

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. 1144

H. P. 1911

House of Representatives, April 10, 1941.

Reported by Mr. Slosberg from Committee on Legal Affairs and laid on table to be printed under joint rules.

HARVEY R. PEASE, Clerk.

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 Section 157 of chapter 5 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 157. Assessors to make lists of all dogs; returns to clerks of cities and towns and to commissioner of agriculture; commissioner of agriculture to report to state treasurer; state treasurer to notify municipal officers; certain credit to be allowed; consequence of failure to remit. Assessors of taxes shall include in their inventories lists of all dogs owned or kept by any inhabitant on the first day of April, setting the number and sex thereof opposite the names of their respective owners or keepers, and shall make returns to the clerks of their respective cities or towns and to the commissioner of agriculture or his authorized agent of such lists on or before the 15th day of June following.

The commissioner of agriculture or his authorized agent shall, on or before the first day of September of each year report to the treasurer of state the number of dogs by sexes, the number of dogs reported killed, and the number of kennels found in each city or town, together with the amount due the state from each city or town for dog licenses.

The treasurer of state shall notify the municipal officers of each city or town before October 1st of each year of the amount due the state for dog licenses, on which amount he shall allow credit for all dogs reported killed.

If any city or town fail to remit to the treasurer of state on or before October 15, of each year a sum of money equal to the licenses required by this chapter on all dogs living on the 15th day of June preceding, such deficiency shall be added to the state tax of such delinquent city or town for the following year.'

Sec. 2. R. S., c. 5, § 158, amended. Section 158 of chapter 5 of the revised statutes as amended is hereby repealed and the following enacted in place thereof:

'Sec. 158. Dog licenses to be applied for annually; license fee; licenses to be in triplicate; metal tag to be attached to dog collar; clerks to make annual returns to commissioner of agriculture; license blanks and metal tags to be furnished by commissioner of agriculture; duties and salary of sheep specialist; late licensing of unlicensed dogs; kennel licenses. On or before the first 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, color, and markings of such dogs and the name and address of the last previous owner.

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.

Such licenses shall be made in triplicate, the original copy shall be mailed to the commissioner of agriculture, 1 copy given to 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 from clerks of cities, towns and plantations, showing all licenses issued by them together with a correct report showing the total number of dogs in "both sexes" found by the city or town assessors and the number of dogs killed shall be made to the commissioner of agriculture not later than the first day of July each year.

All license blanks and metal tags shall be furnished by the commissioner of agriculture. The representative of the department of agriculture in charge of sheep husbandry shall be known as the sheep specialist, and shall devote his time to the carrying out of the provisions of the dog licensing laws and the adjustment of claims for damages to sheep by dogs and wild animals, and to the promotion of the sheep industry within the state. His salary shall be fixed by the governor, by and with the advice and consent of the council. The expense of furnishing the above-mentioned blanks and tags, and the necessary clerk hire and travel, and the salary of the sheep specialist shall be paid from the funds received from the licensing of dogs; provided, however, that not more than \$7,000 per year shall be expended under the provisions of this section, and provided, further, that out of the money received for dog licenses as much as is necessary, up to \$7,000, is hereby allocated for the purposes of this section.

Any person becoming the owner or keeper of a dog after the first day of April, not duly licensed as herein required, shall within 10 days after he becomes the owner or keeper of said dog, cause said dog to be described and licensed as provided above.

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 \$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 \$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 six 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 repealed and the following enacted in place thereof:

'Sec. 159. Duty of clerks. The clerks of cities and towns shall issue said licenses and receive the money therefor, and pay the same to the treasurer of state, 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 repealed and the following enacted in place thereof:

'Sec. 161. Penalty for keeping unlicensed dog. Whoever keeps a dog contrary to the provisions of this chapter shall be punished by a fine of not more than \$25 to be recovered by complaint before any trial justice or municipal court in the county where such owner or keeper resides.'

Sec. 6. R. S., c. 5, § 162, amended. Section 162 of chapter 5 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 162. Warrants to be issued to officers to enter complaint and summons to court the owner or keeper of any unlicensed dog; disposal of unlicensed dogs. The mayor of each city and the municipal officers of each town or plantation shall annually within 10 days after 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 him or them to proceed forthwith 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 him or them to seek out, catch and confine all dogs within such city, town or plantation which are not licensed, collared and tagged, or enclosed as required by this chapter and to enter complaint and summons to court the owner or keeper of any such dog and to sell, give away, kill or cause to be killed each such dog which after being detained by him or them for a period of not more than 6 days shall not have been licensed, collared and tagged.'

Sec. 7. R. S., c. 5, § 163, amended. Section 163 of chapter 5 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 163. Officers to make returns. Each police officer or constable to whom the warrants named in the 2nd paragraph of 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 or otherwise disposed of and whether all unlicensed dogs within his precinct have been disposed of, 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 or otherwise disposed of, and for other services rendered under the provisions of this chapter they shall receive such compensation as the municipal officers may determine.

Provided, however, that in the event the owner of a dog, that has been ordered to be killed, desires to conform with the law in regard to the dog at the time the officer calls to attend to his duty, he may pay the regular fees due, plus an extra fee of 85c, to the officer. The officer shall make a return on the warrant to that effect, and pay over the regular fee to the city or town clerk, retaining the 85c.

Provided further, that in no case shall such officer be entitled to more than \$2 as a fee for disposing of any dog.'

Sec. 8. R. S., c. 5, § 168, amended. Section 168 of chapter 5 of the revised statutes is hereby amended to read as follows:

'Sec. 168. Expenditure of money remaining in state treasury. All money received by the treasurer of state as provided in section 159 and remaining unexpended at the end of the fiscal year shall be credited to the several cities, towns, and plantations upon their state tax in proportion to the amount each has paid into the state treasury under the provisions of this chapter and so much thereof as remains unexpended as aforesaid is hereby appropriated to pay the same; provided, however, that the amount to be refunded to such plantations as are taxed as wild lands shall be paid direct to the plantation treasurer instead of being credited upon the state tax.'