

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1181

H.P. 847

House of Representatives, February 11, 1999

An Act to Amend the Laws Pertaining to Dangerous 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 THOMPSON of Naples.
Cosponsored by Senator BENNETT of Oxford and
Representative DAVIS of Falmouth.

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

2 **Sec. 1. 7 MRSA §3952, sub-§1**, as amended by PL 1997, c. 690,
4 §35, is further amended to read:

6 **1. Procedure.** Any person, or if a minor, the minor's
7 parent or guardian, who is assaulted by a dog without provocation
8 or any person witnessing an unprovoked assault against a person
9 or domesticated animal, ~~within 10 days of the assault,~~ may make
10 ~~written~~ complaint to the sheriff, local law enforcement officer
11 ~~or~~ animal control officer or district attorney that the dog is
12 dangerous or vicious.

14 The sheriff, local law enforcement officer ~~or~~ animal control
15 officer or district attorney may file the complaint in District
16 Court or Superior Court.

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

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

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

28 ~~The owner or keeper who keeps a dog in violation of this section~~
29 ~~commits a civil violation for which a forfeiture not to exceed~~
30 ~~\$100, plus costs, may be adjudged.~~

32 **Sec. 2. 7 MRSA §3952, sub-§4**, as amended by PL 1987, c. 736,
33 §6, is repealed and the following enacted in its place:

34 **4. Court action; ex parte.** An order may be entered ex
35 parte upon findings by the court or justice of the peace when:

38 A. There is a reasonable likelihood that the dog is
39 dangerous or vicious;

40 B. It's owner has failed to muzzle, restrain or confine the
41 dog and that failure poses an immediate threat of harm to
42 the public; and

44 C. The dog has inflicted a serious bodily injury as defined
45 in Title 17-A, section 2, subsection 23.

48 **Sec. 3. 7 MRSA §3952, sub-§4-A** is enacted to read:

50 **4-A. Modify order.** An order may be modified by the court.

2 A. Upon 2 days' notice or such shorter period as the court
4 may prescribe, the owner whose animal has been possessed
6 pursuant to an ex parte order may appear in the District
 Court or Superior Court and move the dissolution or
 modification of the ex parte order.

8 B. The court shall hear and determine the motion as
10 expeditiously as possible.

12 C. The owner shall submit an affidavit setting forth
14 specific facts to substantiate the modification or
 dissolution of the order. The applicant has the burden of
 presenting evidence to substantiate the original findings.

16 **Sec. 4. 7 MRSA §3952, sub-§7 is enacted to read:**

18 7. Class D crime. If the owner refuses or neglects to
20 comply with the orders in subsections 1 and 4, the owner commits
 a Class D crime.

22
24

SUMMARY

26 This bill seeks to strengthen enforcement of the laws
 pertaining to dangerous dogs. The bill adds the district
28 attorney as a person to which an individual may file a complaint
 when the individual, or if a minor, the individual's parent or
30 guardian is assaulted by a dangerous dog. The bill indicates
 that if the dog has inflicted a serious bodily injury to a person
 an ex parte order may be entered. The bill also makes it a Class
32 D crime if an owner does not abide by the orders in the Maine
 Revised Statutes, Title 7, section 3952, subsections 1 and 4.