

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND TENTH LEGISLATURE

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**Legislative Document**

**No. 239**

S. P. 110

In Senate, January 15, 1981

Referred to the Committee on Agriculture. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary of the Senate

Presented by Senator Hichens of York.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

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**AN ACT to Reimburse Owners of Livestock, Poultry or Beehives which are Destroyed or Damaged by Dogs or Wild Animals.**

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

**Sec. 1.** 5 MRSA § 1510-B, as enacted by PL 1979, c. 672, § 3, is repealed.

**Sec. 2.** 7 MRSA § 3451, 5th ¶, 2nd sentence, as amended by PL 1979, c. 731, § 19, is further amended to read:

The representatives of the Department of Agriculture, Food and Rural Resources in charge of animal husbandry shall be known as the animal husbandry specialist and the assistant animal husbandry specialist, who shall carry out the dog licensing laws and the adjustment of claims for damages to ~~sheep~~ livestock and poultry by dogs and wild animals, and to the promotion of animal husbandry within the State.

**Sec. 3.** 7 MRSA § 3652, as repealed by PL 1979, c. 672, Pt. A, § 41, is reenacted to read:

**§ 3652. Damage by dogs or wild animals; recovery from owner; killing of sheep**  
**Whenever any livestock, poultry or domestic rabbits, properly enclosed, owned**

by a resident of this State is killed or injured by dogs or wild animals, the owner, after locating such animal, animals or poultry or a sufficient part of each to identify the same, may make complaint thereof to the mayor of a city or to one of the municipal officers of the town or plantation where the damage was done within 24 hours after he has knowledge of same. Thereupon, the municipal officers shall investigate the complaint and if satisfied that damage was committed by dogs or wild animals within the limit of their municipality, after viewing the evidence estimate the actual value of the animals or poultry according to the purposes for which they were kept, whether as breeders or other purposes, together with the damage to any other animals or poultry being bitten, torn or chased or exhausted, and make returns on blanks furnished by the Department of Agriculture, Food and Rural Resources. These returns shall be made in triplicate, the original and duplicate copies together with a bill from the claimant shall be mailed to the Commissioner of Agriculture, Food and Rural Resources or his duly authorized agent within 15 days from the date of investigation, and the triplicate shall be kept by the municipal clerk as his record.

A full description of all evidence seen by the investigator shall be plainly printed or written in triplicate on all reports and recommendations giving the number of animals or poultry, properly enclosed, with the estimated value and the number of each giving their ages, average live weight and any other information that will assist in making a fair adjustment.

When livestock, poultry or domestic rabbits, properly enclosed, are kept in an unincorporated place, the owner may make complaint to the municipal officers of the nearest municipality adjoining or the nearest municipality when there is none adjoining who shall investigate the complaint.

Each report and recommendation must be signed by the investigator in the place provided for his signature. The signature shall be construed to mean that the investigator has seen evidence legally establishing the liability of the State. All reports and recommendations must be signed by a majority of the municipal officials.

The commissioner or his duly authorized agent shall approve the bill or, if it seems advisable, investigate and adjust the claim.

When the claim is approved by the commissioner or his duly authorized agent, the State shall accept liability and adjust the damage, and the same shall be paid by the State to the person sustaining the damage.

The State may maintain a civil action against the owner or keeper of the dogs to recover the amount paid unless, before the final disposition of the case, the owner or keeper of the dog produces satisfactory evidence that the dog has been killed.

Any person who keeps a dog that kills or injures any livestock, poultry or domestic rabbits commits a civil violation for which a forfeiture not to exceed \$100 may be adjudged, in addition to costs, unless, before the final disposition of the case, the owner or keeper of the dog produces satisfactory evidence that the dog has been killed.

**Payment by the State under this section shall not exceed \$300 for grade cattle and horses or \$500 for registered cattle and horses. Payment shall not exceed \$50 for grade sheep, goats or swine, or \$100 for registered sheep, goats or swine.**

Sec. 4. 7 MRSA § 3653, as repealed by PL 1979, c. 672, Pt. A, § 42, is reenacted to read:

**§ 3653. Joint and several liability**

**If any sheep, lambs or other domestic animals are killed or injured by 2 or more dogs at the same time, kept by 2 or more owners or keepers, the owners or keepers of the dogs shall be jointly and severally liable for the damage.**

Sec. 5. 7 MRSA § 3654, as repealed by PL 1979, c. 672, Pt. A, § 43, is reenacted to read:

**§ 3654. Damage to beehives by wild animals**

**Whenever any beehives, bee colonies or honey, owned and properly licensed by a resident of this State, are damaged or destroyed by wild animals, the owner may present evidence of that damage or destruction and may make complaint thereof to the mayor of a city or to one of the municipal officers of the town or plantation where that damage was done within 24 hours after he has knowledge of same. Thereafter, the claims shall be investigated, reported and adjusted or approved in the same manner as claims under section 3652.**

**Payments by the State under this section shall not exceed \$40 for a single beehive or bee colony damaged or destroyed during the months of April and May and shall not exceed \$50 for a single beehive or bee colony damaged or destroyed during the months of June through November. No payment may be made for damage or destruction of beehives, bee colonies or honey during any other months.**

**STATEMENT OF FACT**

**This bill reenacts provisions of law providing for state reimbursement to owners of livestock, poultry or beehives destroyed by dogs or wild animals.**