

MAINE STATE LEGISLATURE

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N I N E T I E T H L E G I S L A T U R E

Legislative Document

No. 873

(Transmitted from the Revisor of Statutes under Joint Order)

H. P. 1534 House of Representatives, February 14, 1941.

Referred to Committee on Legal Affairs. Sent up for concurrence and 650 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Pratt of Turner.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

AN ACT Relating to Licensing of Dogs.

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

Sec. 1. R. S., c. 5, § 157, amended. Section 157 of chapter 5 of the revised statutes is hereby amended to read as follows:

'Sec. 157. Assessors to make lists of all dogs; return to clerks of cities and towns and commissioner of agriculture; penalty for failure to make return. Assessors of taxes shall include in their inventories lists of all dogs owned by or in the possession of any inhabitant on the 1st day of April, setting the number and sex thereof opposite the names of their respective owners or persons in whose possession the same are found, and make a return to the ~~treasurer of state~~ **clerks of cities and towns and the commissioner of agriculture** of said lists and also of the number of dogs killed as required by section 162 on or before the 15th day of June following; and if any city or town **clerk** fails to return to the treasurer of state on or before ~~September 1st~~ **August 15th** of each year, a sum of money equal to the license required by this chapter, on all dogs living on the 1st day of June preceding, such deficiency shall be collected in the same manner as the state tax of such delinquent city or town for the following year.'

Sec. 2. R. S., c. 5, § 158, amended. The following paragraphs of section 158 of chapter 5 of the revised statutes, as amended, are hereby further amended to read as follows:

'A fee of 90c shall be paid the city or town clerk for each license issued on male dogs, and a fee of \$4.90 shall be paid for all female dogs capable of bearing young. All female dogs shall be considered capable of producing young unless a certificate, **or previous license record**, is presented 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 90c 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 25c for the recording and making a return to the commissioner of agriculture.'

'Returns **from clerks** 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 July each year.'

'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 10, the fee for such license shall be ~~ten dollars and fifteen cents~~ **\$9.90, and in addition 25c for each such license as a fee for the recording and making the return required by law**, when the number of dogs so kept exceeds 10, the fee for such license shall be ~~twenty dollars and fifteen cents~~ **\$19.90, and in addition 25c for each such license as a fee for the recording and making the return required by law**, and no fees shall be required for the dogs of such owner or keeper under the age of 6 months. Dogs covered by kennel license shall be exempted from the provisions of this section requiring registration, numbering, and collaring.'

Sec. 3. R. S., c. 5, § 159, amended. Section 159 of chapter 5 of the revised statutes is hereby amended to read as follows:

'**Sec. 159. Duty of clerks.** 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~~ **treasurer of state within 30 days thereafter, retaining to their own use the sum of 15c for each license so issued; and the said treasurer shall pay the money so received to the treasurer of state on or before September first of each year** 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 owners or keepers of dogs licensed, and the sex, registered numbers, and

description of all such dogs; provided, however, that the sex, registered number, and description shall not be required of dogs covered by a kennel license.'

Sec. 4. R. S., c. 5, § 160, repealed. Section 160 of chapter 5 of the revised statutes is hereby repealed.

Sec. 5. R. S., c. 5, § 161, amended. Section 161 of chapter 5 of the revised statutes is hereby amended to read as follows:

'Sec. 161. Penalty for keeping unlicensed dog. Whoever keeps a dog contrary to the provisions of this chapter shall forfeit \$10, \$5 of which shall be paid to the complainant and \$5 to for the ~~treasurer of the town in which the dog is kept~~ use of the state, and in addition thereto shall pay the cost of prosecution.'

Sec. 6. R. S., c. 5, § 162, amended. Section 162 of chapter 5 of the revised statutes is hereby amended to read as follows:

'Sec. 162. Warrants to be issued to officers to enter complaint and summons to court the owner or keeper of any unlicensed dog. The mayor of each city and the municipal officers of each town or plantation shall annually within 10 days from the 1st day of May issue a warrant, returnable on the 1st day of June following, to one or more police officers or constables, directing them to proceed forthwith ~~either to kill or cause to be killed all dogs within said city, town, or plantation not licensed, collared or enclosed according to the provisions of this chapter and said constable or police officer shall or any other person may enter complaint against the owner or keeper thereof to enter complaint and summons to court the owner or keeper of any unlicensed dog.~~ On the 1st day of June the mayors of cities and the municipal officers of towns and plantations shall issue to one or more police officers or constables a warrant returnable on the 1st Monday of the following February, directing said police officers or constables to ~~kill or cause to be killed forthwith any dog not licensed or collared according to the provisions of this chapter and to enter complaint against the owner or keeper thereof~~ **enter complaint and summons to court owners or keepers of any dog not licensed or collared according to the provisions of this chapter.'**

Sec. 7. R. S., c. 5, § 163, amended. Section 163 of chapter 5 of the revised statutes is hereby amended to read as follows:

'Sec. 163. Officers commanded to kill dogs to make return. Each police officer or constable to whom the warrants named in the preceding

section are issued shall return the same at the time specified and shall state in his return on each warrant the number of dogs killed, ~~the names of the owners and keepers thereof~~, and whether all unlicensed dogs within his precinct, have been killed, and the names of persons against whom complaints have been made under the provisions of said section. Such officers shall receive from the city, town, or plantation the sum of \$2 for each dog killed, and for such other services rendered under the provisions of this chapter, they shall receive such compensation as the municipal officers may determine.'