

# MAINE STATE LEGISLATURE

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no  
December 9, 1963

Samuel F. Dorrance, Director

Division of Animal Industry  
Agriculture  
Attorney General

John W. Benoit, Assistant

Inconsistency in law relative to age of dogs to be licensed.

Your memorandum of December 4, 1963 is acknowledged.

**FACTS:**

You have stated that R. S., c. 100, § 9, as amended by P. L. 1963, c. 146, provides that assessors of taxes are to list in their inventories all dogs 4 months old or over. Additional amendments to this law were introduced (L. D. 1158) to the 101st Legislature for the purpose of further amending R. S., c. 100. Included among the amendments was one which would have changed the age of dogs to be licensed from 6 months to 4 months; and this amendment would have harmonized § 9 and § 10 as both relate to the age of dogs to be licensed and inventoried. This measure failed passage and leaves an ambiguity between § 9 and § 10 of R. S., c. 100. Instructions to municipal clerks for the 1964 licensing of dogs will be sent from your office during mid-January.

**QUESTION:**

You ask: "Can it be assumed that all dogs 4 months old or over, as of April 1, must be licensed?"

**ANSWER:**

No.

**REASON:**

Section 10 of c. 100, R. S., requires that the owner or keeper of any dog 6 months old or over shall apply for a license for the animal. Section 9 of the same chapter requires that municipal tax assessors shall include in their inventory lists, all dogs 4 months old or over owned or kept by inhabitants of the municipality. Both sections may be read independently one from the other.

Samuel F. Dorrance

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December 9, 1963

An oversight on the part of the Legislature has resulted in a hardship of sorts concerning the tax assessors inventories as they concern the listing of dogs in the municipality.

We suggest that your instructions to municipal clerks include language instructing them to inform the assessors to make two lists. One list shall include dogs between 4 months and 6 months of age. The second list to contain all dogs 6 months of age and older. Copies of the two lists should be forwarded to both the Commissioner of Agriculture and the Treasurer of State. The amount due the State is based on the number of dogs to be licensed, i.e., the number 6 months old or over.

Although some would argue that the Legislature intended to lower the licensing age from 6 months to 4 months, still that intention has not yet become crystallized.

Respectfully submitted,

John W. Benoit  
Assistant Attorney General

JWB/slf