

MAINE STATE LEGISLATURE

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June 13, 1944 no

S.F. Dorrance, Live Stock Specialist

Agriculture

Abraham Breitbard, Deputy

Attorney General

Damage to Sheep by Dogs.

In answer to your memorandum of June 8th, relative to Ben Eaton of Exeter, Maine and his rights against the owners of dogs for killing sheep belonging to him. Under Section 165 of R. S. Chapter 5, the owner or keeper, and in case of a minor his parent, guardian, master or mistress, are liable for the damage done.

Under Section 167, where the injury is done by two or more dogs at the same time, ~~and~~ kept by two or more owners or keepers, such owners or keepers become jointly and severally liable for each damage. This provision simplifies the procedures so that all persons whose dogs are concerned in one injury may all be named in one suit. This provision would be particularly applicable to the case under consideration against John Rockwell and Robert Hammond.

Your further inquiry whether a person who disposes of his dog is liable for the damage done, please be advised that the proceedings for the killing of the dog had no effect on the injured person's right to damages. Consequently, he may complain and present evidence to a trial justice for the destruction of the animal, and at the same time sue for the damage sustained by him against the owner or keeper of the dog.

Abraham Breitbard
Deputy Attorney General

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