

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 931

H.P. 675

House of Representatives, February 2, 1999

An Act to Ensure Children's Safety from Uncontrolled 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 DAVIS of Falmouth.
Cosponsored by Representatives: GOODWIN of Pembroke, HATCH of Skowhegan,
LEMONT of Kittery, McKENNEY of Cumberland, MENDROS of Lewiston.

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

2 Sec. 1. 7 MRSA §3913, sub-§6, as amended by PL 1997, c. 690,
4 §11, is repealed.

6 Sec. 2. 7 MRSA §3913, sub-§6-A and 6-B are enacted to read:

8 6-A. Euthanasia for severely sick or severely injured dog.
9 A humane agent, an animal control officer or an animal shelter
10 within the State may authorize in writing immediate euthanasia of
11 a severely sick or severely injured dog upon determining that the
12 following conditions are met:

14 A. The clerk or animal control officer of the municipality
15 where the dog was found has been notified of the dog's
16 presence and the owner of the dog, if known, has been
17 notified; and

18 B. A veterinarian states in writing that the dog's recovery
19 from its injury or illness, given reasonable time and
20 reasonable care, is doubtful.

22 Notwithstanding paragraphs A and B, a veterinarian may authorize
23 immediate euthanasia if, in the veterinarian's judgment, there is
24 no possibility of recovery for a severely injured or sick animal.

26 6-B. Euthanasia for extremely vicious dog or dog that
27 causes serious bodily injury. A humane agent, an animal control
28 officer or an animal shelter within the State may authorize in
29 writing immediate euthanasia for an extremely vicious dog or dog
30 that causes serious bodily injury upon determining that the
31 following conditions are met:

34 A. The clerk or animal control officer of the municipality
35 where the dog was found has been notified of the dog's
36 presence and the owner of the dog, if known, has been
37 notified; and

38 B. A veterinarian, an animal control officer or law
39 enforcement officer states in writing that the dog while not
40 on a leash or under the control of its owner caused serious
41 bodily injury to a child 12 years of age or younger or that
42 the dog presents a danger to the public.

44 The owner of a dog euthanized in accordance with this subsection
45 is responsible for all expenses incurred by the victim of the dog
46 and incurred by any official, facility or municipality in the
47 operation of this subsection.

50 Sec. 3. 7 MRSA §3913, sub-§7, as amended by PL 1997, c. 690,
51 §11, is further amended to read:

52 7. **Immunity from civil liability.** A veterinarian, a humane
53 agent, an animal control officer or an animal shelter is not

2 civilly liable to any party for authorization made in accordance
with ~~subsection--6~~ subsections 6-A or 6-B nor is any person
4 performing euthanasia under that authorization.

6 SUMMARY

8 This bill authorizes the immediate euthanasia for a dog that
while not on a leash or under control of the dog's owner, causes
10 serious bodily injury to a child 12 years of age or younger.
This bill requires the owner of the dog to pay all expenses
12 incurred by the victim of the dog and for the costs of the
euthanasia.