## MAINE STATE LEGISLATURE

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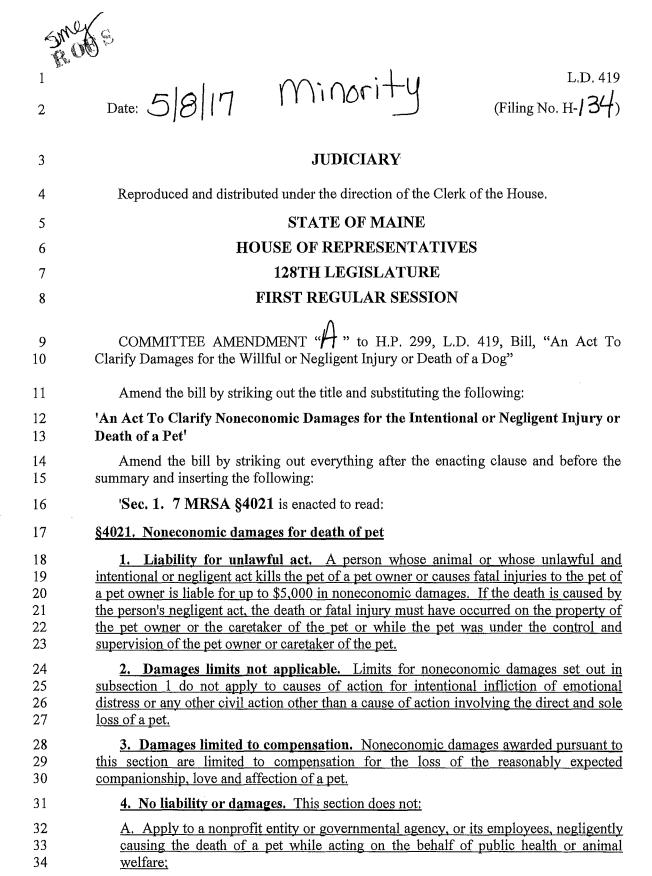
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# COMMITTEE AMENDMENT "A " to H.P. 299, L.D. 419

	В,	Authorize	an	award	of	noneconomic	damages	in	an	action	for	professional
negligence against a licensed veterinarian; or												

- C. Apply to the killing of any dog authorized under Title 12, section 12404, subsection 6.
- 5. Not exclusive. The award of noneconomic damages for an act under this section does not preclude any other civil or criminal liability for the same act.'

7 SUMMARY

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

The amendment does not apply to a nonprofit entity or governmental agency, or its employees, negligently causing the death of a pet while acting on the behalf of public health or animal welfare, and it does not authorize an award of noneconomic damages in an action for professional negligence against a licensed veterinarian. It also does not apply to the killing of a dog when the killing is authorized under the Maine Revised Statutes, Title 12, section 12404, subsection 6 concerning nuisance dogs chasing, killing, wounding, worrying or attacking moose, deer, other wild animals, domestic animals, livestock or poultry.

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

FISCAL NOTE REQUIRED
(See attached)

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## 128th MAINE LEGISLATURE

LD 419

LR 1741(02)

An Act To Clarify Damages for the Willful or Negligent Injury or Death of a Dog

Fiscal Note for Bill as Amended by Committee Amendment 'A' (H - 134)
Committee: Judiciary
Fiscal Note Required: Yes

### **Fiscal Note**

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

#### Correctional and Judicial Impact Statements

Increases the number of civil suits.

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