

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

**Legislative Document**

**No. 85**

H. P. 77

House of Representatives, January 11, 1979

Referred to the Committee on Agriculture. Sent up for concurrence.

EDWIN H. PERT, Clerk

Presented by Mr. Laffin of Westbrook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

**AN ACT Concerning Euthanasia of a Sick or Injured Dog Brought to a  
Veterinarian, to a Humane Society or to a Shelter.**

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

**7 MRSA § 3406**, as last amended by PL 1969, c. 242, is repealed and the following enacted in its place:

**§ 3406. Dogs brought to veterinarian**

**1. Normal procedure.** Any person finding a sick, stray, injured or abandoned dog may take that dog to any licensed veterinarian, humane society or shelter within the State and the veterinarian, humane society or shelter may accept the dog, providing the shelter has been approved by the Commissioner of Agriculture or his agent. Any licensed veterinarian, humane society or shelter accepting a sick, stray, injured or abandoned dog shall keep that dog for a period of 10 days and shall be entitled to receive from the State the sum of \$1.50 per day for the period or part thereof for which food and shelter are furnished for that dog, provided that the licensed veterinarian, humane society or shelter shall notify the clerk of the respective municipality within 24 hours after accepting the dog. The notice shall include a detailed description of the dog and the circumstances of its finding. Upon the expiration of the 10 days, if the owner of the dog has not appeared to claim the dog, then the licensed veterinarian, humane society or shelter may give away, sell or otherwise humanely dispose of the dog. No dog

shall leave any boarding agency until licensed by the person accepting the dog in accordance with section 3451. Proceeds from any sale shall be deducted from any claim for board made to the State. In the event the owner of the dog shall appear and claim the dog while still in possession of the keeper, the owner may have and receive the dog upon payment of all charges provided for in this subsection. All moneys paid by the State to the keepers shall be taken from the fund received from dog licenses.

2. Dog severely injured. A veterinarian may authorize in writing immediate euthanasia of a dog received by him, by a humane society or by a shelter within the State if the dog is severely injured, if the euthanasia will alleviate suffering by the dog and if the dog is neither rabid nor suspected of rabies. A veterinarian shall not be civilly liable to any party for authorization made in accordance with this subsection, nor shall any person performing euthanasia under that authorization be civilly liable to any party for performing that euthanasia.

3. Dog sick or injured. A veterinarian may authorize in writing euthanasia of a sick or injured dog received by him, by a humane society or by a shelter within the State if:

- A. Forty eight hours have elapsed since receipt of the sick or injured dog by him, by the humane society or by the shelter;
- B. The clerk of the municipality has been notified in accordance with subsection 1 of the dog's presence;
- C. The dog is not rabid or suspected of rabies; and
- D. The dog's recovery from his sickness or injury, given reasonable time and reasonable care, is doubtful.

A veterinarian shall not be liable to any party for authorization made under this subsection, nor shall any person performing euthanasia under that authorization be liable to any party for performing that euthanasia.

#### STATEMENT OF FACT

This bill permits a veterinarian to authorize euthanasia of a sick or injured dog brought to him, to a humane society or to an animal shelter if the dog's recovery within a reasonable time and with reasonable care is unlikely. There is no reason to keep a sick or injured dog suffering for the present 10-day statutory waiting period before he can be euthanized if there are slim prospects for the dog's recovery.