

# MAINE STATE LEGISLATURE

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NEW DRAFT

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EIGHTY-FIFTH LEGISLATURE

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Legislative Document

No. 740

H. P. 1171

House of Representatives, Feb. 24, 1931.

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

CLYDE R. CHAPMAN, Clerk.

New Draft of H. P. 5, L. D. 149.

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STATE OF MAINE

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

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AN ACT Relating to Payment of Damages Done by Dogs or  
Wild Animals.

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

Section one hundred and sixty-six of chapter five of revised statutes amended. Section one hundred sixty-six of the revised statutes is hereby amended by striking out the whole of said section and inserting the following:

'Sec. 166. Payment of damages done by dogs and wild animals; determination of damages; recovery from owner; penalty for keeping dog that kills sheep. Whenever any sheep, lambs or other domestic animals, poultry not included, 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 twenty-four hours 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 limit 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, together with the amount of damage or injury to surviving animals, and make returns of their findings

together with the estimated damage, in triplicate, one to go to the town clerk, one to the commissioner of agriculture or his duly authorized agent, and one to the state auditor. If the sheep, lambs or other domestic animals are kept in an unincorporated place, the owner may make complaint to the municipal officers of the oldest incorporated adjoining town, or the nearest incorporated town where there are none adjoining, who shall investigate the complaint. The commissioner of agriculture, or his duly authorized agent, shall approve the bill, or if it seems advisable, investigate and adjust the claim. In case of disagreement as to the amount of damage which shall be paid, the amount shall be determined by three referees to be selected in the following manner; one referee to be chosen by the municipal officers, one by the owner of the animals injured or killed, and the third by the commissioner of agriculture. In case one party refuses or neglects to select a referee, the referee selected by the other party, together with the duly authorized agent of the commissioner of agriculture, after thirty days from the time the notice of the aforesaid damage was given or received, shall choose a third. The said referees shall submit a written report, signed by a majority, within fifteen days from the date of their appointment, stating the amount to be paid by the state. The report of said referees shall be final and the expenses of the referees shall be divided equally between the owner of the animals and the state; the amount of the expense shared in by the state shall be a proper charge to the appropriation for damage by dogs and wild animals to domestic animals. When the claim is approved by the commissioner of agriculture, or his duly authorized agent, or a report received from the referees, the claim shall be paid by the state to the person sustaining such damage. The state may maintain an action on the case against the owner or keeper of the dogs to recover the amount paid, not to exceed the actual damage committed.

‘Any person who keeps a dog that kills or injures sheep or lambs shall be fined not less than fifty dollars, nor more than 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. Payment of the amount of said damage together with the necessary expenses of investigation, including a part of the

compensation of the commissioner of agriculture, or his duly authorized agent, shall be charged to the fund received by the state under section one hundred fifty nine.'