

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1434

H.P. 1019

House of Representatives, April 27, 1995

An Act to Strengthen the Laws Concerning Damage by Dogs.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative OTT of York.

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

4 **Sec. 1. 7 MRSA §3907, sub-§22-B** is enacted to read:

6 22-B. Pet. "Pet" means a dog, cat or other animal commonly kept in a household, but does not include tamed animals that are ordinarily considered wild animals.

8 **Sec. 2. 7 MRSA §3962-A**, as enacted by PL 1993, c. 468, §19, is repealed and the following enacted in its place:

12 **§3962-A. Penalty for damage to livestock or pets by dogs**

14 1. Violation. The owner or keeper of a dog that kills or injures livestock, poultry, domestic rabbits or pets commits a civil violation for which a forfeiture not to exceed \$100 may be adjudged in addition to costs.

18 2. Additional remedy. A person who suffers damage pursuant to this section may pursue a civil action against the owner or keeper of the dog pursuant to section 3961.

22 3. Exception. If the owner or keeper of a dog that kills or injures another dog establishes that the dog that was attacked provoked the attack or that the dog that committed the attack was leashed or controlled on the owner's or keeper's property at the time of the attack, then the owner or keeper is not liable under this section or section 3961.

24 **Sec. 3. 7 MRSA §3963**, as enacted by PL 1987, c. 383, §3, is amended to read:

26 **§3963. Joint and several liability**

28 If any properly enclosed livestock, poultry or domestic rabbits or pets are killed or injured by 2 or more dogs at the same time which and the dogs are kept by 2 or more owners or keepers, the owners or keepers shall be are jointly and severally liable for the damage.

30 **Sec. 4. 12 MRSA §7504, sub-§6, ¶D**, as enacted by PL 1979, c. 420, §1, is amended to read:

32 D. Any person having evidence of any dog chasing, killing, wounding or pursuing any moose, caribou, deer or elk, or any other wild animal in closed season, or of any dog kept and used for that purpose, or of any dog worrying, wounding or killing any domestic animal, including another dog, or any livestock, poultry, fowl or furbearing animal legally in

2 captivity, when the dog is outside of the enclosure or
immediate care of his the dog's owner or keeper, may present
4 that evidence to the District Court having jurisdiction.

6 (1) The court may issue a warrant against the owner of
the dog, ordering ~~him~~ the owner to show cause why the
8 dog should not be killed.

10 (2) Upon hearing the evidence in the case, the court
may order the dog killed by any game warden.

12 (3) The costs of prosecution ~~shall~~ must be paid by the
14 owner or keeper of the dog.

16 STATEMENT OF FACT

18 This bill amends the laws establishing liability for damage
done by dogs to livestock and poultry to also establish liability
20 for damage done by dogs to other pets, including dogs. An
exception to liability is established if the dog causing the
22 damage was provoked by the dog victim.