

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 705

H.P. 498

House of Representatives, January 26, 1999

An Act to Prevent an Aggressive Dog from Doing Harm to People.

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 JONES of Pittsfield.
Cosponsored by Representatives: CAMPBELL of Holden, GAGNON of Waterville,
STEDMAN of Hartland.

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

4 Sec. 1. 7 MRSA §3952-A is enacted to read:

6 §3952-A. Complaints regarding potentially dangerous dogs

8 1. Filing of complaint. A sheriff, local law enforcement
10 officer or animal control officer may file a complaint in
12 District Court alleging that a dog is a potentially dangerous dog
14 if the sheriff, law enforcement officer or animal control
16 officer has reason to believe that the dog poses a threat of
18 serious injury to a person or has been trained, tormented or
20 encouraged to attack a person without provocation.

22 2. Court determination. If, upon hearing, the court finds
24 that the dog does pose a threat of serious injury to a person or
26 has been trained, tormented or encouraged to attack a person
28 without provocation, the court shall declare the dog to be a
30 potentially dangerous dog and order the owner or keeper of the
32 dog to confine the dog in accordance with the requirements
34 established in subsection 3. In making a determination, the
36 court may request that the dog be evaluated by a licensed
38 veterinarian or, upon recommendation of a licensed veterinarian,
40 by a licensed dog breeder or professional dog handler.

42 3. Confinement of potentially dangerous dog. The owner or
44 keeper of a dog determined by the court to be a potentially
46 dangerous dog in accordance with this section shall confine the
48 dog as provided in this subsection. The owner or keeper shall:

A. Display in a conspicuous manner a sign on the premises
warning that a potentially dangerous dog is on the
premises. The sign must be visible and legible from a
distance of 50 feet from the enclosure required under
paragraph B;

B. Except as provided in paragraph C, confine the dog to an
enclosure that has sound sides, top and bottom to prevent
the potentially dangerous dog from escaping by climbing,
jumping or digging. The enclosure must be within a fence of
at least 6 feet in height and the fence must be at least 3
feet from the enclosure. The enclosure must be locked to
prevent entry by the general public and to preclude release
or escape of the dog; and

C. If the dog is not in the enclosure, securely muzzle and
restrain the dog with a tether having a tensile strength
sufficient to prevent escape and of a length that restricts
the dog's movements to a radius of no more than 3 feet from

2 the owner or keeper and that keeps the dog under direct
3 supervision of the owner or keeper.

4 4. Change in ownership; notification of status. When
5 transferring ownership of a dog determined to be a potentially
6 dangerous dog in accordance with this section, the owner or
7 keeper of the dog shall inform the new owner that the dog has
8 been determined by the court to be potentially dangerous and
9 shall inform the new owner of the confinement requirements that
10 apply. In addition, the owner shall notify the local animal
11 control officer as soon as practicable if the dog is unconfined,
12 has died or has been sold or given away. If the dog has been
13 sold or given away, the new owner shall contact the local animal
14 control officer in the municipality where the new owner resides
15 and inform the animal control officer of the dog's status as a
16 dangerous dog and the address where the dog is confined. The new
17 owner shall comply with the confinement requirements of
18 subsection 3 and with this subsection.

19 5. Violations. An owner or keeper of a potentially
20 dangerous dog who fails to comply with a court order to confine
21 that dog in accordance with subsection 3 commits a civil
22 violation for which a forfeiture not to exceed \$1,000 may be
23 adjudged. A sheriff, local law enforcement officer or animal
24 control officer may seize and impound a potentially dangerous dog
25 whose owner fails to confine the dog in accordance with
26 subsection 3. The court, upon application of the sheriff, local
27 law enforcement officer or animal control officer and after a
28 hearing, may order the dog euthanatized.

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SUMMARY

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33 This bill enacts provisions to declare a dog as a
34 potentially dangerous dog and require the owner or keeper to
35 confine the dog.
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