

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 241

H. P. 194

House of Representatives, January 13, 1981

Referred to the Committee on Agriculture. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Drinkwater of Belfast.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT Concerning Domestic Animals Running at Large.

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

Sec. 1. 7 MRSA § 3455, as last amended by PL 1979, c. 541, Pt. A, § 76, is repealed.

Sec. 2. 7 MRSA § 3456, as amended by PL 1979, c. 492, § 10, is repealed.

Sec. 3. 7 MRSA § 3457, as repealed and replaced by PL 1977, c. 696, § 105, is repealed.

Sec. 4. 7 MRSA c. 717 is enacted to read:

CHAPTER 717

DOMESTIC ANIMALS

§ 4001. Animals not to run at large

1. Prohibition. No person having the care of animals, whether domestic or otherwise, may permit or allow the animals to go at large on any highway, street, land, alley, common, square or any other public place, or upon the property of another person without the consent of that person; except that dogs when used for hunting may be permitted to go at large.

2. Seizure. Upon complaint of any person, any animal found in violation of

**this section may be seized and impounded by any law enforcement officer, animal control officer or other public official authorized for these purposes at the expense of the animal's owner or keeper.**

**3. Disposal.** Any animal so found, not bearing the identification of the owner shall be classified as a stray, and may be humanely disposed of after being held for 10 days. The officer may keep the animal in any appropriate facility, public or private.

**4. Violation.** In addition to seizing and impounding the animal, the officer having jurisdiction may bring suit against the owner or keeper of any animal running at large, and that owner or keeper commits a civil violation for which a forfeiture of not less than \$25 nor more than \$100 shall be adjudged.

**5. Definition; at large.** The term "at large" means off the premises of the owner or keeper and not under the control of any person by means of a chain, rope, material of sufficient strength to control the animal or such personal presence and attention as will reasonably control the conduct of the animal.

#### **§ 4002. Local regulations**

**Municipalities of this State are empowered to adopt or retain more stringent ordinances, laws or regulations dealing with the subject matter of this chapter. Any less restrictive municipal ordinances, laws or regulations dealing with the subject matter of this chapter are invalid and of no force and superseded by this chapter.**

#### **STATEMENT OF FACT**

**The purpose of this bill is to alleviate the problem of domestic animals running at large on public ways where they endanger vehicular or pedestrian traffic or are endangered by vehicular traffic, and to facilitate the classification of animals not bearing their owner's identification, as strays.**