

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 755

H.P. 562

House of Representatives, March 1, 2011

An Act To Strengthen the Laws Regarding Dangerous Dogs

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative FOSSEL of Alna.
Cosponsored by Senator RECTOR of Knox and
Representatives: DOW of Waldoboro, MALABY of Hancock, SANDERSON of Chelsea,
Senator: TRAHAN of Lincoln.

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

2 **Sec. 1. 7 MRSA §3952, sub-§1**, as corrected by RR 2009, c. 1, §9, is amended to
3 read:

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

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

13 If, upon hearing, the court finds that the dog is a dangerous dog as defined in section
14 3907, subsection 12-D, the court shall impose a fine and shall:

15 A. Order the dog confined in a secure enclosure except as provided in subsection 8.
16 For the purposes of this paragraph, "secure enclosure" means a fence or structure of
17 at least 6 feet in height forming or making an enclosure suitable to prevent the entry
18 of young children and suitable to confine a dangerous dog in conjunction with other
19 measures that may be taken by the owner or keeper, such as tethering the dangerous
20 dog. The secure enclosure must be locked, be designed with secure top, bottom and
21 sides and be designed to prevent the animal from escaping from the enclosure. The
22 court shall specify the length of the period of confinement and may order permanent
23 confinement; ~~or~~

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

26 C. Order the dog to be securely muzzled, restricted by a tether not more than 3 feet
27 in length with a minimum tensile strength of 300 pounds and under the direct control
28 of the dog's owner or keeper whenever the dog is outside of a secure enclosure as
29 defined in paragraph A.

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

32 **Sec. 2. 7 MRSA §3952, sub-§8**, as enacted by PL 2007, c. 170, §4, is amended to
33 read:

34 **8. Restriction of movement outside of a secure enclosure.** An owner or keeper of
35 a dog confined to a secure enclosure by a court under subsection 1, paragraph A or
36 subsection 1-A, paragraph C may not allow the dog outside of the secure enclosure
37 unless:

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

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

4 **SUMMARY**

5 This bill requires the court to specify the length of confinement if confinement is
6 ordered in the case of a dangerous dog and specifies that the court may order permanent
7 confinement in such a case. It also allows the court to order the dog to be securely
8 muzzled, restricted by a tether not more than 3 feet in length with a minimum tensile
9 strength of 300 pounds and under the direct control of the dog's owner or keeper
10 whenever the dog is outside.