

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Transmitted by Director of Legislative Research pursuant to joint order.

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

Legislative Document

No. 1403

H. P. 979

House of Representatives, March 26, 1957.

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

HARVEY R. PEASE, Clerk

Presented by Mr. Turner of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT Relating to Damages Done by Dogs and Wild Animals.

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

Sec. 1. R. S., c. 100, § 18, repealed and replaced. Section 18 of chapter 100 of the Revised Statutes is hereby repealed and the following section enacted in place thereof :

‘Sec. 18. Payment of damages done by dogs and wild animals; recovery from owner; keeping dogs that kill sheep and poultry. Whenever any livestock, poultry or domestic rabbits, properly enclosed, owned by a resident of this State is killed or injured by dogs or wild animals, the owner, after locating such animal, animals or poultry or a sufficient part of each to identify the same, may make complaint thereof to the mayor of a 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 same. Thereupon, the municipal officers shall investigate the complaint and if satisfied such damage was committed by dogs or wild animals within the limit of their municipality, after viewing the evidence estimate the actual value of such animals or poultry according to the purposes for which they were kept, whether as breeders or other purposes, together with the damage to any other animals or poultry being bitten, torn or chased or exhausted, and make returns on blanks furnished by the Department of Agriculture. Such returns 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 municipal clerk as his record.

A full description of all evidence seen by the investigator shall be plainly printed or written in triplicate on all reports and recommendations giving the

number of animals or poultry, properly enclosed, with the estimated value and the number of each giving their ages, average live weight and any other information that will assist in making a fair adjustment.

When livestock, poultry or domestic rabbits, properly enclosed, are kept in an unincorporated place, the owner may make complaint to the municipal officers to the nearest municipality adjoining, or the nearest municipality 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. All reports and recommendations must be signed by a majority of the municipal 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.

All dogs doing such damage and found without leather or metal collar and tag as required by law shall be deemed to be unlicensed. If investigation shows such dog or dogs to have been legally licensed, the State shall accept liability and adjust the damage.

The State 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 any livestock, poultry or domestic rabbits 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 dog produces satisfactory evidence that the dog has been killed.'

Sec. 2. R. S., c. 100, § 19, repealed. Section 19 of chapter 100 of the Revised Statutes, as amended by chapter 136 of the public laws of 1955, is hereby repealed.