

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1169

H.P. 867

House of Representatives, March 17, 2011

An Act To Require Timely Reporting of Dog Licensing

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 KNIGHT of Livermore Falls. (BY REQUEST)
Cosponsored by Senator MARTIN of Kennebec and
Representatives: AYOTTE of Caswell, BRIGGS of Mexico, COTTA of China, FOSSEL of
Alna, MAZUREK of Rockland, McCABE of Skowhegan, McKANE of Newcastle,
PRESCOTT of Topsham.

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

2 **Sec. 1. 7 MRSA §3924, sub-§1**, as enacted by PL 1987, c. 383, §3, is amended to
3 read:

4 **1. Civil violation.** Any person who violates any section of this chapter, including
5 possession of a dog that has never been licensed as required by this chapter, commits a
6 civil violation for which a forfeiture fine not to exceed \$100 may be adjudged. If the dog
7 has never been licensed as required by this chapter, the person is also liable for the
8 licensing fee and late fee established in section 3923-A.

9 **Sec. 2. 7 MRSA §3943**, as repealed by PL 2009, c. 343, §19, is reenacted to read:

10 **§3943. Municipal warrants**

11 **1. Procedure.** Between February 1st and April 1st annually, the municipal officers
12 of each municipality shall issue a warrant with the names and addresses of all owners or
13 keepers of unlicensed dogs to one or more police officers, constables, sheriffs or animal
14 control officers, directing them to send a notice of violation to the last known address of
15 the owners or keepers or call on the owners or keepers. The warrant must further direct
16 that demand be made on the owners or keepers to obtain a license from the municipal
17 clerk within 7 days from the date of demand and remit to the clerk the license and
18 recording fees plus a late fee of \$25 for each dog that is licensed. Finally, the warrant
19 must direct the police officer, constable, sheriff or animal control officer to enter
20 summons and complaint as soon as possible for all owners or keepers so notified who fail
21 to comply with the order.

22 **2. Returns of warrant.** Each police officer, constable, sheriff or animal control
23 officer to whom the warrant is issued shall return the warrant to the municipal clerk on or
24 before July 1st of each year.

25 **3. Payments to officers.** Payment to certain officers must be as follows.

26 A. The municipal clerk shall deposit the late fees collected from all dog owners and
27 keepers in a separate account pursuant to section 3945.

28 B. Officers rendering services are entitled to compensation as the municipal officers
29 may determine.

30 **Sec. 3. 7 MRSA §3947, first ¶**, as amended by PL 2009, c. 343, §20, is further
31 amended to read:

32 Each municipality shall appoint one or more animal control officers whose duties are
33 enforcement of sections 3911, 3912, 3916, 3921, 3924, ~~3943~~, 3948, 3950, 3950-A, 3952
34 and 4041 and Title 17, section 1023, responding to reports of animals suspected of having
35 rabies in accordance with Title 22, sections 1313 and 1313-A and any other duties to
36 control animals as the municipality may require. A municipality may appoint an
37 employee of an animal shelter as an animal control officer as long as the person meets the
38 qualifications and training requirements of this section.

1

SUMMARY

2 Current law requires the licensing of a dog by January 31st annually. If a person
3 acquires a license after January 31st, a late fee of \$25 is imposed in addition to the
4 licensing fee. However, there is no specific penalty for failing to ever license a dog; only
5 failure to license on time. This bill clarifies that the general penalty imposed for a
6 violation of the dog licensing laws, a maximum fine of \$100, applies to a person who is
7 in possession of a dog that has never been licensed, plus the applicable licensing fee and
8 late fee.

9 This bill also restores the municipal warrant process, which requires municipal
10 officers to compile a list of owners or keepers of dogs that have been previously licensed
11 but have not been licensed as of February 1st annually and further requires a law
12 enforcement officer or animal control officer to serve those warrants on the owners of
13 those dogs.