

# MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

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Senate Document

No. 167

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H. P. 1052

In Senate, Feb. 14, 1929.

Referred to Committee on Agriculture and 500 copies ordered printed. In concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Mr. Clifford of Garland.

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STATE OF MAINE

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

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AN ACT Relating to Payment of Damage Done by Dogs and  
Wild Animals to Domestic Animals.

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

Section 1. Section one hundred and ten, of chapter four  
2 of the revised statutes, as amended by chapter two hundred  
3 and twenty-three, of the public laws of nineteen hundred  
4 and twenty-one is hereby amended by striking out the whole  
5 of said section, and inserting in place thereof the following  
6 words:

'Sect. 110. Whenever any sheep, lambs, or other domestic  
2 animals, poultry not included, owned by a resident of this  
3 state are killed or injured by dogs or wild animals, such  
4 owner may make complaint thereof to the mayor of the city,

5 or to one of the municipal officers of the town or plantation  
6 where such damage was done, within forty-eight hours after  
7 he has knowledge of the same, and thereupon the municipal  
8 officers shall investigate the complaint and if satisfied that  
9 the said damage was committed by dogs or wild animals  
10 within the limits of their city, town, or plantation, they  
11 shall estimate the damage thereof according to the full value  
12 for which they are kept, whether as breeders or for other  
13 purposes, and make returns of their findings together with  
14 the estimated damage, in triplicate, one to go to the town  
15 clerk, one to the commissioner of agriculture or state sheep  
16 specialist, and one to the state auditor. The commissioner  
17 of agriculture or the state sheep specialist shall approve the  
18 bill, or if it seems advisable investigate the claim. In  
19 case of disagreement as to the amount of damage which  
20 shall be paid, the amount shall be determined by three  
21 referees to be selected in the following manner; one referee  
22 to be chosen by the municipal officers, one by the owner of  
23 the animals injured or killed, and the third shall be the  
24 state sheep specialist. In case one party refuses or neglects  
25 to select a referee the referees selected by the other party,  
26 together with the state sheep specialist, after thirty days  
27 from the time the notice of the aforesaid damage was given  
28 or received, shall choose a third. The said referees shall  
29 submit a written report, signed by a majority, within fifteen  
30 days from the date of their appointment, stating the amount  
31 to be paid by the state. The report of said referees shall

32 be final and the expenses of the referees shall be divided  
33 equally between the owner of the animals and the state;  
34 the amount of the expense shared in by the state shall be  
35 a proper charge to the appropriation for damage by dogs  
36 and wild animals to domestic animals. When the claim is  
37 approved by the commissioner of agriculture or the state  
38 sheep specialist, or a report received from the referees the  
39 claim shall be paid by the state to the person sustaining  
40 such damage, together with fifty per cent additional, unless  
41 in the judgment of the referees the owner or owners are  
42 not entitled to the additional fifty per cent. The state may  
43 maintain an action on the case against the owner or keeper  
44 of the dogs to recover the amount paid, not to exceed the  
45 actual damage committed and fifty per cent additional.  
46 Any person who keeps a dog that kills or injures sheep or  
47 lambs shall be fined not less than fifty nor more than one  
48 hundred dollars and costs, unless before the final disposi-  
49 tion of the case the owner or keeper of the said dog pro-  
50 duces satisfactory evidence that the dog has been killed.  
51 Payment of the amount of said damage together with the  
52 necessary expenses of investigation, including a part of the  
53 compensation of the commissioner of agriculture or the  
54 sheep specialist shall be charged to the fund received by  
55 the state under section one hundred three, and so much as  
56 may be necessary is hereby appropriated to pay the same.'

Sect. 2. Section one hundred and twelve, of chapter four,  
2 of the revised statutes, is hereby repealed.