

**§1038. Animals abandoned at animal care facilities**

Abandoning an animal at an animal care facility is a Class D crime. [PL 2021, c. 99, §12 (AMD).]

**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 [PL 2021, c. 99, §13 (AMD).]

B. Fails to claim the animal within 10 days after written notice is sent in accordance with subsection 2. [PL 2005, c. 422, §11 (NEW).]

[PL 2021, c. 99, §13 (AMD).]

**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.

[PL 2021, c. 99, §14 (AMD).]

**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.

[PL 2021, c. 99, §15 (AMD).]

**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.

[PL 2005, c. 422, §11 (NEW).]

**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.

[PL 2005, c. 422, §11 (NEW).]

**SECTION HISTORY**

PL 2005, c. 422, §11 (NEW). PL 2021, c. 99, §§12-15 (AMD).

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