

MAINE STATE LEGISLATURE

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(New Draft of: S. P. 110, L. D. 239)
FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1558

S. P. 582

In Senate, April 24, 1981

Reported by Senator Wood of York from the Committee on Agriculture and
printed under Joint Rules No. 2.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

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

**AN ACT to Reimburse Owners of Livestock, Poultry or Beehives which are
Destroyed or Damaged by Dogs or Wild Animals.**

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

Sec. 1. 5 MRSA § 1510-B, as enacted by PL 1979, c. 672, § 3, is repealed.

Sec. 2. 7 MRSA § 3406, sub-§ 1, 2nd sentence, as amended by PL 1979, c. 663, § 22, is further amended to read:

Any licensed veterinarian, humane society or shelter accepting a sick, stray, injured or abandoned dog shall keep that dog for a period of ~~10~~ 8 days and shall be entitled to receive from the State the sum of \$2.50 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 notifies the clerk of the respective municipality within 24 hours after accepting the dog.

Sec. 3. 7 MRSA § 3406, sub-§ 1, 4th sentence, as enacted by PL 1979, c. 121, is amended to read:

Upon the expiration of the ~~10~~ 8 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.

Sec. 4. 7 MRSA § 3451, 5th ¶, as last amended by PL 1979, c. 731, § 19, is repealed and the following enacted in its place:

All license blanks and tags shall be furnished by the commissioner. The commissioner shall carry out the dog licensing laws and the adjustment of, and authorization of payment of, claims for damages to livestock, poultry, domestic rabbits and bees by dogs and wild animals. The expense of furnishing the blanks and tags, and the necessary personnel and travel, approved claims for damages done by dogs and wild animals shall be paid from the funds received from the licensing of dogs. The commissioner shall use funds received from the licensing of dogs, in addition to any other funds authorized for expenses of the Division of Animal Welfare. Funds received from the licensing of dogs shall not be used to pay any claims for damage done by bears received after December 31, 1983. In addition, the commissioner may use funds received from the licensing of dogs to promote animal husbandry within the State until December 31, 1983.

Sec. 5. 7 MRSA § 3652-A is enacted to read:

§ 3652-A. Damage by dogs or wild animals to livestock, poultry or domestic rabbits; recovery from owner

Whenever any livestock, poultry or domestic rabbits, properly enclosed, owned by a resident of this State are 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 animal, may make complaint thereof to the mayor of a city or to one of the municipal officers of the town or plantation where the damage was done within 24 hours after he has knowledge of the damage. Thereupon, the municipal officers shall investigate the complaint and, if satisfied that damage was committed by dogs or wild animals within the limit of their municipality, after viewing the evidence, estimate the actual value of the animals or poultry according to the purposes for which they were kept, whether as breeders or other purposes, together with the damage to any other animals or poultry being bitten, torn, chased or exhausted, and make returns on blanks furnished by the Department of Agriculture, Food and Rural Resources. These returns shall be made in triplicate, the original and duplicate copies, together with a bill from the claimant, shall be mailed to the Commissioner of Agriculture, Food and Rural Resources or his duly authorized agent within 15 days from the date of the investigation, and the triplicate copy shall be kept by the municipal clerk as his record.

A full description of all evidence seen by the investigator shall be plainly printed or written in triplicate on all reports and recommendations giving the number of animals or poultry, properly enclosed, with the estimated value and the number of each, giving their ages, average live weight and any other information that will assist in making a fair adjustment.

When livestock, poultry or domestic rabbits, properly enclosed, are kept in an unincorporated place, the owner may make complaint to the municipal officers of the nearest municipality adjoining, or the nearest municipality when there is none adjoining, who shall investigate the complaint.

Each report and recommendation shall be signed by the investigator in the

place provided for his signature. The signature shall be construed to mean that the investigator has seen evidence legally establishing the liability of the State. All reports and recommendations shall be signed by a majority of the municipal officials.

The commissioner or his duly authorized agent shall approve the bill or, if it seems advisable, investigate and adjust the claim.

The State may maintain a civil action against the owner or keeper of the dogs to recover the amount paid, unless, before the final disposition of the case, the owner or keeper of the dog produces satisfactory evidence that the dog has been killed.

Any person who keeps a dog that kills or injures any livestock, poultry or domestic rabbits commits a civil violation for which a forfeiture not to exceed \$100 may be adjudged, in addition to the costs, unless, before the final disposition of the case, the owner or keeper of the dog produces satisfactory evidence that the dog has been killed.

Payment by the State under this section shall not exceed \$300 for grade cattle and horses or \$500 for registered cattle and horses. Payment shall not exceed \$50 for grade sheep, goats or swine, or \$100 for registered sheep, goats or swine. Payment shall not exceed \$10 for any single poultry or rabbit.

This section does not apply for any claims for damage done by bears received after December 31, 1983.

Sec. 6. 7 MRSA § 3653, as repealed by PL 1979, c. 672, Pt. A, § 42, is reenacted to read:

§ 3653. Joint and several liability

If any sheep, lambs or other domestic animals are killed or injured by 2 or more dogs at the same time, kept by 2 or more owners or keepers, the owners or keepers of the dogs shall be jointly and severally liable for the damage.

Sec. 7. 7 MRSA § 3654-A is enacted to read:

§ 3654-A. Damage to beehives by wild animals

Whenever any beehives, bee colonies or honey, owned and properly licensed by a resident of this State, are damaged or destroyed by wild animals, the owner may present evidence of that damage or destruction and may make complaint thereof to the mayor of a city or to one of the municipal officers of the town or plantation where that damage was done within 24 hours after he has knowledge of damage. Thereafter, the claims shall be investigated, reported and adjusted or approved in the same manner as claims under section 3652-A.

Payments by the State under this section shall not exceed \$40 for a single beehive or bee colony damaged or destroyed during the months of April and May and shall not exceed \$50 for a single beehive or bee colony damaged or destroyed during the months of June through November. No payment may be made for damage or destruction of beehives, bee colonies or honey during any other months.

This section does not apply for any claims for damage done by bears received after December 31, 1983.

Sec. 8. 7 MRSA c. 715, as enacted by PL 1979, c. 672, Pt. A, § 44, is repealed.

Sec. 9. 12 MRSA § 7506 is enacted to read:

§ 7506. Damage by bear

1. Payment. The Department of Inland Fisheries and Wildlife shall pay from funds otherwise available to the department for damage done by bear to livestock, poultry, domestic rabbits and bees according to the following schedule:

- A. For grade cattle and horses, not to exceed \$300;**
- B. For registered cattle and horses, not to exceed \$500;**
- C. For grade sheep, goats or swine, not to exceed \$50;**
- D. For registered sheep, goats or swine, not to exceed \$100;**
- E. For any single poultry or rabbit, not to exceed \$10; and**
- F. For a single beehive or bee colony damaged or destroyed during the months of April and May, not to exceed \$40, and during the months of June through November, not to exceed \$50.**

2. Procedure. The commissioner shall adopt rules to establish standards and procedures for validating and adjusting claims and making payments.

Sec. 10. Limit on repayment. During fiscal years 1981-82 and 1982-83, any money owed to the General Fund by the dog license fund shall be repaid only at the end of the respective fiscal years and only to the extent that funds are available. Notwithstanding any other law, if such amounts are not fully repaid at the end of fiscal year 1982-83, they shall be repaid at the end of subsequent fiscal years from any amounts available at the end of such year until repayment is complete.

Sec. 11. Effective date. Section 9 of this Act shall take effect on January 1, 1984.

FISCAL NOTE

The fiscal impact of this new draft will be to a dedicated revenue account. There are several changes which will affect the available resources and will also provide for a delay in repayment of a loan to the General Fund if necessary, which could result in the funds being paid in subsequent years as funds are available.

STATEMENT OF FACT

This new draft has the following purposes.

1. It reduces from 10 to 8 the number of days that the State must pay for the

boarding of stray dogs. The purpose of this reduction is to help finance an expected deficit in the dog license fund and to pay the costs of a reinstated program to indemnify the owners of domestic animals damaged or killed by dogs or wild animals.

2. It abolishes the recently established program to insure sheep against predation by dogs and wild animals. This program has been a financial failure.

3. It reinstates a program to indemnify owners of livestock, poultry, domestic rabbits and bees for damage done by dogs and wild animals. All damage is to be paid out of the dog license receipts. All damage by bear after January 1, 1984, will be paid out of the funds available to the Department of Inland Fisheries and Wildlife, since bear are an animal protected by that department.

4. It provides that the expenses of an animal husbandryman which have historically been paid out of dog license fees shall cease to be paid out at such fees after December 31, 1983.

5. It limits repayment of a debt owed by the dog license fund to the General Fund to any funds that may be available at the end of fiscal years 1981-82 and 1982-83, respectively.