

# MAINE STATE LEGISLATURE

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EIGHTY-SECOND LEGISLATURE

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H. P. No. 618

H. D. No. 138

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House of Representatives, Feb. 13, 1925.

On motion of Mr. Littlefield was taken from the table, and on further motion by same gentleman, was referred to Committee on Agriculture and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND TWENTY-FIVE

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AN ACT to Amend Chapter Four of the Revised Statutes,  
Relating to the Registration and Licensing of Dogs.

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

Section 1. Section one hundred and one, of chapter four, 2 of the revised statutes, is hereby amended by striking out 3 all of said section and substituting in place thereof the fol- 4 lowing:

'Sect. 101. Assessors of taxes shall include in their in- 2 ventories lists of all dogs owned by or in the possession of 3 any inhabitant on the first day of April, setting the num- 4 ber and sex thereof opposite the names of their respective

5 owners or persons in whose possession the same are found,  
6 and make a return to the sheep specialist in the department  
7 of agriculture of said lists and also of the number of dogs  
8 killed as required by section one hundred and six of this  
9 chapter on or before the fifteenth day of June following;  
10 and if any city or town fail to return to the sheep specialist  
11 in the department of agriculture on or before September  
12 first of each year, a sum of money equal to the license re-  
13 quired by this chapter, on all dogs living on the first day  
14 of June preceding, such deficiency shall be collected in the  
15 same manner as the state tax of such delinquent city or  
16 town for the following year. All dogs licensed for the  
17 preceding year shall be deemed to still be owned by the  
18 owner in whose name they were licensed for the preceding  
19 year, provided such person shall not have prior to April  
20 first filed with the city or town clerk an affidavit setting  
21 forth: 1. That such dog is dead; 2. That there has been  
22 a transfer of ownership in said dog, in which case the  
23 name and address of the new owner shall be given; 3. That  
24 the owner of said dog has for a period of three months  
25 prior to the filing of said affidavit had no knowledge of  
26 the whereabouts of said dog.'

Sect. 2. Section one hundred and two of chapter four  
2 of the revised statutes, is hereby amended by striking out  
3 all of said section and substituting in place thereof the fol-  
4 lowing:

'Sect. 102. Every owner or keeper, on the first day of

2 April, of a dog more than four months old, shall annually  
3 before the tenth day of said April apply for a license from  
4 the city or town clerk where such dog is owned or kept.  
5 Such application shall be in writing and in such form as  
6 shall be prescribed by the sheep specialist in the depart-  
7 ment of agriculture, and shall state the name, sex, breed,  
8 age, color and marking of the dog for which a license is  
9 sought. When the applicant for such a license shall have  
10 complied with the provisions of this section, the clerk shall  
11 thereafter issue a license to such applicant and a tag bear-  
12 ing the same serial number that the license bears. Licenses  
13 issued under this section shall be for one year commencing  
14 with the first day of April aforesaid. The original appli-  
15 cation shall remain on file in the office of the city or town  
16 clerk and a copy of the same shall be filed with the sheep  
17 specialist in the department of agriculture. The owner or  
18 keeper of the dog so licensed shall keep around its neck  
19 a collar to which shall be attached the license tag and shall  
20 pay to said clerk for a license the sum of two dollars and  
21 twenty-five cents for each male dog and for each female  
22 dog incapable of producing young so kept, and five dollars  
23 and twenty-five cents for each female dog capable of pro-  
24 ducing young. Any person becoming the owner or keeper  
25 of a dog after the first day of April, not duly licensed as  
26 herein required, shall within ten days after he becomes the  
27 owner or keeper of said dog, cause said dog to be described  
28 and licensed as provided above.

Every owner or keeper of dogs, kept for breeding purposes, may receive annually a special kennel license authorizing him to keep said dogs for said purpose, provided he keep said dogs within a proper enclosure. When the number of dogs so kept does not exceed ten, the fee for such license shall be ten dollars and twenty-five cents; when the number of dogs so kept exceed ten, the fee for such license shall be twenty dollars and twenty-five cents and no fees shall be required for the dogs of such owner or keeper under the age of six months. Dogs covered by kennel license shall be exempted from the provisions of this section requiring registration, numbering and collaring.'

Sect. 3. Section one hundred and three, of chapter four, of the revised statutes, is hereby amended by striking out the whole of said section and by substituting in place thereof of the following:

'Sect. 103. The clerks of cities and towns shall issue said license and receive the money therefor, and pay the same to the treasurer of their respective cities or towns within thirty days thereafter, retaining to their own use the sum of twenty-five cents for each license so issued; and the said treasurer shall pay the money so received to the sheep specialist in the department of agriculture who shall transmit the same on or before September first of each year to the treasurer of state, who shall credit the same to a fund called "Dog Licenses." Such clerks shall keep a record of all licenses issued by them, with the names of the

12 owners or keepers of dogs licensed, and the sex, registered  
13 numbers and description of all such dogs; provided, how-  
14 ever, that the sex, registered number and description shall  
15 not be required of dogs covered by a kennel license. Any  
16 person may capture and detain a dog not licensed or a dog  
17 not properly registered and collared. He shall then notify  
18 the sheriff of the county or his deputy, whose duty it shall  
19 be to issue to the captor of said dog an order for the pay-  
20 ment of five dollars, which amount the city or town treas-  
21 urer shall pay and shall be entitled to reimbursement of  
22 said amount from the state treasury from the fund de-  
23 ducted from dog licenses, as provided in section one hun-  
24 dred and twelve of this chapter.'

Sect. 4. Section one hundred and six of chapter four,  
2 revised statutes, is hereby amended by striking out all of  
3 said section and inserting in place thereof the following:

'Sect. 106. The mayor of each city and the municipal  
2 officers of each town or plantation shall annually within  
3 ten days from the first day of May issue a warrant, return-  
4 able on the first day of June following, to the sheriff of  
5 the county, directing him to proceed forthwith either to  
6 kill or cause to be killed all dogs within said city, town'  
7 or plantation not licensed, collared or enclosed according  
8 to the provisions of this chapter, and said sheriff shall or  
9 any other person may enter complaint against the owner  
10 or keeper thereof. On the first day of June, the mayors  
11 of cities and the municipal officers of towns and planta-

12 tions shall issue to the sheriff of the county a warrant re-  
13 turnable on the first Monday of the following February  
14 directing said sheriff to kill or cause to be killed forth-  
15 with any dog not licensed or collared according to the pro-  
16 visions of this chapter and to enter complaint against the  
17 owner or keeper thereof.'

Sect. 5. Section one hundred and seven of chapter four  
2 of the revised statutes is hereby amended by striking out  
3 the whole of said section and substituting in place thereof  
4 the following:

'Sect. 107. Each sheriff to whom the warrants named in  
2 the preceding section are issued, shall return the same at  
3 the times specified and shall state in his return on each  
4 warrant the number of dogs killed, the names of the owners  
5 and keepers thereof, and whether all unlicensed dogs with-  
6 in his precinct have been killed and the names of persons  
7 against whom complaints have been made under the pro-  
8 visions of said section. Such sheriff shall receive from  
9 the fund provided by section one hundred and twelve the  
10 sum of five dollars for each dog killed and for such other  
11 services rendered under the provisions of this chapter he  
12 shall receive such compensation as the sheep specialist in  
13 the department of agriculture may determine.'

Sect. 6. Section one hundred and ten of chapter four of  
2 the revised statutes is hereby amended by striking out the  
3 whole of said section and substituting in place thereof the  
4 following:

‘Sect. 110. Whenever and sheep, lambs, or other domestic animals, owned by a resident of this state are killed or injured by dogs or wild animals, such owner may make complaint thereof to the mayor of the city, or to one of the municipal officers of the town or plantation where such damage was done, within seven days after he has knowledge of the same, and thereupon the municipal officers shall investigate the complaint, and if satisfied that the said damage was committed by dogs or wild animals within the limits of their city, town or plantation, they shall estimate the damage thereof according to the full value for which they are kept, whether as breeders or for other purposes, and direct that the same with fifty per cent additional shall be paid from the city or town treasury. If the municipal officers and the owner of the sheep or domestic animals are unable to agree as to the amount of the damage which shall be paid, the amount shall be determined by the sheep specialist in the department of agriculture, whose decision shall be final. 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 fifty per cent additional. Any person who keeps a dog that kills or injures sheep or lambs shall be fined not less than fifty, nor more than one hundred dollars and costs, unless before the final disposition of the case, the said owner or keeper of



27 the said dog produces satisfactory evidence that the dog  
28 has been killed.'

Sect. 7. Section one hundred and twelve of chapter four  
2 of the revised statutes is hereby amended by striking out  
3 the whole of said section and by substituting in place there-  
4 of the following:

'Sect. 112. When any city, town or plantation shall have  
2 paid damages to the owners of sheep, lambs, or other do-  
3 mestic animals, as provided in section one hundred and  
4 ten, for losses caused by dogs, and the amount of such  
5 damages cannot be collected from the owners or keepers  
6 of said dogs, or the dog or dogs causing such losses can-  
7 not be identified, or shall have paid such damages for losses  
8 caused by wild animals, the mayor of such city, or the  
9 municipal officers of said town or plantation shall forward  
10 to the sheep specialist in the department of agriculture a  
11 statement of facts in each case showing the amount so  
12 paid, and the state shall reimburse such city, town or plan-  
13 tation to the amount of such damage from the fund re-  
14 ceived by the state under section one hundred and three,  
15 and so much as may be necessary is hereby appropriated  
16 to pay the same. The sheep specialist in the department  
17 of agriculture shall by due investigation be satisfied that  
18 the claims of town officers presented to him under the pro-  
19 visions of this section are proper and such as he shall  
20 approve he shall forward to the state auditor for payment.  
21 The sheep specialist in the department of agriculture shall  
22 furnish to each city or town clerk a sufficient number of

23 blank applications for licenses for the use of such clerk  
24 in licensing dogs as provided herein as well as all other  
25 forms required by this section, and shall also furnish a  
26 sufficient number of suitable metal tags required to be worn  
27 by dogs licensed as provided in this chapter. The com-  
28 pensation and necessary expenses of the sheep specialist  
29 in the department of agriculture in enforcing the provisions  
30 of this chapter relating to the licensing of dogs and for the  
31 protection of domestic animals, as well as the cost of blank  
32 forms, metal tags and other necessary expenses shall be  
33 paid by the state and for said purpose the state auditor and  
34 treasurer of state are authorized to deduct from the dog  
35 licenses for the current year a sum not exceeding five thou-  
36 sand dollars in any one fiscal year, which amount shall be  
37 applied to the payment of the aforesaid expenses of admin-  
38 istration of this chapter, so far as it relates to the regis-  
39 tration and licensing of dogs and for the protection of  
40 domestic animals, and the same is hereby appropriated for  
41 said purposes. The sheep specialist in the department of  
42 agriculture of his own motion or on the application of at  
43 least two residents, or on the application of the police de-  
44 partment of a city, may issue an order restraining the  
45 owner of a dog, to be described in such order as dangerous  
46 to persons, domestic animals or fowls, from permitting such  
47 dog to run at large outside and away from the premises  
48 of the owner, during a time to be specified in such order.  
49 Such order shall be served personally or by registered mail  
50 on the owner, or in case of his absence on an adult mem-

51 ber of the family or person in charge of the premises where  
52 such dog is owned or kept. An owner of a dog who, after  
53 the service of such order, causes or permits such dog to  
54 run at large in violation of such order, shall be subject to  
55 a penalty of twenty-five dollars for each offense. When-  
56 ever in the judgment of the sheep specialist in the depart-  
57 ment of agriculture other regulations in this chapter for  
58 the supervision of dogs and the protection of persons or  
59 domestic animals and fowls have proved inadequate for  
60 such purposes in a city or town or part thereof, the sheep  
61 specialist aforesaid may make and publish an order that  
62 dogs in such city or town, or part thereof, shall be securely  
63 confined between sunset and one hour after sunrise during  
64 such portion of the year as may be deemed necessary by  
65 said sheep specialist. Such order shall be posted in at least  
66 four public places in said city or town and published in  
67 a newspaper, if any, published in such city or town, and  
68 if there is no such paper, in a newspaper, if any, published  
69 in the county in which such city or town is located. If  
70 any owner or keeper of a dog refuse or neglect to confine  
71 his dog as required by such order he shall be subject to a  
72 penalty of ten dollars. The sheriff or any police officer  
73 shall, and any other person may, kill on sight any dog run-  
74 ning at large in violation of this section. Every dog seized  
75 under the provisions of this section shall be properly fed  
76 and cared for at the expense of such city or town until  
77 disposition thereof be made as provided by this act. A  
78 dog shall not be deemed to be running at large in violation

79 of the terms of such order when he is accompanied by and  
80 is under full control of the owner or keeper.'