

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1292

H.P. 963 House of Representatives, April 21, 1987  
Reference to the Committee on Judiciary suggested and  
ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative WEYMOUTH of West Gardiner.  
Cosponsored by Senator DOW of Kennebec.

STATE OF MAINE

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

AN ACT to Require Physical Contact Before a  
Dog Owner may be Liable for Damages  
Caused by his Dog.

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

7 MRS A §3651 is further amended to read:

§3651. Reimbursement

When a dog does damage to a person or his property,  
his owner or keeper, and the parent, guardian, master  
or mistress of any minor who owns such dog, forfeits  
to the person injured the amount of the damage done,  
provided the said damage was not occasioned through  
the fault of the person injured, to be recovered by  
a civil action. No person may recover dam-

1 ages under this section or under any common law cause  
2 of action for damage to any person or property caused  
3 by a dog, unless there has been physical contact be-  
4 tween the dog and the person or property in question.

5 STATEMENT OF FACT

6 In Henry v. Brown, 495 A.2d 324, (Me.) 1985, the  
7 Supreme Judicial Court of Maine ruled that a person  
8 who has been injured as a result of an encounter with  
9 a dog need not prove that there was any physical con-  
10 tact between him and the dog. This bill is intended  
11 to reverse that determination and to require that any  
12 person who is injured by a dog in Maine be required  
13 to prove that the dog had physical contact with him.  
14 The bill's intention is that this rule apply regard-  
15 less of whether the plaintiff is suing under the law  
16 which the bill amends or under any common law theory  
17 of liability.

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