

# MAINE STATE LEGISLATURE

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**AGRICULTURE, CONSERVATION AND FORESTRY**

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**STATE OF MAINE**

**SENATE**

**123RD LEGISLATURE**

**FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 124, L.D. 380, Bill, "An Act To Protect the Public from Dangerous Dogs"

Amend the bill by inserting after the title and before the enacting clause the following:

**'Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the public safety is threatened by the failure of dog owners to properly confine dangerous dogs; and

**Whereas,** statutory changes are needed to better protect the public; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Amend the bill by striking out all of section 1 and inserting the following:

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

**1. Procedure.** Any person who is assaulted or threatened with imminent bodily injury by a dog or any person witnessing an assault or threatened assault against a person or domesticated animal or a person with knowledge of an assault or threatened assault against a minor, within 30 days of the assault or threatened assault, may make written complaint to the sheriff, local law enforcement officer or animal control officer that the dog is a dangerous dog. For the purposes of this chapter, "domesticated animal" includes, but is not limited to, livestock as defined in section 3907, subsection 18-A.

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

1 If, upon hearing, the court finds that the dog is a dangerous dog as defined in section  
2 3907, subsection 12-D, the court may impose a ~~civil forfeiture~~ fine and shall:

3 A. Order the dog ~~muzzled, restrained, confined to the premises of its owner or~~  
4 ~~keeper or~~ confined in a secure enclosure except as provided in subsection 8. The  
5 ~~court may set standards for that enclosure~~ For the purposes of this paragraph, "secure  
6 enclosure" means a fence or structure of at least 6 feet in height forming or making an  
7 enclosure suitable to prevent the entry of young children and suitable to confine a  
8 dangerous dog in conjunction with other measures that may be taken by the owner or  
9 keeper, such as tethering the dangerous dog. The secure enclosure must be locked, be  
10 designed with secure top, bottom and sides and be designed to prevent the animal  
11 from escaping from the enclosure; or

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

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

16 **Sec. 2. 7 MRSA §3952, sub-§1-A** is enacted to read:

17 **1-A. Identification and confinement of dogs.** In addition to orders imposed under  
18 subsection 1, the court may order that the owner or keeper of a dangerous dog:

19 A. Provide the animal control officer in the municipality where the dangerous dog is  
20 kept with photographs and descriptions of dogs kept by that owner or keeper  
21 including the sex, breed, age and identifying markings of each dog;

22 B. Have dogs kept by that owner or keeper permanently identified by tattooing,  
23 microchip placement or other means directed by the court; or

24 C. Confine other dogs kept on the owner's or keeper's premises as provided in  
25 subsection 1, paragraph A and subsection 8.'

26 Amend the bill in section 2 in subsection 7 in the 2nd line (page 1, line 16 in L.D.) by  
27 inserting after the following: "subsection 1" the following: '1-A'

28 Amend the bill by inserting after section 2 the following:

29 '**Sec. 3. 7 MRSA §3952, sub-§8** is enacted to read:

30 **8. Restriction of movement outside of a secure enclosure.** An owner or keeper of  
31 a dog confined to a secure enclosure by a court under subsection 1 or 1-A may not allow  
32 the dog outside of the secure enclosure unless:

33 A. It is necessary to obtain veterinary care for the dog or to comply with orders of  
34 the court; and

35 B. The dog is securely muzzled, restrained by a tether not more than 3 feet in length  
36 with a minimum tensile strength of 300 pounds and under the direct control of the  
37 dog's owner or keeper.'

38 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
39 section number to read consecutively.

COMMITTEE AMENDMENT "A" to S.P. 124, L.D. 380

1 Amend the bill by adding before the summary the following:

2 'Emergency clause. In view of the emergency cited in the preamble, this  
3 legislation takes effect when approved.'

4 SUMMARY

5 This amendment authorizes a court to order the owner or keeper of a dangerous dog  
6 to provide the animal control officer with identifying information for each dog kept by  
7 that person, to have dogs kept on that person's premises permanently identified and to  
8 order dogs kept on the premises to be confined in a secure enclosure. It also specifies  
9 when a dog confined in a secure enclosure by a court order is allowed out of that  
10 enclosure and the restraints that must be used.

11 This amendment also adds an emergency preamble and emergency clause to the bill.

**FISCAL NOTE REQUIRED**  
**(See attached)**



# 123rd MAINE LEGISLATURE

LD 380

LR 1237(02)

## An Act To Protect the Public from Dangerous Dogs

Fiscal Note for Bill as Amended by Committee Amendment "A "

Committee: Agriculture, Conservation and Forestry

Fiscal Note Required: Yes

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### Fiscal Note

Minor cost increase - General Fund  
Minor revenue increase - General Fund

### Correctional and Judicial Impact Statements

Establishes new Class D crimes. Sentences for a Class D crime must be served in a County Jail. The average cost to county for each Class D sentence is \$6,795 based on an average length of stay of 62 days.

The collection of additional fines may also increase General Fund revenue by minor amounts.