

# MAINE STATE LEGISLATURE

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**CHAPTER 709**

**DANGEROUS DOGS**

Sec.

- 3601. Dogs running-at-large in area frequented by deer.
- 3602. Dogs killed for hunting or worrying certain animals.
- 3603. Chasing game; domestic animals or fowl.
- 3604. Killing for assault permitted.
- 3605. Complaints; damages and costs.

**§ 3601. Dogs running-at-large in area frequented by deer**

It shall be unlawful for any dog to roam-at-large in any area frequented by deer from February 1st to April 30th of each calendar year.

The owner or keeper of said dog found roaming-at-large shall be punished by a fine of not less than \$10 nor more than \$50.

1957, c. 327; 1959, c. 333, § 13; 1963, c. 279, § 22.

**§ 3602. Dogs killed for hunting or worrying certain animals**

It is unlawful for any dog to hunt, chase, kill, wound or pursue any moose, caribou, deer or elk or any other wild animal in closed season and no person shall permit any dog owned or kept by him to hunt, chase, kill, wound or pursue any moose, caribou, deer or elk at any time or any other wild animal in closed season.

Any officer may kill any dog which he finds hunting, chasing, killing, wounding or pursuing any moose, caribou, deer or elk at any time or any other wild animal in closed season or worrying, wounding or killing any domestic animal, when said dog is outside of the enclosure or immediate care of its owner or keeper.

Any person having evidence of any dog hunting, chasing, killing, wounding or pursuing moose, caribou, deer or elk at any time or any other wild animal in closed season may present said evidence to the Commissioner of Inland Fisheries and Game or any game warden who shall give notice in writing to the owner or keeper of said dog stating the acts committed by said dog. The owner or keeper of any dog so notified shall not permit any dog mentioned in said notice to leave the immediate control of said owner or keeper under the penalty as provided in Title 12, section 3060. After the owner or keeper of the dog has received written notice that his dog has committed any act prohibited by

this section, it shall be lawful for anyone to kill the dog when found committing any of the acts prohibited herein.

Any owner of domestic animals or enclosed poultry, or any member of his family, or any person to whom is entrusted the custody of any domestic animals or enclosed poultry shall have a right to kill any dog killing or attacking any of said domestic animals or enclosed poultry.

Any person having any evidence of any dog hunting, chasing, killing, wounding or pursuing any moose, caribou, deer or elk, or any other wild animal in closed season, or of any dog kept and used for the purpose, or of any dog wounding, killing or attacking any domestic animal or fowl, or any furbearing animals legally in captivity, when said dog is outside of the enclosure or immediate care of his owner or keeper, may present said evidence to the proper officer of the District Court, which said officer shall have power to issue a warrant against the owner of said dog, ordering him to appear before said court and show cause why said dog should not be killed. Upon hearing the evidence in said case said court may order said dog killed by any officer. The costs of prosecution shall be paid by the owner or keeper of said dog.

R.S.1954, c. 37, § 98; 1963, c. 279, §§ 24, 25; c. 402, § 74.

### § 3603. Chasing game; domestic animals or fowl

Any inland fish and game warden, sheriff, deputy sheriff or constable may at any time lawfully kill any dog he may find in the act of hunting or chasing moose, caribou or deer, or he may find worrying, wounding or killing any livestock or poultry, when said dog is outside of the enclosure or immediate care of its owner or keeper. Any owner of livestock or poultry or any member of his family or any person to whom is entrusted the custody of any livestock or poultry shall have a right to kill any dog attacking any of said livestock or poultry. Any person having any evidence of any dog hunting or chasing moose, caribou or deer, or of any dog kept and used for that purpose, or of any dog worrying, wounding or killing any livestock or poultry, when said dog is outside of the enclosure or immediate care of his owner or keeper, may present said evidence to the proper officer of the District Court having jurisdiction, which said officer shall have power to issue a warrant against the owner of said dog, ordering him to appear before said court and show cause why said dog should not be killed. Upon hearing the evidence in said case said court may order said dog killed.

R.S.1954, c. 100, § 24; 1957, c. 220; 1959, c. 42, § 2; 1963, c. 402, § 125.

**§ 3604. Killing for assault permitted**

Any person may lawfully kill a dog which suddenly assaults him or another person when peaceably walking or riding.

R.S.1954, c. 100, § 24.

**§ 3605. Complaints; damages and costs**

Whoever is assaulted by a dog when peaceably walking or riding or finds a dog strolling outside of the premises of its keeper and the said dog is not safely muzzled, may, within 48 hours thereafter, make written complaint before the District Court having jurisdiction, that he really believes and has reason to believe that said dog is dangerous and vicious. Whereupon said court shall order said owner or keeper to appear and answer to said complaint by serving said owner or keeper of said dog with a copy of said complaint and order a reasonable time before the day set for the hearing thereon. If, upon hearing, the court is satisfied that the complaint is true, he shall order the dog to be killed or order said owner or keeper of said dog to muzzle the same, restrain the same, or confine said dog to the premises of said owner or keeper and the owner or keeper shall pay the costs. If the order of said court is not complied with within the time fixed by such order, the court making said order may, upon application by the complainant or other person, issue his warrant directed to the sheriff of the county or any of his deputies, or to any police officer or constable in the town where the dog is found, commanding such officer forthwith to kill said dog and to make return of his doings on said warrant to the court issuing the same within 14 days from date thereof. The officer shall receive from the county treasurer \$2 for executing said warrant, together with his legal fees for travel, and the owner or keeper shall be ordered to pay the costs of such supplementary proceedings.

If a dog whose owner or keeper refuses or neglects to comply with said order wounds any person by a sudden assault, or wounds or kills any domestic animal, the owner or keeper shall pay the person injured treble damages and costs, to be recovered by a civil action.

R.S.1954, c. 100, § 25; 1961, c. 317, § 305; 1963, c. 402, § 126.