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Date: (Filing No. H-)

JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 299, L.D. 419, Bill, “An Act To Clarify Damages for the Willful or Negligent Injury or Death of a Dog”

Amend the bill by striking out the title and substituting the following:

'An Act To Clarify Noneconomic Damages for the Intentional or Negligent Injury or Death of a Pet'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 7 MRSA §4021 is enacted to read:

§4021. Noneconomic damages for death of pet

1. Liability for unlawful act. A person whose animal or whose unlawful and intentional or negligent act kills the pet of a pet owner or causes fatal injuries to the pet of a pet owner is liable for up to \$5,000 in noneconomic damages. If the death is caused by the person's negligent act, the death or fatal injury must have occurred on the property of the pet owner or the caretaker of the pet or while the pet was under the control and supervision of the pet owner or caretaker of the pet.

2. Damages limits not applicable. Limits for noneconomic damages set out in subsection 1 do not apply to causes of action for intentional infliction of emotional distress or any other civil action other than a cause of action involving the direct and sole loss of a pet.

3. Damages limited to compensation. Noneconomic damages awarded pursuant to this section are limited to compensation for the loss of the reasonably expected companionship, love and affection of a pet.

4. No liability or damages. This section does not:

A. Apply to a nonprofit entity or governmental agency, or its employees, negligently causing the death of a pet while acting on the behalf of public health or animal welfare;

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1 B. Authorize an award of noneconomic damages in an action for professional
2 negligence against a licensed veterinarian; or

3 C. Apply to the killing of any dog authorized under Title 12, section 12404,
4 subsection 6.

5 5. Not exclusive. The award of noneconomic damages for an act under this section
6 does not preclude any other civil or criminal liability for the same act.'

7 **SUMMARY**

8 This amendment replaces the bill and changes the title. It creates a cause of action
9 for noneconomic damages to be collected by a pet owner when another person or the
10 person's animal kills the pet or injures the pet and the injuries lead to the death of the pet.
11 The person must have been acting unlawfully and either intentionally or negligently. If
12 the person's actions were negligent, the death or fatal injury must have occurred on the
13 property of the pet owner or caretaker or while the pet was under the control and
14 supervision of the pet owner or caretaker. Damages are limited to \$5,000 for the loss of
15 the reasonably expected companionship, love and affection of the pet. The \$5,000 limit
16 does not apply to causes of action for intentional infliction of emotional distress or any
17 other civil action other than the direct and sole loss of a pet.

18 The amendment does not apply to a nonprofit entity or governmental agency, or its
19 employees, negligently causing the death of a pet while acting on the behalf of public
20 health or animal welfare, and it does not authorize an award of noneconomic damages in
21 an action for professional negligence against a licensed veterinarian. It also does not
22 apply to the killing of a dog when the killing is authorized under the Maine Revised
23 Statutes, Title 12, section 12404, subsection 6 concerning nuisance dogs chasing, killing,
24 wounding, worrying or attacking moose, deer, other wild animals, domestic animals,
25 livestock or poultry.

26 The existing Animal Welfare Act defines "pet" as a dog, cat or other domesticated
27 animal commonly kept as a companion, but "pet" does not include tamed animals that are
28 ordinarily considered wild animals or livestock.