

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 858

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H.P. 607

House of Representatives, March 7, 2017

### **An Act To Strengthen the Law Regarding Dangerous Dogs**

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative NADEAU of Winslow.  
Cosponsored by Senator CYRWAY of Kennebec and  
Representatives: AUSTIN of Skowhegan, BROOKS of Lewiston, DOORE of Augusta,  
GUERIN of Glenburn, HARVELL of Farmington, HICKMAN of Winthrop, LONGSTAFF of  
Waterville.

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

2 **Sec. 1. 7 MRSA §3952, sub-§1**, as amended by PL 2011, c. 82, §1, is further  
3 amended to 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 determine that the dog is a dangerous dog as defined in section 3907,  
13 subsection 12-D and issue a civil violation summons for keeping a dangerous dog.

14 If, upon hearing, and taking into account the determination of the sheriff, local law  
15 enforcement officer or animal control officer, the court finds that the dog is a dangerous  
16 dog as defined in section 3907, subsection 12-D, the court shall impose a fine and shall:

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

27 B. Order the dog to be euthanized if it has killed, maimed or inflicted serious bodily  
28 injury upon a person or domesticated animal or has a history of a prior assault or a  
29 prior finding by the court of being a dangerous dog; ~~or,~~

30 ~~C. Order the dog to be securely muzzled, restricted by a tether not more than 3 feet~~  
31 ~~in length with a minimum tensile strength of 300 pounds and under the direct control~~  
32 ~~of the dog's owner or keeper whenever the dog is off the owner's or keeper's~~  
33 ~~premises.~~

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

36 **Sec. 2. 7 MRSA §3952, sub-§1-A, ¶A**, as enacted by PL 2007, c. 170, §2, is  
37 amended to read:

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



1 to keep the dog and requires the court either to order the dog confined at a governmental  
2 facility or at a local humane society or similar nongovernmental organization or to order  
3 the dog euthanized. It also adds to the law regarding ordering a dog's euthanasia that the  
4 dog must be euthanized if it killed, maimed or inflicted serious bodily injury upon a  
5 domesticated animal.