

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

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PUBLIC LAWS
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Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective May 29, 1981

CHAPTER 368

S. P. 582 — L. D. 1558

AN ACT to Reimburse Owners of Livestock, Poultry or Beehives which are Destroyed or Damaged by Dogs or Wild Animals.

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

Sec. 1. 5 MRSA § 1510-B, as enacted by PL 1979, c. 672, § 3, is amended to read:

§ 1510-B. No liability for wild animal damage

The State is not liable for damage done by ~~dogs or~~ wild animals to beehives or livestock ~~other than sheep~~. Neither state agencies nor the State Claims Board may accept claims for such ~~dog or~~ wild animal damage.

Sec. 2. 7 MRSA § 3406, sub-§ 1, 2nd sentence, as amended by PL 1979, c. 663, § 22, is further amended to read:

Any licensed veterinarian, humane society or shelter accepting a sick, stray, injured or abandoned dog shall keep that dog for a period of ~~10~~ 8 days and shall be entitled to receive from the State the sum of \$2.50 per day for the period or part thereof for which food and shelter are furnished for that dog, provided that the licensed veterinarian, humane society or shelter notifies the clerk of the respective municipality within 24 hours after accepting the dog.

Sec. 3. 7 MRSA § 3406, sub-§ 1, 4th sentence, as enacted by PL 1979, c. 121, is amended to read:

Upon the expiration of the ~~10~~ 8 days, if the owner of the dog has not appeared to claim the dog, then the licensed veterinarian, humane society or shelter may give away, sell or otherwise humanely dispose of the dog.

Sec. 4. 7 MRSA § 3451, 5th ¶, as last amended by PL 1979, c. 731, § 19, is repealed and the following enacted in its place:

All license blanks and tags shall be furnished by the commissioner. The commissioner shall carry out the dog licensing laws and the adjustment of, and authorization of payment of, claims for damages to livestock, poultry and

domestic rabbits by dogs. The expense of furnishing the blanks and tags, and the necessary personnel and travel, and approved claims for damages done by dogs shall be paid from the funds received from the licensing of dogs. The commissioner shall use funds received from the licensing of dogs, in addition to any other funds authorized for expenses of the Division of Animal Welfare.

Sec. 5. 7 MRSA § 3652-A is enacted to read:

§ 3652-A. Damage by dogs to livestock, poultry or domestic rabbits; recovery from owner

Whenever any livestock, poultry or domestic rabbits, properly enclosed, owned by a resident of this State are killed or injured by dogs, the owner, after locating such animal, animals or poultry or a sufficient part of each to identify the animal, may make complaint thereof to the mayor of a city or to one of the municipal officers of the town or plantation where the damage was done within 24 hours after he has knowledge of the damage. Thereupon, the municipal officers shall investigate the complaint and, if satisfied that damage was committed by dogs within the limit of their municipality, after viewing the evidence, estimate the actual value of the 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, chased or exhausted, and make returns on blanks furnished by the Department of Agriculture, Food and Rural Resources. These 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, Food and Rural Resources or his duly authorized agent within 15 days from the date of the investigation, and the triplicate copy 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 of the nearest municipality adjoining, or the nearest municipality when there is none adjoining, who shall investigate the complaint.

Each report and recommendation shall be signed by the investigator in the place provided for his signature. The signature shall be construed to mean that the investigator has seen evidence legally establishing the liability of the State. All reports and recommendations shall be signed by a majority of the municipal officials.

The commissioner or his duly authorized agent shall approve the bill or, if it seems advisable, investigate and adjust the claim.

The State may maintain a civil action against the owner or keeper of the dogs to recover the amount paid, unless, before the final disposition of the case, the owner or keeper of the 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 commits a civil violation for which a forfeiture not to exceed \$100 may be adjudged, in addition to the costs, unless, before the final disposition of the case, the owner or keeper of the dog produces satisfactory evidence that the dog has been killed.

Payment by the State under this section shall not exceed \$300 for grade cattle and horses or \$500 for registered cattle and horses. Payment shall not exceed \$50 for grade sheep, goats or swine, or \$100 for registered sheep, goats or swine. Payment shall not exceed \$10 for any single poultry or rabbit.

Sec. 6. 7 MRSA § 3653, as repealed by PL 1979, c. 672, Pt. A, § 42, is reenacted to read:

§ 3653. Joint and several liability

If any sheep, lambs or other domestic animals are killed or injured by 2 or more dogs at the same time, kept by 2 or more owners or keepers, the owners or keepers of the dogs shall be jointly and severally liable for the damage.

Sec. 7. 7 MRSA c. 715, as enacted by PL 1979, c. 672, Pt. A, § 44, is repealed.

Sec. 8. **Limit on repayment.** During fiscal years 1981-82 and 1982-83, any money owed to the General Fund by the dog license fund shall be repaid only at the end of the respective fiscal years and only to the extent that funds are available. Notwithstanding any other law, if such amounts are not fully repaid at the end of fiscal year 1982-83, they shall be repaid at the end of subsequent fiscal years from any amounts available at the end of such year until repayment is complete.

Effective September 18, 1981

CHAPTER 369

S. P. 604 — L. D. 1601

AN ACT Concerning the Consent Requirements and Termination of Parental Rights for Adoption Proceedings.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, under the current adoption laws of this State, it is difficult, if not impossible, to process an adoption without the written consent of both parents; and