

MAINE STATE LEGISLATURE

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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.

A handwritten signature in cursive script that reads "Ed Pert".

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:

2
4 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, 3912, 3921, 3924, 3943, 3948, 3950, 3950-A, 3952 and 3966 to 3970 and such other duties to control animals as the municipality may require.

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

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

22 ~~The sheriff or~~ A local law enforcement officer, which includes an animal control officer, may file the complaint in District Court or Superior Court.

26 If, upon hearing, the court is satisfied that the complaint is true, it shall:

30 A. ~~Order the dog muzzled, 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

34 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 \$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:

44 3. **Complaint for dogs presenting immediate threat to public.** ~~After filing of complaint in District Court or Superior Court and before hearing, if the dog poses an immediate threat to the public, the dog shall be subject to muzzling, restraint or confinement to its premises upon order of the sheriff or local 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

