CHAPTER 731

MISTREATMENT OF ANIMALS

§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 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.
[PL 1987, c. 383, §3 (NEW).]

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.
[PL 1987, c. 383, §3 (NEW).]

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, after consultation with representative groups in the State having an interest or expertise in the field of animal welfare, biology and education.
[PL 1987, c. 383, §3 (NEW); PL 1993, c. 468, §25 (AMD).]

4. Enforcement. The commissioner shall enforce this section in consultation with the Commissioner of Education.
[PL 1989, c. 700, Pt. A, §34 (AMD); PL 1993, c. 468, §25 (AMD).]

5. Penalty for violations. Any person who violates this section shall be punished by a fine of not more than $75.
[PL 1987, c. 383, §3 (NEW).]

SECTION HISTORY

PL 1987, c. 383, §3 (NEW). PL 1989, c. 700, §A34 (AMD). PL 1993, c. 468, §25 (AMD).

§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; [PL 1997, c. 690, §39 (AMD).]

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; [PL 2017, c. 131, §1 (AMD).]

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; [PL 1997, c. 690, §39 (AMD).]

D. Use any live animal as bait in any racing contest or in the training of animals for racing contests; [PL 1995, c. 144, §1 (AMD).]

E. Tie, tether or restrain any animal in a manner that is inhumane or detrimental to its welfare; [PL 2015, c. 223, §12 (AMD).]

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 [PL 2015, c. 223, §13 (AMD).]

G. Abandon, dump or dispose of any deceased domesticated animal on public property or on private property without the permission of the property owner. [PL 2015, c. 223, §14 (NEW).]

[PL 2017, c. 131, §1 (AMD).]

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.

[PL 1989, c. 342, §2 (AMD).]

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.

[PL 1989, c. 342, §2 (AMD).]

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.

[PL 2017, c. 284, Pt. KKKKK, §1 (AMD).]

SECTION HISTORY

PL 1987, c. 383, §3 (NEW). PL 1989, c. 154, §1 (AMD). PL 1989, c. 342, §2 (AMD). PL 1995, c. 144, §§1,2 (AMD). PL 1997, c. 690, §§39-41 (AMD). PL 2009, c. 487, Pt. B, §1 (AMD). PL 2015, c. 223, §§12-14 (AMD). PL 2017, c. 131, §1 (AMD). PL 2017, c. 284, Pt. KKKKK, §1 (AMD).

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