

# MAINE STATE LEGISLATURE

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## CHAPTER 711

## DAMAGE BY DOGS

Sec.

3651. Reimbursement.

3652. Damage by dogs or wild animals; recovery from owner; killing of sheep.

3653. Joint and several liability.

**§ 3651. Reimbursement**

When a dog does damage to a person or his property, his owner or keeper, and the parent, guardian, master or mistress of any minor who owns such dog, forfeits to the person injured the amount of the damage done, provided the said damage was not occasioned through the fault of the person injured, to be recovered by a civil action.

R.S.1954, c. 100, § 17; 1961, c. 317, § 303.

**§ 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 such damage was done within 24 hours after he has knowledge of same. Thereupon, the municipal officers shall investigate the complaint and if satisfied such damage was committed by dogs or wild animals within the limit of their municipality, after viewing the evidence estimate the actual value of such 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. Such 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 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 or her signature. Such 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 same shall be paid by the State to the person sustaining such damage.

All dogs doing such damage and found without leather or metal collar and tag as required by law shall be deemed to be unlicensed. If investigation shows such dog or dogs to have been legally licensed, the State shall accept liability and adjust 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 said owner or keeper of the said 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 shall be punished by a fine of not more than \$100 and costs unless, before the final disposition of the case, the said owner or keeper of the dog produces satisfactory evidence that the dog has been killed.

R.S.1954, c. 100, § 18; 1957, c. 186, § 1; 1961, c. 317, § 304.

### **§ 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 said owners or keepers of said dogs shall be jointly and severally liable for such damage.

R.S.1954, c. 100, § 20.