

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

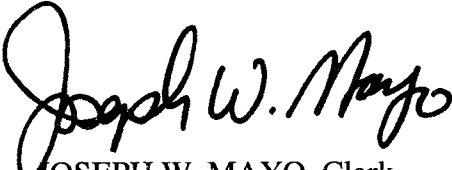
No. 575

H.P. 433

House of Representatives, January 19, 1999

**An Act to Provide for Increased Penalties, Enforcement and Education
Regarding Dangerous Dogs.**

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


JOSEPH W. MAYO, Clerk

Presented by Representative GAGNON of Waterville.
Cosponsored by Senator KILKELLY of Lincoln and
Representatives: BRENNAN of Portland, BUMPS of China, CHIZMAR of Lisbon,
COLWELL of Gardiner, KANE of Saco, PIEH of Bremen, TOWNSEND of Portland,
Senator: NUTTING of Androscoggin.

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

2
4 **Sec. 1. 7 MRSA §3906-B, sub-§15**, as enacted by PL 1995, c. 502, Pt. C, §12, is amended to read:

6 **15. Annual report.** The commissioner shall report the
8 activities of the commissioner annually by March 1st to the joint
10 standing committee of the Legislature having jurisdiction over
12 agricultural matters. This report must include a summary of
14 cases of cruelty to animals investigated by the commissioner and
an account of deposits into and payments from the spaying and
neutering fund. This report must include a summary of complaints
regarding dangerous dogs and the disposition of those complaints.

16 **Sec. 2. 7 MRSA §3952, sub-§1**, as amended by PL 1997, c. 690,
§35, is further amended to read:

18 **1. Procedure.** Any person who is assaulted by a dog without
20 provocation or any person witnessing an unprovoked assault
22 against a person or domesticated animal or any person with
knowledge of an assault against a child 12 years of age or
younger whether or not the attack was provoked, within ~~10~~ 90 days
24 of the assault, may make ~~written~~ complaint to the sheriff, local
law enforcement officer or animal control officer that the dog is
dangerous or vicious.

26
28 The sheriff, local law enforcement officer or animal control
officer may file ~~the~~ a complaint in District Court or Superior
Court based on a reported assault.

30
32 If, upon hearing, the court is satisfied that an assault on a
person or a domesticated animal has taken place, the court shall:

34 A. Order the dog muzzled, restrained or confined to the
premises of its owner or keeper; or

36 B. Order the dog to be euthanatized if it has killed,
38 maimed or inflicted serious bodily injury upon a person or
has a history of a prior assault.

40
42 The owner or keeper who keeps a dog in violation of this section
commits a civil violation for which a forfeiture not to exceed
44 \$100 ~~\$1,000~~, plus costs, may be adjudged.

46 **Sec. 3. 7 MRSA §3952, sub-§3**, as amended by PL 1997, c. 690,
§36, is further amended to read:

48 **3. Complaint for dogs presenting immediate threat to**
50 **public.** After filing of complaint in District Court or Superior
Court and before hearing, if the dog poses an immediate threat to

2 the public, ~~the dog is subject to muzzling, restraint or~~
3 ~~confinement to its premises upon order of the sheriff, local law~~
4 ~~enforcement officer or animal control officer who filed the~~
5 ~~complaint~~ a sheriff, local law enforcement officer or animal
6 control officer may order the owner or keeper of the dog to
7 muzzle, restrain or confine the dog to the owner's premises or to
8 have the dog confined at the owner's expense at a place
9 determined by the sheriff, local law enforcement officer or
10 animal control officer. Upon failure to comply, the officer to
11 whom complaint was made may apply to District Court, Superior
12 Court or a justice of the peace for an ex parte order for
13 authorization to take possession of the dog that poses an
14 immediate threat to the public and turn the dog over to the
15 applicant or other suitable person.

16 Sec. 4. 7 MRSA §§3954 and 3955 are enacted to read:

18 **§3954. Information collection; report**

20 Upon filing a complaint in accordance with section 3952, a
21 sheriff, local law enforcement officer or animal control officer
22 shall submit a copy of the complaint to the department. The
23 courts shall provide the department with information concerning
24 the disposition of all complaints received under section 3952.
25 The department shall compile information on the incidence of
26 attacks by dogs, include this information in the annual report
27 submitted pursuant to section 3906-B, subsection 15, and provide
28 this information to the Director of the Bureau of Health within
29 the Department of Human Services.

30 **§3955. Public awareness program**

32 The commissioner in consultation with the Commissioner of
33 Human Services shall initiate the development of public service
34 announcements to educate parents, children and the general public
35 about safe behavior around dogs, including aspects of human and
36 animal interactions that the commissioners determine important
37 components of safety education.

40 Sec. 5. 20-A MRSA §6554 is enacted to read:

42 **§6554. Animal safety**

44 The department shall work with the Department of
45 Agriculture, Food and Rural Resources to develop a curriculum to
46 teach school-aged children about safe behavior around dogs and
47 other animals. The department shall make the curriculum
48 available to public and approved private schools and shall offer
49 technical assistance to aid in the implementation of animal
50 safety programs. Because of the incidence of animal attacks and

2 the prevalence of rabies in the State, the Director of the Bureau
3 of Health within the Department of Human Services shall
4 periodically advise the department of the importance of including
5 these materials as a component of health and safety instruction
6 mandated under section 4711.

7 **Sec. 6. 22 MRSA §1313, sub-§1**, as enacted by PL 1993, c. 468,
8 §23, is amended to read:

9 **1. Establishment of procedures.** The commissioner, in
10 consultation with the Commissioner of Agriculture, Food and Rural
11 Resources and the Commissioner of Inland Fisheries and Wildlife
12 shall adopt rules, in accordance with the Maine Administrative
13 Procedure Act, establishing procedures for responding to a report
14 of an animal suspected of having rabies. The procedures must
15 include provisions for the transportation, quarantine, euthanasia
16 and testing of an animal suspected of having rabies and, when
17 that animal has bitten a person, provisions for the notification
18 of the animal control officer in the locality where the bite
19 occurred. The procedures may differ based on the perceived
20 public health threat determined in part by consideration of the
21 following factors:

22
23 A. Whether the animal is a domesticated animal for which a
24 known effective vaccine exists and, if so, can the animal's
25 vaccination status be verified; and

26
27 B. Whether the animal has bitten a person or exhibited
28 other aggressive behavior.

30 SUMMARY

31
32 This bill amends the provisions regarding dangerous dogs to
33 extend the period during which a complaint of assault may be made
34 from 10 to 90 days after the attack. It removes the restriction
35 that the assault must be unprovoked when the person assaulted is
36 a child 12 years of age or younger. It increases the maximum
37 fine for a violation of the dangerous dog statutes from \$100 to
38 \$1,000. It requires the officer filing a complaint of a
39 dangerous dog to send a copy of the complaint to the Department
40 of Agriculture, Food and Rural Resources. It allows the officer
41 making the complaint to determine where the animal must be
42 confined pending the court hearing.

43
44 This bill directs the Department of Agriculture, Food and
45 Rural Resources to collect information regarding assaults by
46 dogs, to summarize that information in its annual report to the
47 Legislature and provide this information to the Director of the
48 Bureau of Health within the Department of Human Services. It

2 directs the Department of Human Services to establish a procedure
for notifying the local animal control officer when a bite occurs.

4 It requires the Department of Education and the Department
6 of Agriculture, Food and Rural Resources to develop a curriculum
to teach children about safe behavior around dogs and other
8 animals. It requires the Department of Agriculture, Food and
Rural Resources and the Department of Human Services to develop
10 public service announcements to increase awareness of safe
behavior around animals. It requires the Department of
12 Agriculture, Food and Rural Resources and the Department of Human
Services to develop public service announcements to increase
awareness of safe behavior around animals.