

# MAINE STATE LEGISLATURE

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# SEVENTY-FOURTH LEGISLATURE

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SENATE.

No. 222

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND NINE.

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AN ACT for the Licensing of Dogs and for the Better Pro-  
tection of Sheep.

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Section 44 of section 61 of Chapter 4 of the Revised Stat-  
utes and all acts amendatory thereto are hereby repealed.

Sect. 2. Assessors of taxes shall include in their inven-  
tories lists of all dogs owned by or in the possession of any  
inhabitant on the first day of April, setting the number and  
sex thereof opposite the names of their respective owners  
or persons in whose possession the same are found, and  
make a return to the treasurer of State of said lists and also  
of the number of dogs killed as required by section seven  
of this chapter, on or before the fifteenth day of June fol-  
lowing; and if any city or town fail to return to the treasurer

10 of State on or before September first of each year, a sum of  
11 money equal to the license required by this chapter, on all  
12 dogs living on the first day of June preceding, such de-  
13 ficiency shall be added to the State tax of such delinquent  
14 city or town for the following year.

Sect. 3. Every owner or keeper, on the first day of April,  
2 of a dog more than four months old, shall annually before  
3 the tenth day of said April, cause it to be registered, num-  
4 bered, described and licensed for one year commencing with  
5 the first day of April aforesaid, in the office of the clerk  
6 of the city or town where said dog is kept, and shall keep  
7 around its neck a collar distinctly marked with the owner's  
8 name and its registered number, and shall pay to said clerk  
9 for a license the sum of one dollar and fifteen cents for each  
10 male dog and for each female dog incapable of producing  
11 young so kept, and five dollars and fifteen cents for each  
12 female dog capable of producing young.

Any person becoming the owner or keeper of a dog after  
14 the first day of April, not duly licensed as herein required,  
15 shall within ten days after he becomes the owner or keeper  
16 of said dog, cause said dog to be described and licensed as  
17 provided above.

Every owner or keeper of dogs, kept for breeding purposes,  
19 may receive annually a special kennel license authorizing him  
20 to keep said dogs for said purpose, provided he keep said  
21 dogs within a proper enclosure. When the number of dogs  
22 so kept does not exceed ten, the fee for such license shall be

23 ten dollars and fifteen cents; when the number of dogs so  
24 kept exceeds ten, the fee for such license shall be twenty dol-  
25 lars and fifteen cents and no fees shall be required for the  
26 dogs of such owner or keeper under the age of six months.  
27 Dogs covered by kennel license shall be exempted from the  
28 provisions of this section requiring registration, numbering,  
29 and collaring.

Sect. 4. The clerks of cities and towns shall issue said  
2 license and receive the money therefor, and pay the same to  
3 the treasurer of their respective cities or towns within thirty  
4 days thereafter, retaining to their own use the sum of fifteen  
5 cents for each license so issued; and the said treasurer shall  
6 pay the money so received to the treasurer of State on or  
7 before September first of each year. Such clerks shall keep  
8 a record of all licenses issued by them, with the names of  
9 the owners or keepers of dogs licensed, and the sex, regis-  
10 tered numbers and description of all such dogs; provided,  
11 however, that the sex, registered number and description  
12 shall not be required of dogs covered by a kennel license.

Sect. 5. The treasurer of each city or town shall keep an  
2 accurate and separate account of all moneys received and  
3 expended by him under the provisions of this chapter.

Sect. 6. Whoever keeps a dog contrary to the provisions  
2 of this chapter shall forfeit ten dollars, five of which shall  
3 be paid to the complainant and five to the treasurer of the  
4 town in which the dog is kept, and in addition thereto shall  
5 pay the costs of prosecution.

Sect. 7. The mayor of each city and the municipal officers  
2 of each town or plantation shall annually within ten days  
3 from the first day of May issue a warrant, returnable on the  
4 first day of June following, to one or more police officers or  
5 constables, directing them to proceed forthwith either to  
6 kill or cause to be killed all dogs within said city, town, or  
7 plantation not licensed, collared or enclosed according to the  
8 provisions of this chapter, and said constable or police officer  
9 shall or any other person may enter complaint against the  
10 owner or keeper thereof. On the first day of June, the  
11 mayor of cities and the municipal officers of towns and plan-  
12 tations shall issue to one or more police officers or constables  
13 a warrant, returnable on the first Monday of the following  
14 February, directing said police officers or constables to kill  
15 or cause to be killed forthwith any dog not licensed or col-  
16 lared according to the provisions of this chapter and to enter  
17 complaint against the owner or keeper thereof.

Sect. 8. Each police officer or constable to whom the war-  
2 rants named in the preceding section are issued, shall return  
3 the same at the times specified and shall state in their return  
4 on each warrant the number of dogs killed, the names of the  
5 owners and keepers thereof, and whether all unlicensed dogs  
6 therein have been killed, and the names of persons against  
7 whom complaints have been made under the provisions of  
8 this chapter.

Such officers shall receive from the city, town or plantation  
10 the sum of two dollars for each dog killed and for such other

11 services rendered under the provisions of this chapter, they  
12 shall receive such compensation as the municipal officers  
13 may determine.

Sect. 9. The Secretary of State shall seasonably forward  
2 to the clerks of the several cities, towns, and plantations, cop-  
3 ies of the eight preceding sections, and each clerk shall an-  
4 nually, at least twenty days before the first day of April,  
5 post said copies in the usual places of posting notices of the  
6 annual municipal or town elections.

Sect. 10. When a dog does damage to a person or his  
2 property, his owner or keeper, and also the parent, guardian,  
3 master, or mistress of any minor who owns such dog, for-  
4 feits to the person injured the amount of the damage done,  
5 provided the said damage was not occasioned through the  
6 fault of the person injured; to be recovered by an action of  
7 trespass.

Sect. 11. Whenever any sheep, lambs, or other domestic  
2 animals, owned by a resident of this State are killed or in-  
3 jured by dogs, such owner may make complaint thereof to  
4 the mayor of the city, or to one of the municipal officers of  
5 the town or plantation where such damage was done, within  
6 seven days after he has knowledge of the same, and there-  
7 upon the municipal officers shall investigate the complaint,  
8 and if satisfied that the said damage was committed by dogs  
9 within the limits of their city, town, or plantation, they shall  
10 estimate the damage thereof according to the full value for  
11 which they are kept, whether as breeders or for other pur-

12 poses, and direct that the same shall be paid from the town  
13 treasury.

If the municipal officers and the owner of the sheep or do-  
15 mestic animals are unable to agree as to the amount of the  
16 damage which shall be paid, the amount shall be determined  
17 by three referees to be selected in manner following: One  
18 referee to be chosen by the municipal officers, one by the  
19 owner of the animals injured or killed, and the third by the  
20 two referees already selected. In case one party refuses or  
21 neglects to select a referee, the other party, after thirty days  
22 from the time the notice of the aforesaid damage was given  
23 or received, shall select two referees, and the two selected  
24 shall choose the third. The said referees shall submit a  
25 written report, signed by a majority, within fifteen days from  
26 the date of their appointment, stating the amount to be paid  
27 by the town. The report of said referees shall be final and  
28 the expenses of the referees shall be divided equally between  
29 the owner of the animals and the town, city, or plantation.

Any town paying such damages caused by dogs may main-  
31 tain an action on the case against the owner or keeper of  
32 such dogs to recover the amount paid, not exceeding the  
33 actual damage committed.

Any person who keeps a dog that kills or injures sheep or  
35 lambs shall be fined not less than fifty dollars nor exceeding  
36 one hundred dollars and costs, unless before the final dis-  
37 position of the case, the said owner or keeper of the said  
38 dog produces satisfactory evidence that the dog has been  
39 killed.

Sect. 12. If any sheep, lambs, or other domestic animals  
2 are killed or injured by two or more dogs at the same time,  
3 kept by two or more owners or keepers, the said owners or  
4 keepers of said dogs shall be jointly and severally liable for  
5 such damage.

Sect. 13. When any city, town, or plantation shall have  
2 paid damages to the owners of sheep, lambs, or other domes-  
3 tic animals, as provided in section eleven, for losses caused  
4 by dogs, and the amount of such damages cannot be collected  
5 from the owners or keepers of said dogs, or the dog or dogs  
6 causing such losses cannot be identified, the mayor of such  
7 city or the municipal officers of said town or plantation, shall  
8 forward to the treasurer of State a statement of facts in each  
9 case, showing the amount so paid, and the Treasurer of State  
10 shall reimburse such city, town, or plantation to the amount  
11 of such damage from the fund received by said State under  
12 section four.

Sect. 14. All money received by the Treasurer of State as  
2 provided in section four and remaining unexpended at the  
3 end of the year shall be credited to the several cities, towns,  
4 and plantations upon their State tax in proportion to the  
5 amount each has paid into the State treasury under the pro-  
6 visions of this chapter; provided, however, that the amount  
7 to be refunded to such plantations that are taxed as wild  
8 lands shall be paid direct to the plantation treasurer instead  
9 of being credited upon the State tax.

Sect. 15. Any mayor, selectman, clerk, constable, or po-  
2 lice officer who refuses or wilfully neglects to perform the



3 duties imposed by the fourteen preceding sections shall be  
4 punished by a fine of not less than ten nor more than fifty  
5 dollars and costs.

Sect. 16. Whoever steals or confines and secretes any reg-  
2 istered dog, or kills any such dog, unless as provided in sec-  
3 tion seventeen of this act, and unless such killing be justi-  
4 fiable in the protection of person, property, or game, shall  
5 be liable to the owner in a civil action for the full value of  
6 the dog.

Sect. 17. Any person may at any time lawfully kill any  
2 dog found hunting or chasing moose, caribou, or deer, or  
3 any dog kept and used for that purpose. Any person may  
4 lawfully kill a dog which suddenly assaults him or another  
5 person when peaceably walking or riding, or is found wor-  
6 rying, wounding, or killing any domestic animal when said  
7 dog is outside of the enclosure or immediate care of his  
8 owner or keeper. Any person may at any time lawfully kill  
9 any dog, licensed or unlicensed, roaming at large in any town  
10 or plantation when said dog is outside of or away from the  
11 premises of its owner or keeper, or is not under the imme-  
12 diate care of its owner or keeper, and not safely muzzled.

Sect. 18. Whoever is so assaulted or finds a dog strolling  
2 outside of the premises or immediate care of its keeper, and  
3 the said dog is not safely muzzled, may, within forty-eight  
4 hours thereafter, make written complaint before the municipi-  
5 pal or police court having jurisdiction in the city or town  
6 where its owner or keeper resides, or in case there is no

7 court, before a trial justice in said town, that he really be-  
8 lieves and has reason to believe that said dog is dangerous  
9 and vicious, whereupon said court or trial justice shall order  
10 said owner or keeper to appear and answer to said com-  
11 plaint by serving said owner or keeper of said dog with a  
12 copy of said complaint and order a reasonable time before  
13 the day set for the hearing thereon; and if upon hearing,  
14 the court or trial justice is satisfied that the complaint is  
15 true, he shall order the dog to be killed and the owner or  
16 keeper shall pay the costs.

Sect. 19. If a dog, whose owner or keeper refuses or ne-  
2 glects to comply with said order, wounds any person by a  
3 sudden assault as aforesaid, or wounds and kills any domes-  
4 tic animal, the owner or keeper shall pay the person injured  
5 treble damages and costs, to be recovered by an action on the  
6 case.

Sect. 20. In any town or plantation, if any owner or keep-  
2 er of a dog permits said dog to roam at large outside of and  
3 away from the premises of its owner or keeper, or said dog  
4 is not accompanied by and under the immediate control of  
5 its owner or keeper, and is not safely muzzled, the said own-  
6 er or keeper shall be punished by a fine of not exceeding  
7 twenty-five dollars and costs for the first offence, and for  
8 each subsequent offence, fifty dollars and costs.

Sect. 21. Dogs kept in unorganized plantations shall be  
2 licensed by their owners or keepers in the oldest adjoining  
3 plantation or town. In case there is no adjoining town or

4 plantation, said dogs shall be licensed in the nearest town or  
5 plantation.

Sect. 22. For the purposes of this chapter, all trial jus-  
2 tices, municipal and police courts shall have concurrent juris-  
3 diction with the superior and supreme judicial court. All  
4 actions shall be by complaint or indictment unless otherwise  
5 specified. All fines imposed shall be paid into the treasury  
6 where the offence is committed and shall be used for the  
7 benefit of the town unless, otherwise provided.

Sect. 23. All acts inconsistent with this act are hereby  
2 repealed.



STATE OF MAINE.

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IN SENATE,

February 18, 1909.

Presented by Mr. BOYNTON of Lincoln and on his motion  
tabled for printing pending reference to Committee on Agri-  
culture.

F. G. FARRINGTON, *Secretary.*