

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 702

H.P. 519

House of Representatives, February 14, 2003

An Act To Amend the Animal Welfare Laws

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative McKEE of Wayne.
Cosponsored by Senator BRYANT of Oxford and
Representatives: FLETCHER of Winslow, GAGNE-FRIEL of Buckfield, LUNDEEN of Mars Hill, SMITH of Monmouth, TWOMEY of Biddeford.

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

4 **Sec. 1. 7 MRSA §3907, sub-§1-A.** as amended by PL 1993, c. 657,
§1, is repealed.

6 **Sec. 2. 7 MRSA §3907, sub-§1-B** is enacted to read:

8 **1-B. Abandoned animal.** "Abandoned animal" means an animal
10 that has been deserted by its owner or keeper and left in or on a
private or public place without food, water, shelter or medical
12 attention.

14 **Sec. 3. 7 MRSA §3913, sub-§4,** as amended by PL 1997, c. 690,
§11, is further amended to read:

16 **4. Ownership of dog.** Upon expiration of the 6-day period,
18 ownership of the dog is vested in the animal shelter. The animal
shelter may then:

20 A. Sell or give away the dog, but not to a research
22 facility, if a license is first obtained in accordance with
chapter 721; or

24 B. Otherwise dispose of the dog humanely in accordance with
26 Title 17, chapter 42, subchapter IV. Except as provided in
this section, an animal shelter must hold a dog at least 8
28 days before euthanasia.

30 ~~Notwithstanding this subsection, ownership of a dog for the~~
~~purposes of adoption is immediately vested in an animal shelter~~
~~if the animal shelter makes a determination that the dog is~~
32 ~~obviously abandoned. An obviously abandoned dog does not include~~
~~a dog roaming at large.~~

34 An animal shelter shall establish and collect fees for reclaimed
36 or adopted animals to offset costs of keeping a dog beyond 6 days.

38 None of the proceeds obtained from the sale, donation, adoption
40 or other disposition of the dog may be deducted from the fee
claimed.

42 Notwithstanding subsection 3, paragraph C, the previous owner may
44 reacquire the dog at any time prior to its sale, donation or
disposal upon payment of the municipal impoundment fee and actual
46 fees incurred for food, shelter, veterinary care and any other
fees required by this chapter for each day that the dog has been
sheltered. In this case, no fee may be allowed by the department.

48 **Sec. 4. 7 MRSA §3913, sub-§§6 and 7,** as amended by PL 1997, c.
50 690, §11, are repealed.

2 **Sec. 5. 7 MRSA §3924**, as amended by PL 1997, c. 690, §23, is
further amended to read:

4 **§3924. Violation**

6 **1. Civil violation.** Any person who violates any section of
this chapter commits a civil violation for which a ~~forfeiture-net~~
8 to-exceed fine of not less than \$100 or more than \$250 may be
adjudged.

10 **2. Unlawful use of collar or tag.** A person who removes a
tag or who places a tag on a dog for which the license was not
12 issued commits a civil violation for which a ~~forfeiture~~ fine of
14 not ~~more~~ less than \$100 or more than \$250 may be adjudged.

16 **Sec. 6. 7 MRSA §3948**, as amended by PL 1997, c. 690, §§29 to
31, is further amended to read:

18 **§3948. Animal control**

20 **1. Control.** ~~Municipalities~~ A municipality shall control
22 ~~dogs running-at-large as provided under section 3911.~~

24 ~~2.--Medical attention.--Law enforcement officers and animal
control officers shall take a stray animal to its owner,--if
26 known,--or,--if the owner is unknown,--to an animal shelter--and
ensure that any injured animal that is at large or in a public
28 way is given proper medical attention.~~

30 2-A. Cats. A municipality may control cats as provided
under section 3919.

32 ~~3.--Domesticated and undomesticated animals.--A municipality
shall control domesticated animals that are a cause of complaint
34 in the community.--A municipality shall control animals that pose
a threat to public health or safety.--A municipality may control
36 undomesticated animals in matters on which no other department is
charged by law to regulate.~~

40 3-A. Animal trespass. A municipality may control animals
as provided under section 4041.

42 4. Rabies or hydrophobia. A municipality shall control
44 animals as provided under Title 22, sections 1313, 1313-A and
1313-B.

46 5. Public health and safety. A municipality shall control
48 animals that are a threat to public health and safety.

50 **Sec. 7. 7 MRSA §3952, first ¶**, as enacted by PL 1999, c. 350,
§2, is amended to read:

2 A person who owns or keeps a dangerous dog commits a civil
violation for which a ~~forfeiture~~ fine of not less than \$250 or
4 more than \$1,000, plus costs, may be adjudged.

6 **Sec. 8. 7 MRSA §3952, sub-§1**, as amended by PL 2001, c. 399,
§5, is further amended to read:

8
10 **1. Procedure.** Any person who is assaulted or threatened
with imminent bodily injury by a dog or any person witnessing an
12 assault or threatened assault against a person or domesticated
animal or a person with knowledge of an assault or threatened
14 assault against a minor, within 30 days of the assault or
threatened assault, may make written complaint to the sheriff,
16 local law enforcement officer or animal control officer that the
dog is a dangerous dog.

18 Upon investigation of the complaint, the sheriff, local law
enforcement officer or animal control officer may issue a civil
20 violation summons for keeping a dangerous dog.

22 ~~If, upon hearing,~~ the court finds that the dog is a dangerous dog
as defined in section 3907, subsection 12-D, the court may impose
24 a ~~civil-forfeiture~~ fine and shall:

26 A. Order the dog muzzled, restrained, confined to the
premises of its owner or keeper or confined in a secure
28 enclosure. The court may set standards for that enclosure;
or

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

34 The court may order restitution in accordance with Title 17-A,
36 chapter 54 for any damages inflicted upon a person or a person's
property.

38 **Sec. 9. 7 MRSA §3952, sub-§1-A** is enacted to read:

40
42 **1-A. Change in ownership or address; notice.** An owner or
keeper who has received a summons or court order for keeping a
44 dangerous dog shall notify the law enforcement agency in the
municipality where the summons or court order was issued of any
46 change in residence or ownership of the dog, whether by sale,
transfer, exchange, gift or other method. A copy of any summons
48 or court order concerning the dog must be sent by registered mail
to the new owner and to the law enforcement agency in the
50 municipality where the dog resides. Receipt of a copy of any
summons or court order by registered mail serves as notice to the
new owner of the inherent risks involved in keeping a dangerous

2 dog and the need to protect the general public from any harm from
3 the dog.

4 **Sec. 10. 7 MRSA §3952, sub-§3**, as amended by PL 1999, c. 350,
5 §2, is further amended to read:

6
7 **3. Dogs presenting immediate threat to public; temporary**
8 **custody.** After issuing a summons and before hearing arraignment,
9 if the dog poses an immediate or continuing threat to the public,
10 a sheriff, local law enforcement officer ~~or~~, animal control
11 officer or humane agent shall order the owner or keeper of the
12 dog to muzzle, restrain or confine the dog to the owner's
13 premises or to have the dog confined at the owner's expense at a
14 place determined by the sheriff, local law enforcement officer
15 ~~or~~, animal control officer or humane agent. If the owner or
16 keeper fails to comply, the sheriff, local law enforcement
17 officer ~~or~~, animal control officer or humane agent may apply to
18 District Court, Superior Court or a justice of the peace for an
19 ex parte order for authorization to take possession of the dog
20 that poses an immediate or continuing threat to the public and
21 turn the dog over to the applicant or other suitable person.

22 **Sec. 11. 7 MRSA §3952, sub-§3-A** is enacted to read:

23
24 **3-A. Violation of order.** If the owner or keeper of the dog
25 refuses or neglects to comply with the order under subsection 3
26 that is issued by the sheriff, law enforcement officer, animal
27 control officer or humane agent, then the sheriff, law
28 enforcement officer, animal control officer or humane agent is
29 authorized to take temporary custody of the dog without a court
30 order and place the dog in a veterinary hospital or licensed
31 animal shelter for a period of 48 hours. If after 48 hours the
32 owner does not claim the dog from temporary custody, the dog may
33 be declared abandoned and the shelter is authorized to dispose of
34 the dog as provided in section 3913, subsection 4.

35
36 A person found guilty of violating this subsection commits a
37 civil violation for which a fine of not less than \$250 or no more
38 than \$1,000 may be adjudged.

41 SUMMARY

42
43 This bill amends the animal welfare laws to add the
44 definition of "abandoned animal," to establish procedures for
45 municipalities regarding animal control and to provide for
46 notification procedures for owners or keepers of dangerous dogs.

47
48 The bill also increases the minimum fine for certain civil
49 violations involving dog licenses and establishes a fine for
50 certain violations regarding owning or keeping a dangerous dog.

2 The bill also establishes a notification procedure for owners or keepers of dangerous dogs.