

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 1436

S. P. 481

In Senate, March 31, 1965

Reported by Senator Shiro of Kennebec, from Committee on Legal Affairs.
Printed under Joint Rules No. 10.

EDWIN H. PERT, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

AN ACT Revising the Dog Laws.

Be it enacted by the People of the State of Maine, as follows :

Sec. 1. R. S., T. 7, § 3401, amended. The first paragraph of section 3401 of Title 7 of the Revised Statutes is amended to read as follows :

‘Assessors of taxes shall include in their inventories lists of all dogs 4 months old or over owned or kept by any inhabitants on the first day of ~~April~~ **January**, setting the number and sex thereof opposite the names of their respective owners or keepers, and shall make returns to the clerks of their respective municipalities ~~and to the Commissioner of Agriculture or his authorized agent of such lists~~ on or before the first day of June following.’

Sec. 2. R. S., T. 7, § 3451, amended. The first paragraph of section 3451 of Title 7 of the Revised Statutes is amended to read as follows :

‘On or before the first day of ~~April~~ **January** of each year, the owner or keeper of any dog 4 months old or over shall apply to the city or town clerk either orally or in writing for a license for each such dog owned or kept by him. Such application shall state the breed, sex, color and markings of such dogs and the name and address of the last previous owner.’

Sec. 3. R. S., T. 7, § 3451, amended. The first, 3rd and 4th sentences of the 2nd paragraph of section 3451 of Title 7 of the Revised Statutes are amended to read as follows :

‘A fee of ~~\$1.15~~ **\$1** shall be paid the city or town clerk for each license issued on male dogs, and a fee of ~~\$5.15~~ **\$5** shall be paid for all female dogs capable of bearing young.’

'When such certificate accompanies the application, a fee of ~~\$1.45~~ \$1 shall then be paid on such spayed females. In addition to the amount paid for license and tag, each applicant shall pay the city or town clerk ~~25c~~ 50c for recording and making a return to the Commissioner of Agriculture, except that a license and tag shall be issued by the city or town clerk, upon application, for any trained guide dog owned or kept by a blind person without payment of any fee required under this section.'

Sec. 4. R. S., T. 7, § 3451, amended. The last 3 paragraphs of section 3451 of Title 7 of the Revised Statutes are repealed and the following enacted in place thereof:

'All license blanks and tags shall be furnished by the commissioner. The representatives of the Department of Agriculture in charge of animal husbandry shall be known as the Animal Husbandry Specialist and the assistant animal husbandry specialist, who shall carry out the dog licensing laws and the adjustment of claims for damages to livestock and poultry by dogs and wild animals, and to the promotion of animal husbandry within the State. The expense of furnishing the blanks and tags, and the necessary clerk hire and travel, and the salary of the Animal Husbandry Specialist and the assistant animal husbandry specialist shall be paid from the funds received from the licensing of dogs. Money is appropriated out of the dog license receipts for the purposes of this section.

Any person becoming the owner or keeper of a dog after the first day of January, not duly licensed as required, shall, within 10 days after he becomes the owner or keeper of said dog, cause said dog to be described and licensed as provided.

"Kennel" means one pack or collection of dogs kept under one ownership in a single premise for breeding, hunting, show, training, field trials and exhibition purposes, or maintained as a business for the buying and selling of dogs or for any form of boarding of dogs.

The clerk of any municipality in which a kennel is located shall issue a kennel license, as herein provided, for the owner or operator thereof, provided the dogs are kept within a proper kennel; such kennel license shall permit the licensee or authorized agent to transport under control and supervision such kennel dogs within or without the State.

When the number of dogs so kept does not exceed 10, the fee for such license shall be \$10 and in addition 50c for each license as a fee for recording and making the return required by law; when the number of dogs so kept exceeds 10, the fee for such license shall be \$20 and in addition 50c for each such license as a fee for recording and making the return required by law, and no fees shall be required for dogs of such license under the age of 4 months. Dogs covered by kennel license shall be furnished suitable kennel tags as prescribed by the commissioner or his agent and shall not be required to be individually licensed.

The Commissioner of Agriculture, his authorized agent, a humane agent or a veterinarian employed by the State may, at any time, enter any kennel, excepting any building used for human habitation heretofore recognized as not subject to

search warrant, and make examination and conduct any recognized test for the existence of any contagious or infectious disease or condition and may quarantine such kennel in person or by registered mail and such quarantine shall be maintained as long as the veterinarian employed by the State may deem necessary. Any kennel where dogs are housed or confined shall be maintained in a sanitary and humane manner. Records of purchases and sales of all dogs must be kept, stating names, complete address of persons from whom purchased and to whom sold shall be open for inspection to local police officers or humane agents, the Commissioner of Agriculture or his authorized agent.

The Commissioner of Agriculture may revoke or suspend a kennel license providing any person, firm or corporation, maintaining a kennel violates any quarantine or maintains dogs in an insanitary or inhumane manner, or fails to comply with laws or orders of the commissioner by not keeping records required by law.

Any person, firm or corporation aggrieved by any order issued under this chapter may, by petition, take an appeal within 60 days to the Superior Court in the county where the said person resides, or where the firm or corporation is located. Such petition shall, in substance, state the findings by the Commissioner of Agriculture and the grounds of appeal, and said court shall consider said proceeding de novo and the parties thereto shall have right of exception and appeal as in civil matters.

Any person, firm or corporation maintaining a kennel or corporation maintaining a kennel without having obtained a license for same or after any license has been revoked or suspended shall be punished by a fine of not more than \$50.'

Sec. 5. R. S., T. 7, § 3501, repealed. Section 3501 of Title 7 of the Revised Statutes is repealed.

Sec. 6. R. S., T. 7, § 3702, amended. The first paragraph of section 3702 of Title 7 of the Revised Statutes is amended to read as follows:

'The municipal officers of each municipality shall annually within ~~10 days from the first day of June~~ the month of April issue a warrant, returnable on ~~July~~ December 15th following, to one or more police officers or constables ~~or State Humane Agents~~, directing him or them to proceed forthwith to enter complaint and summons to court the owner or keeper of any unlicensed dog. The said police officer ~~or constable or State Humane Agent~~ shall, before entering such complaint and obtaining said summons, call on the owner or keeper of said dog and demand that he conform with the law and pay the license fees due, and if the owner pays such license fees, he shall pay in addition thereto the officer's fee of \$3, which the officer shall retain and make return and pay over to the city or town clerk the license fees received by him.'

Sec. 7. R. S., T. 7, § 3702, amended. The last paragraph of section 3702 of Title 7 of the Revised Statutes is repealed.

Sec. 8. R. S., T. 7, § 3703, amended. The first sentence of section 3703 of Title 7 of the Revised Statutes is amended to read as follows:

'Each police officer ~~or constable or State Humane Agent~~ to whom the warrants named in section 3702 are issued shall return the same at the time specified.'