

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. 861

H. P. 1750

House of Representatives, March 25, 1937.

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

HARVEY R. PEASE, Clerk.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

**AN ACT Relating to Payment of Damages Done by Dogs or Wild Animals
and to the Registration and Licensing of Dogs.**

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

Sec. 1. 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 com-

missioner 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 or metal 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.'

Sec. 2. R. S., c. 5, § 158, amended. Section 158 of chapter 5 of the revised statutes is hereby amended by striking out the whole of the 1st paragraph and inserting in place thereof the following:

'On or before 1st day of April each year the owner or keeper of any dog 6 months old or over shall apply to the city or town clerk either orally or in writing for a license for each such dog owned or kept by him. Such application shall state the breed, sex, age, color, and markings of such dogs and the name and address of the last previous owner.

A fee of \$1 shall be paid the city or town clerk for each license issued on male dogs, and a fee of \$5 shall be paid for all female dogs capable of bearing young. All female dogs shall be considered capable of producing young unless accompanied by a certificate from a licensed veterinary stating that such female was made incapable of bearing young by spaying by him. When such certificate accompanies the application a fee of \$1 shall then be paid on such spayed females. In addition to the amount paid for license and metal tag each applicant shall pay the city or town clerk 15 cents for recording and making returns to the commissioner of agriculture.

Such licenses shall be made in triplicate, the original copy shall be mailed to the commissioner of agriculture, 1 copy given the person applying for the license, and 1 copy retained by the city or town clerk.

A metal tag showing the year such license is issued and bearing such other data as the commissioner of agriculture may prescribe shall be given with each license and must be securely attached to a leather or metal collar which must be worn at all times by the dog for which the license was issued and it shall be unlawful for any person to remove such tag or to place either collar or tag on any dog not described or for which the license was not issued.

Returns showing all licenses issued by city or town clerks together with a correct report showing the total number of dogs in "both sexes" found by the city or town assessors shall be made to the commissioner of agriculture not later than the 1st day of May each year.

All license blanks and metal tags shall be furnished by the commissioner of agriculture, and the expense for the same shall constitute a legal charge against moneys received for dog licenses.'