

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE

1909

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fourth
Legislature

1909

CHAP. 221

Report annually to governor and council.

'Section 17. The board of state assessors shall annually, before the first day of December, make a report to the governor and council of their proceedings and shall include therein a tabular statement of all statistics derived from returns from local assessors, with schedules of all corporations on which state taxes were assessed during the year, and such other statistics and information concerning revenue and taxation as may be deemed of public interest, and for the years in which they shall equalize the valuation of the state, their report shall include tabular statements of the state valuation by towns.'

Appeals to S. J. court.

Section 11. All appeals to the supreme judicial court under the provisions of section seventy-nine of chapter nine of the revised statutes, may be referred by the court to the board of state assessors, who shall hear the parties and report their findings to the court together with a transcript of the evidence. Such report shall be prima facie evidence of the facts thereby found.

Approved April 2, 1909.

Chapter 221.

An Act to amend Section eleven of Chapter eighty-one of the Revised Statutes, in relation to Records of Proceedings in Court.

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

Clerks shall make such records as court may direct.

After the rendition of final judgment or decree in any civil case at law or in equity, the clerk of the court shall as soon as may be make such a record thereof as the court by general rule or special order may direct. If either party, however, files a request and tenders the fees therefor, a full, extended record shall be made. The supreme judicial court may establish the form of such full extended record.

Approved April 2, 1909.

Chapter 222.

An Act for the Licensing of Dogs and for the Better Protection of Sheep.

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

Sections 44 to 61, inclusive of chapter 4, R. S., as amended, repealed.

Section 1. Sections forty-four to section sixty-one inclusive of chapter four of the revised statutes and all acts amendatory thereto are hereby repealed.

Assessors shall make lists of all dogs.

Section 2. Assessors of taxes shall include in their inventories lists of all dogs owned by or in the possession of any inhabitant on the first 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 of said lists and also of the number of dogs killed as required by section seven of this chapter on or before the fifteenth day of June following; and if any city or town fail to return to the treasurer of state on or before September first of each year, a sum of money equal to the license required by this chapter, on all dogs living on the first 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.

—return shall be made to treasurer of state.

—penalty, if town fails to make return.

Section 3. Every owner or keeper, on the first day of April, of a dog more than four months old, shall annually before the tenth day of said April, cause it to be registered, numbered, described and licensed for one year commencing with the first day of April aforesaid, in the office of the clerk of the city or town where said dog is kept, and shall keep around its neck a collar distinctly marked with the owner's name and its registered number, and shall pay to said clerk for a license the sum of one dollar and fifteen cents for each male dog and for each female dog incapable of producing young so kept, and five dollars and fifteen cents for each female dog capable of producing young.

Dogs shall be annually registered, numbered and licensed.

—license fee.

Any person becoming the owner or keeper of a dog after the first day of April, not duly licensed as herein required, shall within ten 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 ten, the fee for such license shall be ten dollars and fifteen cents; when the number of dogs so kept exceeds ten, the fee for such license shall be twenty dollars and fifteen cents 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.

—kennel license.

fee for kennel license.

—exception.

Section 4. 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 within thirty days thereafter, retaining to their own use the sum of fifteen cents for each license so issued; and the said treasurer shall pay the

Clerk shall issue license, receive fees and pay same to the town treasurer, who shall pay it

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into state
treasury.

—record of
licenses.

Treasurers
shall keep
account.

Penalty for
keeping un-
licensed
dog.

Warrants
to be is-
sued to of-
ficers to kill
all unli-
censed dogs.

Return of
warrant
and what it
shall con-
tain.

—fees of
officers.

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.

Section 5. The treasurer of each city or town shall keep an accurate and separate account of all moneys received and expended by him under the provisions of this chapter.

Section 6. Whoever keeps a dog contrary to the provisions of this act shall forfeit ten dollars, five of which shall be paid to the complainant and five to the treasurer of the town in which the dog is kept, and in addition thereto shall pay the cost of prosecution.

Section 7. The mayor of each city and the municipal officers of each town or plantation shall annually within ten days from the first day of May issue a warrant, returnable on the first 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 act, and said constable or police officer shall or any other person may enter complaint against the owner or keeper thereof. On the first day of June, the mayor 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 first 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 act and to enter complaint against the owner or keeper thereof.

Section 8. Each police officer or constable to whom the warrants named in the preceding section are issued, shall return the same at the times specified and shall state in their return on each warrant the number of dogs killed, the names of the owners and keepers thereof, and whether all unlicensed dogs therein have been killed, and the names of persons against whom complaints have been made under the provisions of this act.

Such officers shall receive from the city, town or plantation the sum of two dollars for each dog killed, and for such other services rendered under the provisions of this act, they

shall receive such compensation as the municipal officers may determine.

Section 9. The secretary of state shall seasonably forward to the clerks of the several cities, towns and plantations, copies of the eight preceding sections, and each clerk shall annually, at least twenty days before the first day of April, post said copies in the usual places of posting notices of the annual municipal or town elections.

Secretary of state to forward copies of law.

—copies to be posted.

Section 10. When a dog does damage to a person or his property, his owner or keeper, and also the parent, guardian, master, or mistress of any minor who owns such dog, forfeits to the person injured the amount of the damage done, provided the said damage was not occasioned through the fault of the person injured; to be recovered by an action of trespass.

Damages by dogs, liability for.

Section 11. Whenever any sheep, lambs, or other domestic animals, owned by a resident of this state are killed or injured by dogs, 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 seven days 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 within the limits of their city, town or plantation, they shall estimate the damage thereof according to the full value and fifty per cent. additional for which they are kept, whether as breeders or for other purposes, and direct that the same shall be paid from the town treasury.

Payment of damages done by dogs to domestic animals.

If the municipal officers and the owner of the sheep or domestic animals are unable to agree as to the amount of the damage which shall be paid the amount shall be determined by three referees to be selected in manner following. One referee to be chosen by the municipal officers, one by the owner of the animals injured or killed, and the third by the two referees already selected. In case one party refuses or neglects to select a referee, the other party, after thirty days from the time the notice of the aforesaid damage was given or received, shall select two referees, and the two selected shall choose the third. The said referees shall submit a written report, signed by a majority, within fifteen days from the date of their appointment, stating the amount to be paid by the town. The report of said referees shall be final and the expenses of the referees shall be divided equally between the owner of the animals and the town, city or plantation.

—damages, how determined if parties fail to agree.

Any town paying such damages caused by dogs may maintain an action on the case against the owner or keeper of such

—amount paid may be recovered

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of owner or keeper of dogs.

—penalty for keeping dog that kills sheep.

Joint owners of dogs liable jointly and severally.

Reimbursement of amount paid by cities and towns.

How money remaining unexpended in state treasury is disposed of.

Penalty, if officer refuses or neglects duty.

Owner of registered dog may recover full value of same if stolen or killed unlawfully.

dogs to recover the amount paid, not exceeding the actual damage committed and fifty per cent. additional.

Any person who keeps a dog that kills or injures sheep or lambs shall be fined not less than fifty dollars nor exceeding one hundred dollars 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.

Section 12. If any sheep, lambs, or other domestic animals are killed or injured by two or more dogs at the same time, kept by two or more owners or keepers, the said owners or keepers of said dogs shall be jointly and severally liable for such damage.

Section 13. When any city, town, or plantation shall have paid damages to the owners of sheep, lambs, or other domestic animals, as provided in section eleven, for losses caused by dogs, and the amount of such damages cannot be collected from the owners or keepers of said dogs, or the dog or dogs causing such losses cannot be identified, the mayor of such city, or the municipal officers of said town or plantation, shall forward to the state auditor a statement of facts in each case, showing the amount so paid, and the state shall reimburse such city, town or plantation to the amount of such damage from the fund received by said state under section four, and so much as may be necessary is hereby appropriated to pay the same.

Section 14. All money received by the treasurer of state as provided in section four and remaining unexpended at the end of the 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 act 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 that are taxed as wild lands shall be paid direct to the plantation treasurer instead of being credited upon the state tax.

Section 15. Any mayor, selectman, clerk, constable, or police officer who refuses or wilfully neglects to perform the duties imposed by the fourteen preceding sections shall be punished by a fine of not less than ten nor more than fifty dollars and costs.

Section 16. Whoever steals, injures or confines and secretes any registered dog, or kills any such dog, except as provided in section seventeen of this act, and unless such killing be justifiable in the protection of person, property or game, shall be liable to the owner in a civil action for the full value of the dog.

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Section 17. Any person may at any time lawfully kill any dog found hunting or chasing moose, caribou, or deer, or any dog kept and used for that purpose. Any person may lawfully kill a dog which suddenly assaults him or another person when peaceably walking or riding, or is found worrying, wounding, or killing any domestic animal when said dog is outside of the enclosure or immediate care of his owner or keeper.

When dogs may be lawfully killed.

Section 18. Whoever is so assaulted or finds a dog strolling outside of the premises or immediate care of its keeper, and the said dog is not safely muzzled, may, within forty-eight hours thereafter, make written complaint before the municipal or police court having jurisdiction in the city or town where its owner or keeper resides, or in case there is no court, before a trial justice in said town, that he really believes and has reason to believe that said dog is dangerous and vicious, whereupon said court or trial justice shall order said owner or keeper to appear and answer to said complaint by serving said owner or keeper of said dog with a copy of said complaint and order a reasonable time before the day set for the hearing thereon; and if upon hearing, the court or trial justice is satisfied that the complaint is true, he shall order the dog to be killed and the owner or keeper shall pay the costs.

Written complaint may be made of dangerous dogs at large.

Section 19. If a dog, whose owner or keeper refuses or neglects to comply with said order, wounds any person by a sudden assault as aforesaid, or wounds and kills any domestic animal, the owner or keeper shall pay the person injured treble damages and costs, to be recovered by an action on the case.

Treble damages and costs when order is neglected.

Section 20. Dogs kept in unorganized plantations shall be licensed by their owners or keepers in the oldest adjoining plantation or town. In case there is no adjoining town or plantation, said dogs shall be licensed in the nearest town or plantation.

Dogs in unorganized plantations.

Section 21. For the purposes of this act, all trial justices, municipal and police courts shall have concurrent jurisdiction with the superior and supreme judicial court. All actions shall be by complaint or indictment unless otherwise specified. All fines imposed shall be paid into the treasury where the offense is committed and shall be used for the benefit of the town unless otherwise provided.

Jurisdiction of courts.

—fines, how disposed of.

Section 22. All acts inconsistent with this act are hereby repealed.

Inconsistent acts repealed.