

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

House Document

No. 398

H. P. 1204 House of Representatives, Feb. 19, 1929.

Referred to Committee on Agriculture and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Seavey of Sherman.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-NINE

AN ACT to Amend Section One Hundred and Ten of Chapter Four of the Revised Statutes, Relating to Payment of Damages Done by Dogs and Wild Animals to Domestic Animals.

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

Section one hundred and ten of chapter four of the revised statutes is hereby amended by inserting after the word "Plantation" in the twenty-fourth line the following words so it will read as follows:

'Sect 110. Whenever any sheep, lambs, or other domestic animals, poultry not included, owned by a resident of this state are killed or injured by dogs or wild animals,

4 such owner may make complaint thereof to the mayor of
5 the city, or to one of the municipal officers of the town
6 or plantation where such damage was done, within seven
7 days after he has knowledge of the same, and thereupon
8 the municipal officers shall investigate the complaint, and
9 if satisfied that the said damage was committed by dogs or
10 wild animals within the limits of their city, town or plan-
11 tation, they shall estimate the damage thereof according to
12 the full value for which they are kept, whether as breeders
13 or for other purposes, and direct that the same with fifty
14 per cent additional shall be paid from the town treasury. If
15 the municipal officers and the owner of the sheep or domes-
16 tic animals are unable to agree as to the amount of the
17 damage which shall be paid, the amount shall be determined
18 by three referees to be selected in the manner following:
19 One referee to be chosen by the municipal officers, one by
20 the owner of the animals injured or killed, and the third
21 by the two referees already selected. In case one party
22 refuses or neglects to select a referee, the other party, after
23 thirty days from the time the notice of the aforesaid dam-
24 age was given or received, shall select two referees, and the
25 two selected shall choose a third. The said referees shall
26 submit a written report, signed by a majority, within fifteen
27 days from the date of their appointment, stating the amount
28 to be paid by the town. The report of said referees shall
29 be final and the expenses of the referees shall be divided
30 equally between the owner of the animals and the town, city

31 or plantation, provided the municipal officers do not inves-
32 tigate after being notified within the seven days as herebe-
33 fore mentioned and return a satisfactory report to the own-
34 er of said animals killed or injured. The referees, after
35 hearing the evidence will be the judges and will proceed
36 the findings of the municipal officers, and their findings
37 shall be final. A referee chosen by the municipal officers
38 must be a competent judge of sheep, lambs, and other
39 domestic animals and their values. If the mayor or the
40 municipal officers of the city, town or plantation shall neg-
41 lect or refuse to act in accordance with this statute on ac-
42 count of envy, malice or prejudice they shall be liable to a
43 fine of not less than fifty dollars or not more than five hun-
44 dred dollars in each offense and for lack of funds to pay
45 the fine shall be imprisoned not less than two months or
46 more than one year in each offense. Any town paying such
47 damage caused by dogs may maintain an action on the case
48 against the owner or keeper of such dogs to recover the
49 amount paid, not exceeding the actual damage committed
50 and fifty per cent additional. Any person who keeps a dog
51 that kills or injures sheep or lambs shall be fined not less
52 than fifty, nor more than one hundred dollars and costs,
53 unless before the final disposition of the case, the said own-
54 er or keeper of the said dog produces satisfactory evidence
55 that the dog has been killed.'

In effect July ninth, nineteen hundred twenty-one.