

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 395

H.P. 270

House of Representatives, February 12, 2013

**An Act To Allow a Pet Owner To Collect Noneconomic Damages for
the Death of a Pet**

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative WILLETTE of Mapleton.
Cosponsored by Senator KATZ of Kennebec and
Representatives: BECK of Waterville, FREDETTE of Newport, KNIGHT of Livermore Falls.

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

2 **Sec. 1. 7 MRSA §4021** is enacted to read:

3 **§4021. Damages for death of pet**

4 **1. Liability for unlawful act.** A person whose unlawful and intentional or negligent
5 act, or a person whose animal, kills the pet of a pet owner or causes fatal injuries to the
6 pet of a pet owner is liable for up to \$5,000 in noneconomic damages. If the death is
7 caused by the person's negligent act, the death or fatal injury must have occurred on the
8 property of the pet owner or the caretaker of the pet or while the pet was under the control
9 and supervision of the pet owner or caretaker of the pet.

10 **2. Damages limits not applicable.** Limits for noneconomic damages set out in
11 subsection 1 do not apply to causes of action for intentional infliction of emotional
12 distress or any other civil action other than a cause of action involving the direct and sole
13 loss of a pet.

14 **3. Damages limited to compensation.** Noneconomic damages awarded pursuant to
15 this section are limited to compensation for the loss of the reasonably expected
16 companionship, love and affection of a pet.

17 **4. No liability or damages.** This section does not:

18 **A.** Apply to a nonprofit entity or governmental agency, or its employees, negligently
19 causing the death of a pet while acting on the behalf of public health or animal
20 welfare; or

21 **B.** Authorize an award of noneconomic damages in an action for professional
22 negligence against a licensed veterinarian.

23 **5. Not exclusive.** The award of noneconomic damages for an act under this section
24 does not preclude any other civil or criminal liability for the same act.

25 **SUMMARY**

26 This bill creates a cause of action for noneconomic damages to be collected by a pet
27 owner when another person or the person's animal kills the pet or injures the pet and the
28 injuries lead to the death of the pet. The person must have been acting unlawfully and
29 either intentionally or negligently. If the person's actions were negligent, the death or
30 fatal injury must have occurred on the property of the pet owner or caretaker or while the
31 pet was under the control and supervision of the pet owner or caretaker. Damages are
32 limited to \$5,000 for the loss of the reasonably expected companionship, love and
33 affection of the pet. The \$5,000 limit does not apply to causes of action for intentional
34 infliction of emotional distress or any other civil action other than the direct and sole loss
35 of a pet.

36 The bill does not apply to a nonprofit entity or governmental agency, or its
37 employees, negligently causing the death of a pet while acting on the behalf of public

1 health or animal welfare, and it does not authorize an award of noneconomic damages in
2 an action for professional negligence against a licensed veterinarian.

3 The existing Animal Welfare Act defines "pet" as a dog, cat or other domesticated
4 animal commonly kept as a companion, but "pet" does not include tamed animals that are
5 ordinarily considered wild animals or livestock.