

MAINE STATE LEGISLATURE

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E I G H T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 559

H. P. 1473

House of Representatives, February 16, 1937.

Referred to Committee on Agriculture. Sent up for concurrence and 750 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Lee of Rumford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

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

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

R. S., c. 5, § 166; relating to payment of damage by dogs and wild animals, amended. Section 166 of chapter 5 of the revised statutes is hereby amended by striking out the whole of said section and inserting in place thereof the following:

‘Sec. 166. Payment of damages done by dogs and wild animals; determination of damages; recovery from owner; penalty for keeping dogs that kill sheep. Whenever any sheep, lambs, or other domestic animals owned by a resident of this state are killed or injured by dogs or wild animals, such owner, after locating such animal or animals, or a sufficient part of each animal to identify the same, 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 24 hours after he has knowledge of the same, and thereupon the municipal officers shall investigate the complaint, and if satisfied that such damage was committed by dogs or wild animals within the limit of their city, town or plantation, they shall, after

viewing the evidence, estimate the value of such animals according to the purpose for which they were kept, whether as breeders or other purpose, together with damage to any other animals by being bitten, torn, or chased until exhausted, and make returns on blank forms furnished by the commissioner of agriculture, which shall be made in triplicate, the original and duplicate copies together with a bill from the claimant shall be mailed to the commissioner of agriculture or his duly authorized agent, within 15 days from the date of investigation, and the triplicate shall be kept by the town clerk as his record.

A full description of all evidence seen by the investigator shall be plainly printed or written in duplicate on all reports and recommendations, giving the number of sheep with their estimated value, and the number of lambs giving their ages, average liveweight, and actual estimated value, also any other information that will assist in making a fair adjustment.

If sheep, lambs, or other domestic animals are kept in an unincorporated place, the owner may make complaint to the municipal officers of the nearest incorporated town adjoining, or the nearest incorporated when there is none adjoining, who shall investigate the complaint.

Each report and recommendation must be signed by the investigator in the place provided for his or her signature. Such signature shall be construed to mean that the investigator has seen evidence legally establishing the liability of the state. Also, all reports and recommendations must be signed by a majority of the city or town officials.

The commissioner of agriculture or his duly authorized agent shall approve the bill, or if it seems advisable, investigate and adjust the claim.

When the claim is approved by the commissioner of agriculture or his duly authorized agent the same shall be paid by the state to the person sustaining such damage; except that, whenever sheep, lambs or other domestic animals are killed or injured by unlicensed dog or dogs, the city or town in which such dog or dogs are harbored or maintained shall be held liable and all such damage shall be paid out of city or town funds without recovery from the state.

All dogs doing such damage and found without leather collar and metal tag as required by law shall be deemed to be unlicensed.

The state or municipality, whichever has paid such damages, may maintain an action on the case against the owner or keeper of the dogs to recover the amount paid.

Any person who keeps a dog that kills or injures sheep or lambs shall be punished by a fine of not less than \$50 nor more than \$100 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.'