

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-FOURTH LEGISLATURE

SENATE.

No. 471

STATE OF MAINE.

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

AN ACT for the Licensing of Dogs and for the Better Protec-
tion of Sheep.

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

Sections 44 to section 61 inclusive of Chapter 4 of the Re-
vised Statutes 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repealed.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

8 chapter on or before the fifteenth day of June following; and
9 if any city or town fail to return to the treasurer of State on
10 or before September first of each year, a sum of money equal
11 to the license required by this chapter, on all dogs living on
12 the first day of June preceding, such deficiency shall be col-
13 lected in the same manner as the State tax of such delin-
14 quent 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 of
6 the city or town where said dog is kept, and shall keep
7 around its neck a collar distinctly marked with the owners
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 fe-
12 male 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 pur-
19 poses, may receive annually a special kennel license authoriz-

20 ing him to keep said dogs for said purpose, provided he keep
21 said dogs within a proper enclosure. When the number of
22 dogs so kept does not exceed ten, the fee for such license
23 shall be ten dollars and fifteen cents; when the number of
24 dogs so kept exceeds ten, the fee for such license shall be
25 twenty dollars and fifteen cents and no fees shall be required
26 for the dogs of such owner or keeper under the age of six
27 months. Dogs covered by kennel license shall be exempted
28 from the provisions of this section requiring registration,
29 numbering, and collaring.

Sect. 4. The clerk of cities and towns shall issue said li-
2 cense 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 who shall credit the
8 same to a fund called "Dog Licenses." Such clerks shall
9 keep a record of all licenses issued by them, with the names
10 of the owners or keepers of dogs licensed, and the sex, regis-
11 tered numbers and description of all such dogs; provided,
12 however, that the sex, registered number and description
13 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 ex-
3 pended by him under the provisions of this chapter.

Sect. 6. Whoever keeps a dog contrary to the provisions
2 of this act shall forfeit ten dollars, five of which shall be paid
3 to the complainant and five to the treasurer of the town in
4 which the dog is kept, and in addition thereto shall pay the
5 cost 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
5 or 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 act, 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 may-
11 or of cities and the municipal officers of towns and planta-
12 tions 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 act 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 act.

Such officers shall receive from the city, town or planta-
10 tion the sum of two dollars for each dog killed and for such
11 other services rendered under the provisions of this act, 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,
3 copies of the eight preceding sections, and each clerk shall
4 annually, 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 and
11 50 per cent. additional for which they are kept, whether as
12 breeders or for other purposes, and direct that the same shall
13 be paid from the town treasury.

If the municipal officers and the owner of the sheep or
15 domestic animals are unable to agree as to the amount of
16 the damage which shall be paid the amount shall be deter-
17 mined by three referees to be selected in manner following:
18 One 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 referee 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 maintain an action on the case against the owner or keeper of such dogs to recover the amount paid, not exceeding the actual damage committed and 50 per cent. additional.

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

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

Sect. 13. When any city, town, or plantation shall have paid damages to the owners of sheep, lambs, or other domestic animals, as provided in section eleven, for losses caused by dogs, and the amount of such damages cannot be collected from the owners or keepers of said dogs, or the dog or dogs causing such losses cannot be identified, the mayor of such city, or the municipal officers of said town or plantation, shall forward to the State Auditor a statement of facts in each case, showing the amount so paid, and the State shall reimburse such city, town or plantation to the amount of such damage from the fund received by said State under section

12 four, and so much as may be necessary is hereby appropriat-
13 ed to pay the same.

Sect. 14. All money received by the Treasurer of State
2 as 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 act and so much thereof as remains unex-
7 pended as aforesaid, is hereby appropriated to pay the same;
8 provided, however, that the amount to be refunded to such
9 plantations that are taxed as wild lands shall be paid direct
10 to the plantation treasurer instead of being credited upon
11 the State tax.

Sect. 15. Any mayor, selectmen, clerk, constable, or police
2 officer who refuses or wilfully neglects to perform the duties
3 imposed by the fourteen preceding sections shall be punished
4 by a fine of not less than ten nor more than fifty dollars and
5 costs.

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

Sect. 17. Any person may at any time lawfully kill any
2 dog found hunting or chasing moose, caribou, or deer, or any

3 dog kept and used for that purpose. Any person may law-
4 fully kill a dog which suddenly assaults him or another per-
5 son when peaceably walking or riding, or is found worrying,
6 wounding, or killing any domestic animal when said dog is
7 outside of the enclosure or immediate care of his owner or
8 keeper.

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 muni-
5 cipal 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 the
13 day set for the hearing thereon; and if upon hearing, the
14 court or trial justice is satisfied that the complaint is true,
15 he shall order the dog to be killed and the owner or keeper
16 shall pay the costs.

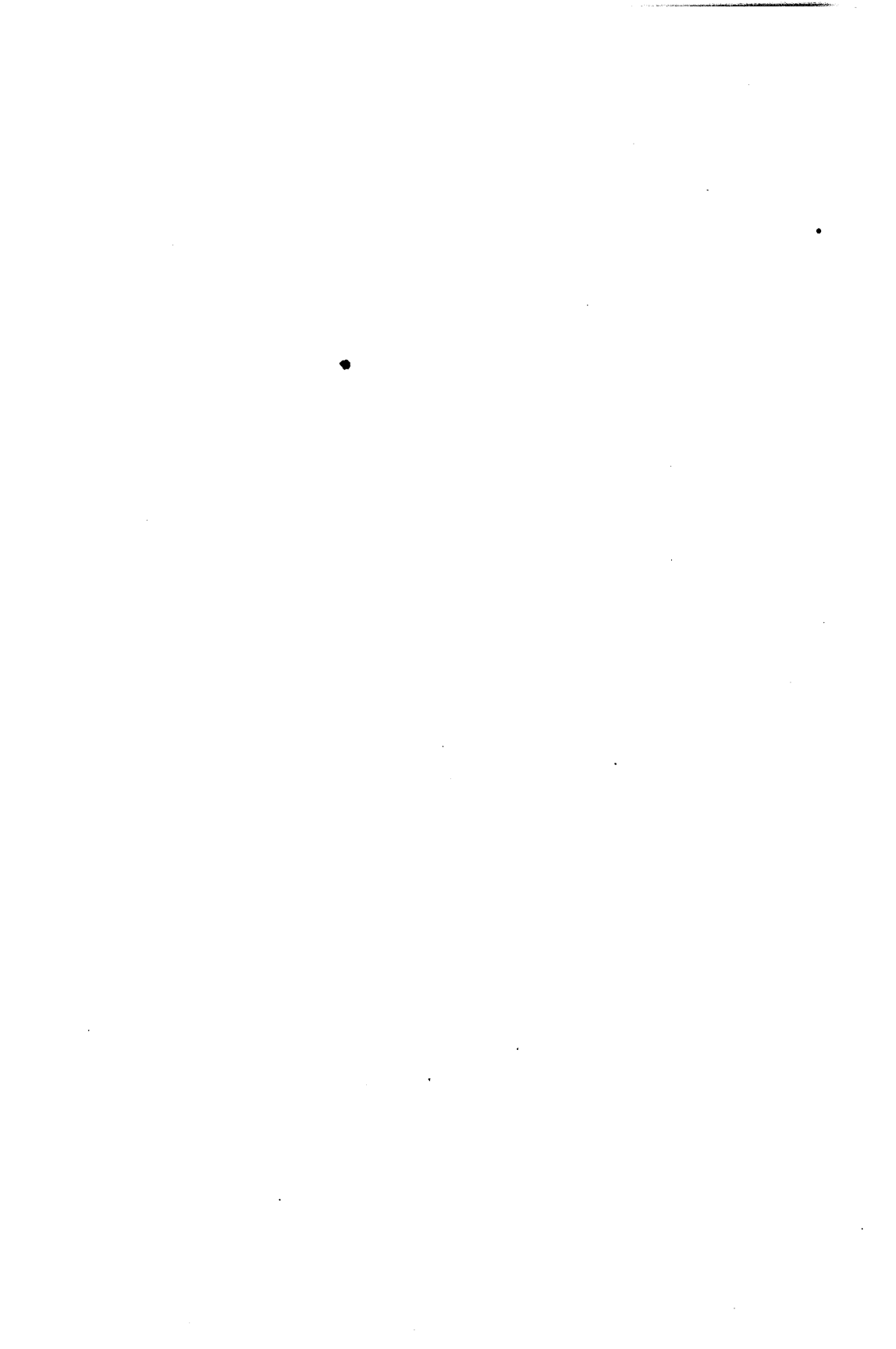
Sect. 19. If a dog, whose owner or keeper refuses or ne-
2 glects to comply with said order, wounds any person by a
3 sudden assault as aforesaid, or wounds and kills any domes-
4 tic animal, the owner or keeper shall pay the person injured

5 treble damages and costs, to be recovered by an action on
6 the case.

Section 20. 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. 21. For the purposes of this act, all trial justices,
2 municipal and police courts shall have concurrent jurisdic-
3 tion with the superior and supreme judicial court. All ac-
4 tions 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. 22. All acts inconsistent with this act are hereby re-
2 pealed.



STATE OF MAINE.

IN SENATE,

March 20, 1909.

Reported by Mr. HOWES from Committee on Agriculture
and laid on table to be printed under joint rules.

F. G. FARRINGTON, *Secretary.*