

MAINE STATE LEGISLATURE

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no
June 30, 1964

S. F. Dorrance, Assistant Director

Agriculture D.A.I.

John W. Benoit, Assistant

Attorney General

State's Liability for Damage to Livestock by Rabid Fox.

FACTS:

In the Rangeley area, a cow and two sheep were attacked by a fox. The livestock died after contracting rabies. A laboratory test of one animal showed a positive result to the rabies test.

QUESTION:

Whether the State is liable for the value of livestock which died as a result of an attack by a rabid fox?

ANSWER:

Yes.

REASON:

The applicable statutory provision is as follows:

"Sec. 18. Payment of damages done by dogs and wild animals; recovery from owner; keeping dogs that kill livestock and poultry. 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. . . ." R. S. 1954, c. 100.

The livestock were killed by a wild animal. The fact that death was caused by rabies transmitted to the livestock by a wild animal is as significant as the fact of the death of livestock by the physical destruction thereof by a wild animal.

This opinion is not concerned with any questions of procedure. Further, we have not been requested to render a formal expression upon any other questions, such as what constitutes "properly enclosed" livestock. Your memorandum presented a single question: Whether the live-

stock were killed by a wild animal within the meaning of R. S. c. 100,
§ 18.

John W. Benoit

JWB/eh