MAINE STATE LEGISLATURE

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2	L.D. 661
4	DATE: Capril 39 2001 (Filing No. 5-98)
	ACDICHI TUDE CONCEDIATION AND EODECTDY
6	AGRICULTURE, CONSERVATION AND FORESTRY
8	Reported by:
10	Reproduced and distributed under the direction of the Secretary of the Senate.
12	STATE OF MAINE
14	SENATE
16	120TH LEGISLATURE FIRST REGULAR SESSION
10	FIRST REGULAR SESSION
18	COMMITTEE AMENDMENT "A" to S.P. 189, L.D. 661, Bill, "An
20	Act to Make An Owner Responsible for a Person's Injuries Caused by a Dog"
22	-
24	Amend the bill by striking out the title and substituting the following:
26	'An Act to Make an Owner Responsible for Injuries Caused by a Dog'
28	Further amend the bill in section 1 in that part designated "§3961." by striking out all of subsection 2 (page 1, lines 15 to
30	19 in L.D.) and inserting in its place the following:
32	'2. Injuries by dog. Notwithstanding subsection 1, when a dog injures a person who is not on the owner's or keeper's
34	premises at the time of the injury, the owner or keeper of the dog is liable in a civil action to the person injured for the
36	amount of the damages. Any fault on the part of the person injured may not reduce the damages recovered for physical injury
38	to that person unless the court determines that the fault of the person injured exceeded the fault of the dog's keeper or owner.
40	
42	Further amend the bill by inserting after section 1 the following:
44	'Sec. 2. 7 MRSA §3961-A is enacted to read:
46	§3961-A. Attack on service dog
48	A person who owns or keeps a dog that attacks, injures or kills a service dog while the service dog is in discharge of its

Page 1-LR1926(2)

duties commits a civil violation for which a forfeiture of not

more than \$1,000 may be adjudged.

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to S.P. 189, L.D. 661

2	When a person is adjudicated of a violation of this section,
	the court shall order the person to make restitution to the owner
4	of the service dog for any veterinary bills and necessary retraining costs or replacement costs of the dog if it is
6	disabled or killed.
8	For the purposes of this section, "service dog" means a guide dog for the visually impaired, a hearing dog trained to
10	alert a person with impaired hearing or a personal care dog as defined in Title 17, section 1312, subsection 7.
12	
14	Further amend the bill by inserting at the end before the summary the following:
16	FISCAL NOTE
18	This bill may increase the number of civil suits filed in the court system. The additional workload and administrative
20	costs associated with the minimal number of new cases filed car be absorbed within the budgeted resources of the Judicial
22	Department. The collection of additional filing fees may also increase General Fund revenue by minor amounts.
24	The additional workload and administrative costs associated
26	with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial
28	Department. The collection of additional fines may increase General Fund revenue by minor amounts.'
30	•
32	SUMMARY
34	This amendment provides for a victim to recover full damages for physical injuries related to an attack by a dog when the
36	court determines that the victim's fault is less than the fault of the dog's owner.
38	This amendment makes it a civil violation for a person to
40	own or keep a dog that attacks a service dog. When a violation of this section of law occurs the court shall order restitution

Page 2-LR1926(2)

It also adds a fiscal note to the bill.

COMMITTEE AMENDMENT