with an animal for the purpose of that person's sexual gratification;
 - (2)** Coerces anyone to engage in a sexual act with an animal;
 - (3)** Engages in a sexual act with an animal in the presence of a minor;
 - (4)** Uses any part of the person's body or an object to sexually stimulate an animal;
 - (5)** Videotapes a person engaging in a sexual act with an animal; or
 - (6)** For the purpose of that person's sexual gratification, kills or physically abuses an animal.

For purposes of this paragraph, "sexual act" means any act between a person and an animal involving direct physical contact between the genitals of one and the mouth or anus of the other, or direct physical contact between the genitals of one and the genitals of the other. A sexual act may be proved without allegation or proof of penetration.

This paragraph may not be construed to prohibit normal and accepted practices of animal husbandry.

Violation of this paragraph is a Class D crime;

- I-1.** Violates paragraph I and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
- J.** Kills or tortures an animal to frighten or intimidate a person or forces a person to injure or kill an animal. Violation of this paragraph is a Class D crime;
- J-1.** Violates paragraph J and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime; or
- K.** Confines an animal in a building, enclosure, car, boat, vehicle or vessel of any kind when extreme heat or extreme cold will be harmful to its health. Violation of this paragraph is a Class D crime.

1-A. Repealed. Laws 2003, c. 452, § I-14, eff. July 1, 2004.

1-B. Aggravated cruelty to animals. A person is guilty of aggravated cruelty to animals if that

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person, in a manner manifesting a depraved indifference to animal life or suffering, intentionally, knowingly or recklessly:

- A. Causes extreme physical pain to an animal;
- B. Causes the death of an animal; or
- C. Physically tortures an animal.

Violation of this subsection is a Class C crime. Notwithstanding Title 17-A, section 1301, the court shall impose a fine of not less than \$1,000 and not more than \$10,000 for a first or subsequent violation of this subsection. The sentencing provisions in subsection 3-B also apply to a person convicted of aggravated cruelty to animals.

1-C. Cat or dog; exceptions. Except as provided in subsections 1-D and 1-E, a person is guilty of cruelty to animals if that person intentionally, knowingly or recklessly:

- A. Kills or attempts to kill a cat or dog. Violation of this paragraph is a Class D crime; or
- B. Violates paragraph A and, at the time of the offense, has 2 or more convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime.

1-D. Licensed veterinarian. A licensed veterinarian or a person certified under section 1042 may kill a cat or dog according to the methods of euthanasia under subchapter 4.

1-E. Owner or owner's agent. A person who owns a cat or dog, or the owner's agent, may kill that owner's cat or dog by shooting it with a firearm if the following conditions are met:

- A. The shooting is performed by a person 18 years of age or older using a weapon and ammunition of suitable caliber and other characteristics to produce instantaneous death by a single shot;
- B. Death is instantaneous;
- C. Maximum precaution is taken to protect the general public, employees and other animals; and
- D. Any restraint of the cat or dog during the shooting does not cause undue suffering.

2. Affirmative defense. It is an affirmative defense to prosecution under this section that:

- A. The defendant's conduct conformed to accepted veterinary practice or was a part of scientific research governed by accepted standards;
- B. The defendant's conduct or that of the defendant's agent was designed to control or eliminate rodents, ants or other common pests on the defendant's own property;
- C. The defendant's conduct involved the use of live animals as bait or in the training of other animals in accordance with the laws of the Department of Inland Fisheries and Wildlife, Title 12, Part 13; or
- D. The animal is kept as part of an agricultural operation and in compliance with best management practices for animal husbandry as determined by the Department of Agriculture, Food and Rural Resources.

Evidence of proper care of any animal is not admissible in the defense of alleged cruelty

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to other animals.

3. Repealed. Laws 2003, c. 452, § 1-18, eff. July 1, 2004.

3-A. Repealed. Laws 2003, c. 452, § 1-19, eff. July 1, 2004.

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

- A.** In addition to any other penalty authorized by law, the court shall impose a fine of not less than \$500 for each violation of this section. *The court may order the defendant to pay the costs of the care, housing and veterinary medical treatment for the animal including the costs of relocating the animal.*
- B. Repealed.** Laws 2019, c. 99, § 1, eff. Sept. 19, 2019
- C.** Title 17-A, section 9-A governs the use of prior convictions when determining a sentence under this subsection.
- 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 the 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.

3-C. Separate Advocate. In any proceeding brought under this section, the court may order,

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upon its own initiative or upon request of a party or counsel for a party, that a separate advocate be appointed to represent the interests of justice. A decision of the court denying a request to appoint a separate advocate to represent the interests of justice is not subject to appeal. An advocate appointed under this subsection must be appointed from a list provided to the court by the Maine State Bar Association pursuant to paragraph B.

A. The advocate may:

- (1) Monitor the proceeding;
- (2) Consult any individual with information that could aid the judge or fact finder and review records relating to the condition of the animal and the defendant's actions, including, but not limited to, records from animal control officers, veterinarians and law enforcement officers;
- (3) Attend hearings; and
- (4) Present information or recommendations to the court pertinent to determinations that relate to the interests of justice, as long as the information and recommendations are based solely on the duties undertaken pursuant to this subsection.

C. The Maine State Bar Association shall maintain a list of attorneys with knowledge of animal issues and the legal system and a list of law schools that have students with an interest in animal issues and the legal system. Attorneys and law students serve on a voluntary basis as advocates under this subsection.

4. **Criminal or civil prosecution.** A person may be arrested or detained for the crime of cruelty to animals in accordance with the rules of criminal procedure. A person may not be arrested or detained for the civil violation of cruelty to animals. The attorney for the State shall elect to charge a defendant with the crime of cruelty to animals under this section or the civil violation of cruelty to animals under Title 7, section 4011. In making this election, the attorney for the State shall consider the severity of the cruelty displayed, the number of animals involved, any prior convictions or adjudications of animal cruelty entered against the defendant and such other factors as may be relevant to a determination of whether criminal or civil sanctions will best accomplish the goals of the animal welfare laws in the particular case before the attorney for the State. The election and determination required by this subsection are not subject to judicial review. The factors involved in such election and determination are not elements of the criminal offense or civil violation of animal cruelty and are not subject to proof or disproof as prerequisites or conditions for conviction under this subsection or adjudication under Title 7, section 4011.
5. **Exception.** This section may not be construed to prohibit the shooting of wild game in its wild state. This section may not be construed to prohibit the disposal of farm animals using an acceptable animal husbandry practice.

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15. FORFEITURE & POSSESSION BANS

Civil

Me. Rev. Stat. Ann. tit. 7, § 4016. Violation.

1. **Penalty.** A person who violates this chapter commits a civil violation.
 - A. The court shall adjudge a civil fine of not less than \$500 nor more than \$5,000 for the first violation, none of which may be suspended, and a civil fine of not less than \$1,000 nor more than \$10,000 for a 2nd or subsequent violation of section 4011, none of which may be suspended.
 - B. The court may order a person adjudicated as having violated the laws against cruelty to animals to pay the costs of the care, housing and veterinary medical treatment for the animal.
 - C. *The court, as part of the judgment, may prohibit a person adjudicated as having violated the laws against cruelty to animals from owning, possessing or having on the defendant's premises an animal for a period of time up to and including permanent relinquishment.*
 - D. The court, as part of the judgment, may order that the defendant submit to and complete a psychological evaluation for in camera review by the court.
2. **Criminal or civil prosecution.** A person may be arrested or detained for the crime of cruelty to animals under Title 17, chapter 42, subchapter III in accordance with the rules of criminal procedure. A person may not be arrested or detained for the civil violation of cruelty to animals. The attorney for the State may elect to charge a defendant with either the crime of cruelty to animals under Title 17, chapter 42, subchapter III or the civil violation of cruelty to animals under this chapter. In making this election, the attorney for the State shall consider the severity of the cruelty displayed, the number of animals involved, any prior convictions or adjudications of animal cruelty entered against the defendant and such other factors as may be relevant to a determination of whether criminal or civil sanctions will best accomplish the goals of the animal welfare laws in the particular case before the attorney for the State. The election and determination required by this subsection are not subject to judicial review. The factors involved in the election and determination are not elements of the criminal offense or civil violation of animal cruelty and are not subject to proof or disproof as prerequisites or conditions for conviction under Title 17, chapter 42, subchapter III or adjudication under this chapter.
3. **Affirmative defenses.** It is an affirmative defense to alleged violations of this chapter that the animal was kept as part of an agricultural operation and in compliance with best management practices for animal husbandry as determined by the department.

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Criminal

ME. REV. STAT. ANN. tit. 17, § 1021. Possession of animals.

1. *Possession.* A state veterinarian, humane agent, sheriff, deputy sheriff, constable, police officer, animal control officer, person authorized to make arrests or the commissioner may apply to the District Court or the Superior Court for authorization:
 - A. To take possession of any maimed, disabled, diseased, dehydrated, malnourished or injured animal or any animal whose owner has abandoned or cruelly treated it and turn over the animal to the applicant or other suitable person; or
 - B. To cause the animal to be disposed of humanely.
2. *Notice to owner.* If the owner is known, a copy of the application must be served upon the owner with an order of court to appear at a stated time and place to show cause why the animal should not be taken and turned over to the applicant or other suitable person or disposed of humanely.
 If the owner cannot be found by reasonable diligence, or is out of state although a resident of this State, a copy of the application and order of court must be left at the owner's last and usual place of abode.
 If the owner is not known, then the court shall order a notice to be published at least once in a newspaper of general circulation in the county where the animal was found, stating the case and circumstances and giving 48 hours notice of the hearing.
3. *Full Hearing.* A full hearing must be held within 31 days of application for authorization under subsection 1. The court shall take notice that the evidence in a matter under this subsection is a living animal requiring proper care and nourishment and shall advance the matter on the docket and give the matter priority over other cases when the court determines that the interests of justice so require. In the event of a postponement of the original hearing date, the court shall reschedule the matter for full hearing no more than 14 days than the original hearing date. It is the owner's responsibility at the hearing to show case why the animal should not be seized permanently or disposed of humanely. If it appears at the hearing that the animal has been abandoned or cruelly treated by its owner or the animal is maimed, disabled, diseased, dehydrated, malnourished or injured the court shall:
 - A. Declare the animal forfeited and direct the applicant or other suitable person to take possession of and provide for the animal, or order its sale, adoption or placement;
 - B. Order the animal to be disposed of humanely if a veterinarian determines that, given reasonable time and care, the animal's recovery is doubtful or that the animal is diseased or disabled beyond recovery; or
 - C. If appropriate, allow the animal to be returned to its owner.

All veterinary records, seizure reports prepared by a humane agent, a state veterinarian or a person authorized to make arrests, police reports, witness statements and other written documents are admissible as evidence when the authors of these documents

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are available for cross-examination at a hearing. An oral statement of a witness included in a police report is admissible only if the witness is present. After hearing, the court shall issue a writ of possession, order the disposition of the animal or return the animal to its owner, in which case the animal must be returned within 30 days of the seizure.

3-A. Emergency euthanasia. If an animal in possession of a humane agent, state veterinarian, sheriff, deputy sheriff, constable, police officer, animal control officer, person authorized to make arrests or the commissioner is in a condition that could cause the animal to suffer while in custody or if the animal is severely sick or severely injured and there is no possibility of recovery, the animal may be euthanized. The custodian of the animal shall submit in writing to the district attorney in the prosecutorial district where the animal is located a written report including a statement from a veterinarian stating the condition of the animal and how continued care could cause greater harm or damage to the animal. An animal euthanized under this subsection must receive a full necropsy to detail the condition of the animal and confirm the veterinarian's diagnosis.

4. Ex parte order. *An ex parte order shall be as follows.*

A. *A state veterinarian, humane agent, sheriff, deputy sheriff, constable, police officer, animal control officer, person authorized to make arrests or the commissioner may apply to the District Court, Superior Court or a justice of the peace for an ex parte order for authorization to take possession of any maimed, disabled, diseased, dehydrated, malnourished or injured animal or any animal whose owner has abandoned or cruelly treated it and turn it over to the applicant or any other suitable person.*

An order may be entered ex parte upon findings by the court or justice of the peace that there is a reasonable likelihood that:

- (1)** *The defendant is not subject to the jurisdiction of the court for the purposes of a hearing or the owner cannot be found by reasonable diligence or is out-of-state although a resident of this State, and there is a danger that unless immediate action is taken:*
 - (a)** *The condition of an injured, overworked, tormented, tortured, abandoned, poisoned or mutilated animal, or animal deprived of necessary sustenance, necessary medical attention, proper shelter or protection from the weather or humanely clean conditions will be substantially impaired or worsened;*
 - (b)** *The animal's life will be jeopardized; or*
 - (c)** *A great degree of medical attention will be necessary to restore the animal to a normal, healthy condition;*
- (2)** *There is a clear danger that if the owner or the owner's agent is notified in advance of the issuance of the order of court, as provided in subsection 3, the owner or the owner's agent may remove the animal from the State, conceal it or otherwise make it unavailable;*
- (3)** *There is immediate danger that the owner or the owner's agent will kill or*

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injure the animal; or

(4) *An animal is being or has been injured, overworked, tormented, tortured, abandoned, poisoned, mutilated, or deprived of necessary sustenance, necessary medical attention, proper shelter or protection from the weather or humanely clean conditions and, unless an ex parte order issues allowing the applicant to take possession of the animal, the animal will die, its condition will be substantially impaired or worsened or medical attention will be necessary to restore the animal to a normal, healthy condition.*

- B.** This subsection does not apply to animals currently being well cared for when euthanasia is necessary due to old age or to a person's conduct designed to control or eliminate rodents, ants or other common pests.
- C.** *On 2 days' notice or such shorter period as the court may prescribe, the applicant who obtained the ex parte order or the owner whose animal has been possessed pursuant to an ex parte order may appear in the District Court or Superior Court and move the dissolution or modification of the ex parte order. The court shall hear and determine the motion, and the hearing may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require. The moving party shall submit an affidavit setting forth specific facts to substantiate such findings as would serve to modify or dissolve the order. The opposing party shall have the burden of presenting evidence to substantiate the original findings.*

5. Seizure for observation and examination. Seizure of animals for observation and examination is as follows.

- A.** Whenever a humane agent, a state veterinarian or a person authorized to make arrests has reason to believe that an animal may be disabled, diseased, dehydrated or malnourished, humane agent, state veterinarian or person shall apply to the District Court or Superior Court for authorization to take possession of the animal and turn it over to the applicant or other suitable person for examination and observation for a 30-day period. At the end of 30 days, the court must receive a report from the person in possession of the animal and either dissolve the possession order or set the matter for hearing within 31 days.
- B.** *If the owner is known, the owner must be advised of the time and place of hearing and asked to show cause why the animal should not be seized permanently or disposed of humanely.*
- C.** *If the court finds at the hearing that the animal is disabled, diseased, dehydrated or malnourished, the court shall:*
 - (1) Declare the animal forfeited and order its sale, adoption or donation; or*
 - (2) Order the animal to be disposed of humanely if, given reasonable time and care, the animal's recovery is doubtful.*

5-A. Seizure by state humane agent or state veterinarian without court order. A humane agent, state veterinarian or person authorized to make arrests who has reasonable

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cause to believe that a violation of section 1031 or 1032 has taken place or is taking place may take possession of and retain the cruelly treated animal. Upon taking possession of an animal under this section, the humane agent or the state veterinarian shall present the owner with a notice that:

- A. States the reason for seizure;
- B. Gives the name, address and phone number of the humane agent, the state veterinarian or the person authorized to make arrests to contact for information regarding the animal; and
- C. Advises the owner of the ensuing court procedure.

If the owner cannot be found, the humane agent, the state veterinarian or the person authorized to make arrests shall send a copy of the notice to the owner at the owner's last known address by certified mail, return receipt requested. If the owner is not known or cannot be located, the humane agent, the state veterinarian or the person authorized to make arrests shall contact the animal shelter or shelters used by the municipality in which the animal was found. The humane agent, the state veterinarian or the person authorized to make arrests shall provide the shelter with a description of the animal, the date of seizure and the name of a person to contact for more information.

Within 3 working days of possession of the animal, the humane agent, the state veterinarian or the person authorized to make arrests shall apply to the court for a possession order under subsection 3. Notwithstanding the provisions of subsection 3, upon good cause shown, the court shall expedite the case and schedule a prehearing conference to take place within 7 days of the seizure. The court shall set a hearing date, and the hearing may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require. The humane agent, the state veterinarian or the person authorized to make arrests shall arrange care for the animal, including medical treatment, if necessary, pending the hearing.

The humane agent, the state veterinarian or the person authorized to make arrests shall notify the owner, if located, of the time and place of the hearing. If the owner has not been located, the court shall order a notice to be published at least once in a newspaper of general circulation in the county where the animal was found stating the case and circumstances and giving 48 hours notice of the hearing.

5-B. Temporary possession ban. *An owner or keeper of an animal that was lawfully seized or impounded pursuant to this section or section 1034 is prohibited from possessing or acquiring an animal prior to any hearing to determine possession of the animal that was lawfully seized or impounded. Notice of the prohibition under this subsection must be served to the owner or keeper subject to the prohibition. An owner or keeper who violates the prohibition under this subsection commits a civil violation for which a fine of not more than \$200 may be adjudged for each day of violation.*

6. Attachment and enforcement of lien. Attachment and enforcement of liens shall be as follows.

- A. Any person taking possession of an animal as provided in this subchapter shall have a lien for expenses as provided in this subsection unless the complaint is

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dismissed for lack of merit. If the complaint is dismissed for lack of merit, the board and the municipality where the possession occurred may share in paying the lienor's expenses.

- B. Expenses covered by this subsection include expenses reasonably incident to taking an animal into custody such as transportation, food, shelter, veterinary care and expenses of disposing of an animal taken into custody.
- C. The lienor may enforce the lien in the same manner as enforcements of liens on personal property pursuant to Title 10, chapter 631. In giving judgment for the lien, the court shall include expenses as set forth in paragraph B, incurred by the lienor from the date of commencement of proceedings to the entry of judgment or final disposition of the animal as ordered by the court.
In the event of the sale of the animal, all expenses incurred in transporting, taking, keeping and caring for the animal shall be deducted from the sale price and the balance, if any, turned over to the owner.
- D. The defendant may appeal as in a civil action, but before appeal is allowed, the defendant shall give sufficient security to satisfy the applicant or person taking custody of the animal that he will pay all expenses for its care and support pending appeal.

ME. REV. STAT. ANN. tit. 17, § 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.
- 2. **Repealed.** Laws 2019, c. 237, § 8, eff. Sept. 19, 2019.
- 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 Main Rules of Civil Procedure.
- 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

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- person claiming an interest in the seized animal to post a security.
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.
 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.
 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.*
 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.*
 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.*
 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.
 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.

ME. REV. STAT. ANN. tit. 17, § 1031. Cruelty to animals.

1. **Cruelty to animals.** Except as provided in subsections 1-D and 1-E, a person, including an owner or the owner's agent, is guilty of cruelty to animals if that person intentionally, knowingly or recklessly:
 - A. Kills or attempts to kill any animal belonging to another person without the consent of the owner or without legal privilege. Violation of this paragraph is a Class D crime;
 - A-1. Violates paragraph A and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;

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- B.** Except for a licensed veterinarian or a person certified under section 1042, kills or attempts to kill an animal by a method that does not cause instantaneous death. Violation of this paragraph is a Class D crime;
- B-1.** Violates paragraph B and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
- C.** If that person is a licensed veterinarian or a person certified under section 1042, kills or attempts to kill an animal by a method that does not conform to standards adopted by a national association of licensed veterinarians. Violation of this paragraph is a Class D crime;
- C-1.** Violates paragraph C and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
- D.** Injures, overworks, tortures, torments, abandons or cruelly beats or intentionally mutilates an animal; gives drugs, including, but not limited to, a scheduled drug as defined in Title 17-A, section 1101, subsection 11, to an animal with an intent to harm or intoxicate the animal; gives poison or alcohol to an animal; or exposes a poison with intent that it be taken by an animal. The owner or occupant of property is privileged to use reasonable force to eject a trespassing animal. Violation of this paragraph is a Class D crime;
- D-1.** Violates paragraph D and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
- D-2.** Abandons an animal in violation of paragraph D and that animal dies as a result. Violation of this paragraph is a Class C crime;
- E.** Deprives an animal that the person owns or possesses of necessary sustenance, necessary medical attention, proper shelter, protection from the weather or humanely clean conditions. Violation of this paragraph is a Class D crime;
- E-1.** Violates paragraph E and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
- F.** Keeps or leaves a domestic animal on an uninhabited or barren island lying off the coast of the State during the month of December, January, February or March without providing necessary sustenance and proper shelter. Violation of this paragraph is a Class D crime;
- F-1.** Violates paragraph F and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
- G.** Hunts, traps or sells for the purpose of hunting any animal, except as permitted pursuant to Title 7, chapter 202-A and Title 12, Part 13, and excluding humane trapping of animals for population control efforts or animal control under Title 7, Part 9. Violation of this paragraph is a Class D crime;

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- G-1.** Violates paragraph G and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
- H.** Injects, inserts or causes ingestion of any substance used solely to enhance the performance of an animal by altering the animal's metabolism to that animal's detriment, including but not limited to excessive levels of sodium bicarbonate in equines used for competition. Violation of this paragraph is a Class D crime;
- H-1.** Violates paragraph H and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
- I.** Commits bestiality on an animal. For purposes of this paragraph, "commits bestiality" means that a person:
 - (1)** Engages in a sexual act with an animal for the purpose of that person's sexual gratification;
 - (2)** Coerces anyone to engage in a sexual act with an animal;
 - (3)** Engages in a sexual act with an animal in the presence of a minor;
 - (4)** Uses any part of the person's body or an object to sexually stimulate an animal;
 - (5)** Videotapes a person engaging in a sexual act with an animal; or
 - (6)** For the purpose of that person's sexual gratification, kills or physically abuses an animal.

For purposes of this paragraph, "sexual act" means any act between a person and an animal involving direct physical contact between the genitals of one and the mouth or anus of the other, or direct physical contact between the genitals of one and the genitals of the other. A sexual act may be proved without allegation or proof of penetration.

This paragraph may not be construed to prohibit normal and accepted practices of animal husbandry.

Violation of this paragraph is a Class D crime;

- I-1.** Violates paragraph I and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
- J.** Kills or tortures an animal to frighten or intimidate a person or forces a person to injure or kill an animal. Violation of this paragraph is a Class D crime;
- J-1.** Violates paragraph J and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime; or
- K.** Confines an animal in a building, enclosure, car, boat, vehicle or vessel of any kind when extreme heat or extreme cold will be harmful to its health. Violation of this paragraph is a Class D crime.

1-A. Repealed. Laws 2003, c. 452, § I-14, eff. July 1, 2004.

1-B. Aggravated cruelty to animals. A person is guilty of aggravated cruelty to animals if that

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person, in a manner manifesting a depraved indifference to animal life or suffering, intentionally, knowingly or recklessly:

- A. Causes extreme physical pain to an animal;
- B. Causes the death of an animal; or
- C. Physically tortures an animal.

Violation of this subsection is a Class C crime. Notwithstanding Title 17-A, section 1301, the court shall impose a fine of not less than \$1,000 and not more than \$10,000 for a first or subsequent violation of this subsection. The sentencing provisions in subsection 3-B also apply to a person convicted of aggravated cruelty to animals.

1-C. Cat or dog; exceptions. Except as provided in subsections 1-D and 1-E, a person is guilty of cruelty to animals if that person intentionally, knowingly or recklessly:

- A. Kills or attempts to kill a cat or dog. Violation of this paragraph is a Class D crime; or
- B. Violates paragraph A and, at the time of the offense, has 2 or more convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime.

1-D. Licensed veterinarian. A licensed veterinarian or a person certified under section 1042 may kill a cat or dog according to the methods of euthanasia under subchapter 4.

1-E. Owner or owner's agent. A person who owns a cat or dog, or the owner's agent, may kill that owner's cat or dog by shooting it with a firearm if the following conditions are met:

- A. The shooting is performed by a person 18 years of age or older using a weapon and ammunition of suitable caliber and other characteristics to produce instantaneous death by a single shot;
- B. Death is instantaneous;
- C. Maximum precaution is taken to protect the general public, employees and other animals; and
- D. Any restraint of the cat or dog during the shooting does not cause undue suffering.

2. Affirmative defense. It is an affirmative defense to prosecution under this section that:

- A. The defendant's conduct conformed to accepted veterinary practice or was a part of scientific research governed by accepted standards;
- B. The defendant's conduct or that of the defendant's agent was designed to control or eliminate rodents, ants or other common pests on the defendant's own property;
- C. The defendant's conduct involved the use of live animals as bait or in the training of other animals in accordance with the laws of the Department of Inland Fisheries and Wildlife, Title 12, Part 13; or
- D. The animal is kept as part of an agricultural operation and in compliance with best management practices for animal husbandry as determined by the Department of Agriculture, Food and Rural Resources.

Evidence of proper care of any animal is not admissible in the defense of alleged cruelty

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to other animals.

3. Repealed. Laws 2003, c. 452, § 1-18, eff. July 1, 2004.

3-A. Repealed. Laws 2003, c. 452, § 1-19, eff. July 1, 2004.

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

A. In addition to any other penalty authorized by law, the court shall impose a fine of not less than \$500 for each violation of this section. The court may order the defendant to pay the costs of the care, housing and veterinary medical treatment for the animal including the costs of relocating the animal.

B. Repealed. Laws 2019, c. 99, § 1, eff. Sept. 19, 2019

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

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 the 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.*

3-C. Separate Advocate. In any proceeding brought under this section, the court may order,

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upon its own initiative or upon request of a party or counsel for a party, that a separate advocate be appointed to represent the interests of justice. A decision of the court denying a request to appoint a separate advocate to represent the interests of justice is not subject to appeal. An advocate appointed under this subsection must be appointed from a list provided to the court by the Maine State Bar Association pursuant to paragraph B.

- A. The advocate may:
 - (1) Monitor the proceeding;
 - (2) Consult any individual with information that could aid the judge or fact finder and review records relating to the condition of the animal and the defendant's actions, including, but not limited to, records from animal control officers, veterinarians and law enforcement officers;
 - (3) Attend hearings; and
 - (4) Present information or recommendations to the court pertinent to determinations that relate to the interests of justice, as long as the information and recommendations are based solely on the duties undertaken pursuant to this subsection.
 - B. The Maine State Bar Association shall maintain a list of attorneys with knowledge of animal issues and the legal system and a list of law schools that have students with an interest in animal issues and the legal system. Attorneys and law students serve on a voluntary basis as advocates under this subsection.
4. **Criminal or civil prosecution.** A person may be arrested or detained for the crime of cruelty to animals in accordance with the rules of criminal procedure. A person may not be arrested or detained for the civil violation of cruelty to animals. The attorney for the State shall elect to charge a defendant with the crime of cruelty to animals under this section or the civil violation of cruelty to animals under Title 7, section 4011. In making this election, the attorney for the State shall consider the severity of the cruelty displayed, the number of animals involved, any prior convictions or adjudications of animal cruelty entered against the defendant and such other factors as may be relevant to a determination of whether criminal or civil sanctions will best accomplish the goals of the animal welfare laws in the particular case before the attorney for the State. The election and determination required by this subsection are not subject to judicial review. The factors involved in such election and determination are not elements of the criminal offense or civil violation of animal cruelty and are not subject to proof or disproof as prerequisites or conditions for conviction under this subsection or adjudication under Title 7, section 4011.
5. **Exception.** This section may not be construed to prohibit the shooting of wild game in its wild state. This section may not be construed to prohibit the disposal of farm animals using an acceptable animal husbandry practice.

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16. COURT-ORDERED TREATMENT

Civil

Me. Rev. Stat. Ann. tit. 7, § 4016. Violation.

1. **Penalty.** A person who violates this chapter commits a civil violation.
 - A. The court shall adjudge a civil fine of not less than \$500 nor more than \$5,000 for the first violation, none of which may be suspended, and a civil fine of not less than \$1,000 nor more than \$10,000 for a 2nd or subsequent violation of section 4011, none of which may be suspended.
 - B. The court may order a person adjudicated as having violated the laws against cruelty to animals to pay the costs of the care, housing and veterinary medical treatment for the animal.
 - C. The court, as part of the judgment, may prohibit a person adjudicated as having violated the laws against cruelty to animals from owning, possessing or having on the defendant's premises an animal for a period of time up to and including permanent relinquishment.
 - D. *The court, as part of the judgment, may order that the defendant submit to and complete a psychological evaluation for in camera review by the court.*
2. **Criminal or civil prosecution.** A person may be arrested or detained for the crime of cruelty to animals under Title 17, chapter 42, subchapter III in accordance with the rules of criminal procedure. A person may not be arrested or detained for the civil violation of cruelty to animals. The attorney for the State may elect to charge a defendant with either the crime of cruelty to animals under Title 17, chapter 42, subchapter III or the civil violation of cruelty to animals under this chapter. In making this election, the attorney for the State shall consider the severity of the cruelty displayed, the number of animals involved, any prior convictions or adjudications of animal cruelty entered against the defendant and such other factors as may be relevant to a determination of whether criminal or civil sanctions will best accomplish the goals of the animal welfare laws in the particular case before the attorney for the State. The election and determination required by this subsection are not subject to judicial review. The factors involved in the election and determination are not elements of the criminal offense or civil violation of animal cruelty and are not subject to proof or disproof as prerequisites or conditions for conviction under Title 17, chapter 42, subchapter III or adjudication under this chapter.
3. **Affirmative defenses.** It is an affirmative defense to alleged violations of this chapter that the animal was kept as part of an agricultural operation and in compliance with best management practices for animal husbandry as determined by the department.

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Criminal

ME. REV. STAT. ANN. tit. 17, § 1031. Cruelty to animals.

1. **Cruelty to animals.** Except as provided in subsections 1-D and 1-E, a person, including an owner or the owner's agent, is guilty of cruelty to animals if that person intentionally, knowingly or recklessly:
 - A. Kills or attempts to kill any animal belonging to another person without the consent of the owner or without legal privilege. Violation of this paragraph is a Class D crime;
 - A-1. Violates paragraph A and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
 - B. Except for a licensed veterinarian or a person certified under section 1042, kills or attempts to kill an animal by a method that does not cause instantaneous death. Violation of this paragraph is a Class D crime;
 - B-1. Violates paragraph B and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
 - C. If that person is a licensed veterinarian or a person certified under section 1042, kills or attempts to kill an animal by a method that does not conform to standards adopted by a national association of licensed veterinarians. Violation of this paragraph is a Class D crime;
 - C-1. Violates paragraph C and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
 - D. Injures, overworks, tortures, torments, abandons or cruelly beats or intentionally mutilates an animal; gives drugs, including, but not limited to, a scheduled drug as defined in Title 17-A, section 1101, subsection 1, to an animal with an intent to harm or intoxicate the animal; gives poison or alcohol to an animal; or exposes a poison with intent that it be taken by an animal. The owner or occupant of property is privileged to use reasonable force to eject a trespassing animal. Violation of this paragraph is a Class D crime;
 - D-1. Violates paragraph D and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
 - D-2. Abandons an animal in violation of paragraph D and that animal dies as a result. Violation of this paragraph is a Class C crime;
 - E. Deprives an animal that the person owns or possesses of necessary sustenance, necessary medical attention, proper shelter, protection from the weather or humanely clean conditions. Violation of this paragraph is a Class D crime;
 - E-1. Violates paragraph E and, at the time of the offense, has 2 or more prior

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convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;

- F.** Keeps or leaves a domestic animal on an uninhabited or barren island lying off the coast of the State during the month of December, January, February or March without providing necessary sustenance and proper shelter. Violation of this paragraph is a Class D crime;
- F-1.** Violates paragraph F and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
- G.** Hunts, traps or sells for the purpose of hunting any animal, except as permitted pursuant to Title 7, chapter 202-A and Title 12, Part 13, and excluding humane trapping of animals for population control efforts or animal control under Title 7, Part 9. Violation of this paragraph is a Class D crime;
- G-1.** Violates paragraph G and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
- H.** Injects, inserts or causes ingestion of any substance used solely to enhance the performance of an animal by altering the animal's metabolism to that animal's detriment, including but not limited to excessive levels of sodium bicarbonate in equines used for competition. Violation of this paragraph is a Class D crime;
- H-1.** Violates paragraph H and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
- I.** Commits bestiality on an animal. For purposes of this paragraph, "commits bestiality" means that a person:
 - (1) Engages in a sexual act with an animal for the purpose of that person's sexual gratification;
 - (2) Coerces anyone to engage in a sexual act with an animal;
 - (3) Engages in a sexual act with an animal in the presence of a minor;
 - (4) Uses any part of the person's body or an object to sexually stimulate an animal;
 - (5) Videotapes a person engaging in a sexual act with an animal; or
 - (6) For the purpose of that person's sexual gratification, kills or physically abuses an animal.

For purposes of this paragraph, "sexual act" means any act between a person and an animal involving direct physical contact between the genitals of one and the mouth or anus of the other, or direct physical contact between the genitals of one and the genitals of the other. A sexual act may be proved without allegation or proof of penetration.

This paragraph may not be construed to prohibit normal and accepted practices of animal husbandry.

Violation of this paragraph is a Class D crime;

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- I-1. Violates paragraph I and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;
- J. Kills or tortures an animal to frighten or intimidate a person or forces a person to injure or kill an animal. Violation of this paragraph is a Class D crime;
- J-1. Violates paragraph J and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime; or
- K. Confines an animal in a building, enclosure, car, boat, vehicle or vessel of any kind when extreme heat or extreme cold will be harmful to its health. Violation of this paragraph is a Class D crime.

1-A. Repealed. Laws 2003, c. 452, § I-14, eff. July 1, 2004.

1-B. Aggravated cruelty to animals. A person is guilty of aggravated cruelty to animals if that person, in a manner manifesting a depraved indifference to animal life or suffering, intentionally, knowingly or recklessly:

- A. Causes extreme physical pain to an animal;
- B. Causes the death of an animal; or
- C. Physically tortures an animal.

Violation of this subsection is a Class C crime. Notwithstanding Title 17-A, section 1301, the court shall impose a fine of not less than \$1,000 and not more than \$10,000 for a first or subsequent violation of this subsection. The sentencing provisions in subsection 3-B also apply to a person convicted of aggravated cruelty to animals.

1-C. Cat or dog; exceptions. Except as provided in subsections 1-D and 1-E, a person is guilty of cruelty to animals if that person intentionally, knowingly or recklessly:

- A. Kills or attempts to kill a cat or dog. Violation of this paragraph is a Class D crime; or
- B. Violates paragraph A and, at the time of the offense, has 2 or more convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime.

1-D. Licensed veterinarian. A licensed veterinarian or a person certified under section 1042 may kill a cat or dog according to the methods of euthanasia under subchapter 4.

1-E. Owner or owner's agent. A person who owns a cat or dog, or the owner's agent, may kill that owner's cat or dog by shooting it with a firearm if the following conditions are met:

- A. The shooting is performed by a person 18 years of age or older using a weapon and ammunition of suitable caliber and other characteristics to produce instantaneous death by a single shot;
- B. Death is instantaneous;
- C. Maximum precaution is taken to protect the general public, employees and other animals; and
- D. Any restraint of the cat or dog during the shooting does not cause undue suffering.

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2. Affirmative defense. It is an affirmative defense to prosecution under this section that:

- A. The defendant's conduct conformed to accepted veterinary practice or was a part of scientific research governed by accepted standards;
- B. The defendant's conduct or that of the defendant's agent was designed to control or eliminate rodents, ants or other common pests on the defendant's own property;
- C. The defendant's conduct involved the use of live animals as bait or in the training of other animals in accordance with the laws of the Department of Inland Fisheries and Wildlife, Title 12, Part 13; or
- D. The animal is kept as part of an agricultural operation and in compliance with best management practices for animal husbandry as determined by the Department of Agriculture, Food and Rural Resources.

Evidence of proper care of any animal is not admissible in the defense of alleged cruelty to other animals.

3. Repealed. Laws 2003, c. 452, § 1-18, eff. July 1, 2004.

3-A. Repealed. Laws 2003, c. 452, § 1-19, eff. July 1, 2004.

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

- A. In addition to any other penalty authorized by law, the court shall impose a fine of not less than \$500 for each violation of this section. The court may order the defendant to pay the costs of the care, housing and veterinary medical treatment for the animal including the costs of relocating the animal.
- B. **Repealed.** Laws 2019, c. 99, § 1, eff. Sept. 19, 2019
- C. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence under this subsection.
- 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 the 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*

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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.

3-C. Separate Advocate. In any proceeding brought under this section, the court may order, upon its own initiative or upon request of a party or counsel for a party, that a separate advocate be appointed to represent the interests of justice. A decision of the court denying a request to appoint a separate advocate to represent the interests of justice is not subject to appeal. An advocate appointed under this subsection must be appointed from a list provided to the court by the Maine State Bar Association pursuant to paragraph B.

A. The advocate may:

- (1) Monitor the proceeding;
- (2) Consult any individual with information that could aid the judge or fact finder and review records relating to the condition of the animal and the defendant's actions, including, but not limited to, records from animal control officers, veterinarians and law enforcement officers;
- (3) Attend hearings; and
- (4) Present information or recommendations to the court pertinent to determinations that relate to the interests of justice, as long as the information and recommendations are based solely on the duties undertaken pursuant to this subsection.

B. The Maine State Bar Association shall maintain a list of attorneys with knowledge of animal issues and the legal system and a list of law schools that have students with an interest in animal issues and the legal system. Attorneys and law students serve on a voluntary basis as advocates under this subsection.

4. Criminal or civil prosecution. A person may be arrested or detained for the crime of cruelty to animals in accordance with the rules of criminal procedure. A person may not be arrested or detained for the civil violation of cruelty to animals. The attorney for the State shall elect to charge a defendant with the crime of cruelty to animals under this section or the civil violation of cruelty to animals under Title 7, section 4011. In making this election, the attorney for the State shall consider the severity of the cruelty displayed, the number of animals involved, any prior convictions or adjudications of animal cruelty entered against the defendant and such other factors as may be relevant

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to a determination of whether criminal or civil sanctions will best accomplish the goals of the animal welfare laws in the particular case before the attorney for the State. The election and determination required by this subsection are not subject to judicial review. The factors involved in such election and determination are not elements of the criminal offense or civil violation of animal cruelty and are not subject to proof or disproof as prerequisites or conditions for conviction under this subsection or adjudication under Title 7, section 4011.

5. **Exception.** This section may not be construed to prohibit the shooting of wild game in its wild state. This section may not be construed to prohibit the disposal of farm animals using an acceptable animal husbandry practice.

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17. HOT CARS

ME. REV. STAT. ANN. tit. 7, § 4019. Removal from unattended motor vehicle.

1. **Removal Authorized.** *A law enforcement officer, humane agent, animal control officer, firefighter as defined in Title 26, section 2101 or security guard licensed under Title 32, chapter 93, referred to in this section as "authorized persons," may take all steps that are reasonably necessary to remove an animal from a motor vehicle if the animal's safety, health or well-being appears to be in immediate danger from heat, cold or lack of adequate ventilation and the conditions could reasonably be expected to cause extreme suffering or death.*
2. **Notice required.** *A law enforcement officer, humane agent or animal control officer who removes an animal in accordance with subsection 1 shall, in a secure and conspicuous location on or within the motor vehicle, leave written notice bearing the officer's or agent's name and office and the address of the location where the animal may be claimed. A firefighter, first responder or security guard who removes an animal in accordance with subsection 1 shall, in a secure and conspicuous location on or within the motor vehicle, leave written notice bearing the person's name and the address of the location where the animal may be claimed. The owner may claim the animal only after payment of all charges that have accrued for the maintenance, care, medical treatment and impoundment of the animal.*
3. **Immunity.** *An authorized person who removes an animal from a motor vehicle pursuant to subsection 1 is immune from criminal or civil liability that might otherwise result from the removal.*

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18. CIVIL NUISANCE ABATEMENT

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19. AG-GAG LAWS

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20. BREED SPECIFIC LEGISLATION

ME. REV. STAT. ANN. tit. 7, § 3950. Local regulations.

Each municipality is empowered to adopt or retain more stringent ordinances, laws or regulations dealing with the subject matter of this chapter, *except that municipalities may not adopt breed-specific ordinances, laws or regulations. Any less restrictive municipal ordinances, laws or regulations are invalid and of no force and effect.*

1. **Certain agricultural working dogs exempt from barking dog ordinances.** A municipal ordinance, law or regulation that prohibits or limits barking dogs does not apply to dogs engaged in herding livestock or to agricultural guard dogs engaged in protecting livestock or warning the owners of danger to the livestock. For the purposes of this subsection, the term “livestock” has the same meaning as in section 3907, subsection 18-A.