

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 1994 to June 30, 1995**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 29, 1995**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1995**

**Sec. 2. 7 MRSA §3962-A**, as enacted by PL 1993, c. 468, §19, is repealed and the following enacted in its place:

**§3962-A. Penalty for damage to livestock or pets by dogs**

**1. Violation.** Except as provided in subsection 3, the owner or keeper of a dog that kills or injures livestock, poultry, domestic rabbits or pets commits a civil violation for which a forfeiture not to exceed \$100 may be adjudged in addition to costs.

**2. Additional remedy.** A person who suffers damage as a result of a violation of subsection 1 may also pursue a civil action against the owner or keeper of the dog pursuant to section 3961.

**3. Exception.** If the owner or keeper of a dog that kills or injures another dog establishes that the dog that was killed or injured provoked the killing or injury or that the dog that committed the killing or injury was leashed or controlled on the owner's or keeper's property at the time of the killing or injury, then the owner or keeper is not liable under this section or section 3961.

**Sec. 3. 7 MRSA §3963**, as enacted by PL 1987, c. 383, §3, is amended to read:

**§3963. Joint and several liability**

If any properly enclosed livestock, poultry or domestic rabbits or pets are killed or injured by 2 or more dogs at the same time ~~which~~ and the dogs are kept by 2 or more owners or keepers, the owners or keepers ~~shall be~~ are jointly and severally liable for the damage.

**Sec. 4. 7 MRSA §3964**, as enacted by PL 1987, c. 383, §3, is repealed.

**Sec. 5. 7 MRSA §4041, sub-§4**, as enacted by PL 1989, c. 91, is amended to read:

**4. Penalty.** A forfeiture of not more than \$500 ~~shall must~~ be adjudged for a civil violation under subsection 3. In addition the court may as part of the sentencing include an order of restitution for ~~damages caused by the livestock animal in accordance with section 3964 and for~~ costs incurred in removing and controlling the livestock animal.

**Sec. 6. 12 MRSA §7504, sub-§6, ¶D**, as enacted by PL 1979, c. 420, §1, is amended to read:

D. Any person having evidence of any dog chasing, killing, wounding or pursuing any moose, caribou, deer or elk, or any other wild animal in closed season, or of any dog kept and used for that purpose, or of any dog worrying, wounding or killing any domestic animal, includ-

ing another dog, or any livestock, poultry, fowl or furbearing animal legally in captivity, when the dog is outside of the enclosure or immediate care of ~~his~~ the dog's owner or keeper, may present that evidence to the District Court having jurisdiction.

- (1) The court may issue a warrant against the owner of the dog, ordering ~~him~~ the owner to show cause why the dog should not be killed.
- (2) Upon hearing the evidence in the case, the court may order the dog killed by any game warden.
- (3) The costs of prosecution ~~shall~~ must be paid by the owner or keeper of the dog.

See title page for effective date.

**CHAPTER 352**

**H.P. 824 - L.D. 1155**

**An Act Concerning the Liability of Governmental Entities for the Use by Employees of Private Motor Vehicles**

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

**Sec. 1. PL 1993, c. 707, Pt. G, §9** is repealed.

See title page for effective date.

**CHAPTER 353**

**H.P. 933 - L.D. 1314**

**An Act to Make Minor Technical Adjustments to Various Professional Licensing Boards**

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

**Sec. 1. 5 MRSA §12004-A, sub-§41**, as enacted by PL 1987, c. 786, §5, is amended to read:

41. State Board of Substance Abuse Counselors	<del>Not Authorized</del> <u>\$35/Day Plus Expenses</u>	32 MRSA §6201
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**Sec. 2. 10 MRSA §9063**, as amended by PL 1993, c. 642, §32, is further amended to read: