

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-seventh and Eighty-eighth
Legislatures

OF THE

STATE OF MAINE

From April 7, 1935 to April 24, 1937

AND MISCELLANEOUS STATE PAPERS

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Eighty-Eighth Legislature

1937

Chapter 202

AN ACT Relating to Payment of Damages Done by Dogs or Wild Animals and 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. 5, § 166; relating to payment of damage by dogs and wild animals, amended. Section 166 of chapter 5 of the revised statutes is hereby amended by striking out the whole of said section and inserting in place thereof the following:

‘Sec. 166. Payment of damages done by dogs and wild animals; 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 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 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 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-

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strued to mean that the investigator has seen evidence legally establishing the liability of the state. 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.

All dogs doing such damage and found without leather or metal collar and metal 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 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 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. 2. R. S., c. 5, § 158, amended. Section 158 of chapter 5 of the revised statutes is hereby amended by striking out the whole of the 1st paragraph and inserting in place thereof the following:

'On or before 1st 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, age, color, and markings of such dogs and the name and address of the last previous owner.

A fee of \$1 shall be paid the city or town clerk for each license issued on male dogs, and a fee of \$5 shall be paid for all female dogs capable of bearing young. All female dogs shall be considered capable of producing young unless accompanied by a certificate 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 \$1 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 15 cents for recording and making returns 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 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 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 May each year.

All license blanks and metal tags shall be furnished by the commissioner of agriculture, and the expense for the same shall constitute a legal charge against moneys received for dog licenses.'

Approved April 17, 1937.

Chapter 203

AN ACT Relating to Pauper Settlements.

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

R. S., c. 33, § 4, amended. Section 4 of chapter 33 of the revised statutes is hereby amended to read as follows:

'Sec. 4. Towns relieving persons, who lose settlement under section 3, reimbursed by state. Whenever a person having a pauper settlement in a town loses such settlement by virtue of the provisions of section 3, relief shall be furnished, and towns furnishing such relief shall be reimbursed by the state as provided in section 22, in case of paupers having no legal settlement in the state. In case the existing derivative settlement of a person cannot be determined, after a diligent effort and search by the municipality furnishing pauper supplies to said person, then said person shall be deemed to have no settlement in the state, and the state shall be liable for the support of said person; provided, however, that said derivative settlement which cannot be determined shall involve a period of more than 20 years or the 3rd generation and that the commissioner of health and welfare and the attorney-general shall first be satisfied that the municipality furnishing the relief has made a diligent effort and search to establish the true legal settlement of said person.'

Approved April 17, 1937.