



115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 864

H.P. 604

House of Representatives, February 27, 1991

Reference to the Committee on Agriculture suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative NUTTING of Leeds.

Cosponsored by Representative TARDY of Palmyra, Representative LOOK of Jonesboro and Senator BERUBE of Androscoggin.

STATE OF MAINE

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

An Act Concerning the Restraint of Dogs That Pose a Public Risk.

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

Sec. 1. 7 MRSA \$3947, as amended by PL 1987, c. 643, \$3, is further amended to read:

6 §3947. Animal control officers

8 Each municipality shall appoint one or more animal control officers whose duties shall-be are enforcement of sections 3911,
10 3912, 3921, 3924, 3943, 3948, 3950, 3950-A, <u>3952</u> and 3966 to 3970 and such other duties to control animals as the municipality may require.

Sec. 2. 7 MRSA §3952, sub-§1, as amended by PL 1989, c. 212, is further amended to read:

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1. Procedure. Any person who is assaulted by a dog without
18 provocation or any person witnessing an unprovoked assault, within 10 days of the assault, may make written complaint to the
20 sheriff-or- a local law enforcement officer, which includes an animal control officer, that the dog is dangerous or vicious.

The-sheriff-or <u>A</u> local law enforcement officer, which includes an animal control officer, may file the complaint in District Court or Superior Court.

- If, upon hearing, the court is satisfied that the complaint is true, it shall:
- A. Order the-dog-mussled,--restrained-or-confined-to-the
 premises-of-its the owner or keeper of the dog to control
 the dog in accordance with section 3952-A; or
- B. Order the dog to be euthanatized if it has killed,
 maimed or inflicted serious bodily injury upon a person or
 has a history of assault.
- 38 The owner or keeper who keeps a dog in violation of this section commits a civil violation for which a forfeiture not to exceed 40 \$100, plus costs, may be adjudged.
- 42 Sec. 3. 7 MRSA §3952, sub-§3, as amended by PL 1987, c. 736, §6, is further amended to read:
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Complaint for dogs presenting immediate З. threat to 46 After-filing-of-complaint-in-District-Court-or-Superior public. Court-and-before-hearing,-if-the-dog-poses an-immediate-threat-to 48 the-public,--the-deg-shall-be-subject--to-muzzling,-restraint-er confinement-to--its-premises-upon-order-of--the-sheriff-or-local 50 law---enforcement---officer---who---filed---the---complaint. Upon investigating a complaint of a dangerous dog, if the local law enforcement officer and the animal control officer have probable 52

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cause to believe the dog poses an immediate threat to the public, the animal control officer shall immediately order the dog's owner or keeper to control the dog in accordance with section 3952-A pending a hearing and shall expeditiously file a complaint with the District Court or the Superior Court. Upon failure of the owner or keeper to comply, the animal control officer te-whem eemplaint-was-made-may shall apply to District Court, Superior Court or a justice of the peace for an ex parte order for authorization to take possession of the dog which poses an immediate threat to the public and turn it over to the applicant or other suitable person.

Sec. 4. 7 MRSA §3952-A is enacted to read:

<u>§3952-A. Control requirements</u>

If ordered to control a dog pursuant to section 3952, a dog18owner or keeper must confine the dog at all times. The dog must
be either within the owner or keeper's dwelling; within a secure,20locked enclosure designed to prevent the escape of the animal and
the entry of young children; or, if outside of the dwelling or22enclosure, muzzeled and restrained with a chain having a minimum
tensile strength of 300 pounds and not exceeding 3 feet in length24and under the direct control and supervision of the dog's owner
or keeper.

STATEMENT OF FACT

30 This bill sets up more stringent and expeditious control requirements for dogs considered dangerous. It directs animal 32 control officers to immediately order an owner or keeper to implement strict control measures when a dog poses a threat to 34 the public.

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