



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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**Legislative Document**

**No. 1442**

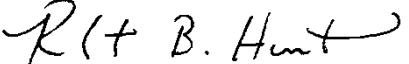
H.P. 1054

House of Representatives, April 2, 2019

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**An Act To Provide for Court-appointed Advocates for Justice in  
Animal Cruelty Cases**

Reference to the Committee on Judiciary suggested and ordered printed.



ROBERT B. HUNT  
Clerk

Presented by Representative BAILEY of Saco.  
Cosponsored by Senator CHIPMAN of Cumberland and  
Representatives: CARDONE of Bangor, HARNETT of Gardiner, MORALES of South  
Portland, Senator: CARPENTER of Aroostook.

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

2           **Sec. 1. 7 MRSA §4016, sub-§1-A** is enacted to read:

3           **1-A. Separate advocate.** In any proceeding brought under this section, the court  
4       may order, upon its own initiative or upon request of a party or counsel for a party, that a  
5       separate advocate be appointed to represent the interests of justice. A decision of the  
6       court denying a request to appoint a separate advocate to represent the interests of justice  
7       is not subject to appeal. An advocate appointed under this subsection must be appointed  
8       from a list provided to the court by the commissioner pursuant to paragraph B.

9           A. The advocate may:

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

20           B. The department shall maintain a list of attorneys with knowledge of animal issues  
21       and the legal system and a list of law schools that have students with an interest in  
22       animal issues and the legal system. Attorneys and law students serve on a voluntary  
23       basis as advocates under this subsection.

24           **Sec. 2. 17 MRSA §1031, sub-§3-C** is enacted to read:

25           **3-C. Separate advocate.** In any proceeding brought under this section, the court  
26       may order, upon its own initiative or upon request of a party or counsel for a party, that a  
27       separate advocate be appointed to represent the interests of justice. A decision of the  
28       court denying a request to appoint a separate advocate to represent the interests of justice  
29       is not subject to appeal. An advocate appointed under this subsection must be appointed  
30       from a list provided to the court by the Commissioner of Agriculture, Conservation and  
31       Forestry pursuant to paragraph B.

32           A. The advocate may:

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

1                             (4) Present information or recommendations to the court pertinent to  
2                             determinations that relate to the interests of justice, as long as the information and  
3                             recommendations are based solely on the duties undertaken pursuant to this  
4                             subsection.

5                             B. The Department of Agriculture, Conservation and Forestry shall maintain a list of  
6                             attorneys with knowledge of animal issues and the legal system and a list of law  
7                             schools that have students with an interest in animal issues and the legal system.  
8                             Attorneys and law students serve on a voluntary basis as advocates under this  
9                             subsection.

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## SUMMARY

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This bill allows courts to appoint law students or volunteer lawyers to advocate for the interests of justice in animal cruelty proceedings.