

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Strengthen the Law Regarding Dangerous Dogs**

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

**Sec. 1. 7 MRSA §3952, sub-§1**, as amended by PL 2011, c. 82, §1, is further amended to read:

**1. Procedure.** Any person who is assaulted or threatened with imminent bodily injury by a dog or any person witnessing an assault or threatened assault against a person or domesticated animal or a person with knowledge of an assault or threatened assault against a minor, within 30 days of the assault or threatened assault, may make written complaint to the sheriff, local law enforcement officer or animal control officer that the dog is a dangerous dog. For the purposes of this chapter, "domesticated animal" includes, but is not limited to, livestock as defined in section 3907, subsection 18-A.

Upon investigation of the complaint, the sheriff, local law enforcement officer or animal control officer may determine that the dog is a dangerous dog as defined in section 3907, subsection 12-D and issue a civil violation summons for keeping a dangerous dog.

If, upon hearing, and taking into account the determination of the sheriff, local law enforcement officer or animal control officer, the court finds that the dog is a dangerous dog as defined in section 3907, subsection 12-D, the court shall impose a fine and shall:

A. ~~Order the dog confined in a secure enclosure except as provided in paragraph C or subsection 8 at a governmental facility or at a local humane society or similar nongovernmental organization.~~ For the purposes of this paragraph, "secure enclosure" means a fence or structure of at least 6 feet in height forming or making an enclosure suitable to prevent the entry of young children and suitable to confine a dangerous dog in conjunction with other measures that may be taken by the owner or keeper, such as tethering the dangerous dog. The secure enclosure must be locked, be designed with secure top, bottom and sides and be designed to prevent the animal from escaping from the enclosure. The court shall specify the length of the period of confinement and may order permanent confinement; or

B. Order the dog to be euthanized if it has killed, maimed or inflicted serious bodily injury upon a person or domesticated animal or has a history of a prior assault or a prior finding by the court of being a dangerous dog; ~~or.~~

C. ~~Order the dog to be securely muzzled, restricted by a tether not more than 3 feet in length with a minimum tensile strength of 300 pounds and under the direct control of the dog's owner or keeper whenever the dog is off the owner's or keeper's premises.~~

The court may order restitution in accordance with Title 17-A, chapter 54 for any damages inflicted upon a person or a person's property.

**Sec. 2. 7 MRSA §3952, sub-§1-A, ¶A,** as enacted by PL 2007, c. 170, §2, is amended to read:

A. Provide the animal control officer in the municipality where the dangerous dog ~~is~~was kept with photographs and descriptions of dogs kept by that owner or keeper including the sex, breed, age and identifying markings of each dog;

**Sec. 3. 7 MRSA §3952, sub-§2,** as amended by PL 1999, c. 350, §2, is repealed.

**Sec. 4. 7 MRSA §3952, sub-§3,** as amended by PL 1999, c. 350, §2, is further amended to read:

**3. Ex parte order.** ~~After issuing a summons and before hearing, if the dog poses an immediate or continuing threat to the public, a sheriff, local law enforcement officer or animal control officer shall order the owner or keeper of the dog to muzzle, restrain or confine the dog to the owner's premises or to have the dog confined at the owner's expense at a place determined by the sheriff, local law enforcement officer or animal control officer. If the owner or keeper fails to comply, the sheriff, local law enforcement officer or animal control officer may apply to District Court, Superior Court or a justice of the peace for an ex parte order for authorization to take possession of the dog that poses an immediate or continuing threat to the public and turn the dog over to the applicant or other suitable person~~confine the dog at a governmental facility or at a local humane society or similar nongovernmental organization.

**Sec. 5. 7 MRSA §3952, sub-§7,** as amended by PL 2007, c. 170, §3, is further amended to read:

**7. Class D crime.** If the owner refuses or neglects to comply with an order issued under subsection ~~1~~, 1-A or 4-A, the owner commits a Class D crime. The court, as part of the judgment, may prohibit a person convicted under this subsection from owning or possessing a dog or having a dog on that person's premises for a period of time. The prohibition may be permanent.

**Sec. 6. 7 MRSA §3952, sub-§8,** as amended by PL 2011, c. 82, §2, is further amended to read:

**8. Restriction of movement outside of a secure enclosure.** An owner or keeper of a dog confined to a secure enclosure by a court under ~~subsection 1, paragraph A~~ or subsection 1-A, paragraph C may not allow the dog outside of the secure enclosure unless:

- A. It is necessary to obtain veterinary care for the dog or to comply with orders of the court; and
- B. The dog is securely muzzled, restrained by a tether not more than 3 feet in length with a minimum tensile strength of 300 pounds and under the direct control of the dog's owner or keeper.

## SUMMARY

This bill allows a sheriff, local law enforcement officer or animal control officer to determine whether a dog is a dangerous dog and requires the court to take that determination into account when making a decision regarding a dangerous dog. It requires the sheriff, local law enforcement officer or animal control officer who determines a dog to be dangerous to apply for an ex parte order to take possession of the dog. It removes the option of the court's allowing the owner or keeper of a dangerous dog to keep the dog and requires the court either to order the dog confined at a governmental facility or at a local humane society or similar nongovernmental organization or to order the dog euthanized. It also

adds to the law regarding ordering a dog's euthanasia that the dog must be euthanized if it killed, maimed or inflicted serious bodily injury upon a domesticated animal.