

MAINE STATE LEGISLATURE

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

Legislative Document

No. 928

H. P. 1256

House of Representatives, February 14, 1947.

Transmitted by revisor of statutes pursuant to joint order

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Fuller of Hallowell.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT Relating 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. 88, § 8, amended. The 1st paragraph of section 8 of chapter 88 of the revised statutes is hereby amended to read as follows:

'Assessors of taxes shall include in their inventories lists of all dogs 6 months old or over owned or kept by any inhabitants on the 1st 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.'

Sec. 2. R. S., c. 88, § 9, amended. The 2nd paragraph of section 9 of chapter 88 of the revised statutes, as amended by section 1 of chapter 183 of the public laws of 1945, is 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 ~~issued by the commissioner of agriculture~~

~~and~~ signed by a licensed veterinarian, or previous license record, is presented from a licensed veterinarian 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 tag, each applicant shall pay the city or town clerk 25c for the recording ~~and making a return to the commissioner of agriculture.~~

Sec. 3. R. S., c. 88, § 9, amended. The 3rd paragraph of section 9 of chapter 88 of the revised statutes is hereby amended to read as follows:

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

Sec. 4. R. S., c. 88, § 9, amended. The 4th paragraph of section 9 of chapter 88 of the revised statutes, as amended by section 2 of chapter 183 of the public laws of 1945, is hereby further amended to read as follows:

‘A suitable tag showing the year such license is issued and bearing ~~such other data as the commissioner of agriculture may prescribe~~ the **license number and name of the city or town** 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.’

Sec. 5. R. S., c. 88, § 9, 5th paragraph, repealed. The 5th paragraph of section 9 of chapter 88 of the revised statutes is hereby repealed.

Sec. 6. R. S., c. 88, § 9, 6th paragraph, repealed. The 6th paragraph of section 9 of chapter 88 of the revised statutes, as amended by section 3 of chapter 183; and by chapter 209, both of the public laws of 1945, is hereby repealed.

Sec. 7. R. S., c. 88, § 10, amended. The 1st sentence of section 10 of chapter 88 of the revised statutes is hereby amended to read as follows:

‘The clerks of cities and towns shall issue said licenses and receive the money therefor, and pay the same to the **city or town** treasurer ~~of state~~, who shall credit the same to a fund called “Dog Licenses.”’

Sec. 8. R. S., c. 88, § 11, amended. Section 11 of chapter 88 of the revised statutes is hereby amended to read as follows:

Sec. 11. Penalty for keeping unlicensed dog. Whoever keeps a dog contrary to the provisions of sections 8 to 25, inclusive, **as amended** 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. 9. R. S., c. 88, § 16, amended. Section 16 of chapter 88 of the revised statutes, as amended by section 72 of chapter 378 of the public laws of 1945, is hereby further amended to read as follows:

Sec. 16. Payment of damages done by dogs; determination of damages; recovery from owner; penalty for keeping dogs that kill sheep. Whenever any sheep, lambs, or other domestic animals are killed or injured by dogs ~~or wild animals~~, the 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 suitable 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 commissioner of agriculture or his duly authorized agent, within 15 days from the date of investigation, and the triplicate shall be kept by~~ **shall be filed with** 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 con-

strued to mean that the investigator has seen evidence legally establishing the liability of the **state city, town or plantation**. 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.~~

The claim as rendered or as adjusted shall be paid by the city, town or plantation in the same manner that other town accounts are paid and the adjustment of the municipal officers shall be final in all cases.

All dogs doing such damage and found without leather or metal collar and tag as required by law shall be deemed to be unlicensed; provided, however, that if investigation shows such dog or dogs to have been legally licensed, the **state city, town or plantation** shall accept liability and adjust the damage.

The **state city, town or plantation** may maintain an action on the case against the owner or keeper of the dogs to recover the amount paid 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.

Any person who keeps a dog that kills or injures sheep or lambs shall be punished by a fine of not 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. 10. R. S., c. 88, § 17, amended. Section 17 of chapter 88 of the revised statutes is hereby amended to read as follows:

'Sec. 17. Damages to poultry by dogs; procedure; penalty. Whenever any poultry owned by a resident of this state is killed or injured by dogs, ~~skunks, foxes, weasels, mink, or coons~~ 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 24 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 actual value of such poultry and make returns of their findings together with the estimated damage, in ~~triplicate duplicate~~; the original ~~and duplicate copies~~

together with a bill from the claimant shall be returned mailed to the ~~commissioner of agriculture or his duly authorized agent~~ the town clerk, within 15 days from the date of the investigation, and the triplicate shall be kept by the town clerk as his record. If the poultry is kept in an unincorporated place, the owner may make complaint to the municipal officers of the nearest incorporated place, who shall investigate the complaint. ~~The commissioner of agriculture or his duly authorized agent~~ **The municipal officers** shall approve the bill, or, if it seems advisable, ~~investigate and~~ adjust the claim and such adjustment by ~~the commissioner of agriculture or his duly authorized agent~~ **the municipal officers** shall be final in all cases. When the claim is approved by the ~~commissioner of agriculture or his duly authorized agent~~ **municipal officers** it shall be paid by the ~~state~~ **municipality** to the person sustaining such damage and shall be a proper charge against the fund received by the ~~state~~ **city or town** under the provisions of section 10 **as amended.**

Any person who keeps a dog that kills or injures poultry shall be subject to the same penalty as provided in section 16, as amended.'

Sec. 11. R. S., c. 88, § 19, repealed. Section 19 of chapter 88 of the revised statutes, as amended by section 2 of chapter 47 of the public laws of 1945, is hereby repealed.