

The Honorable Senator Talbot-Ross, the Honorable Representative Pluecker and esteemed members of the Agriculture, Conservation and Forestry Committee.

My name is Stacy Shaffer and I am in support of Bill 133, An Act to Amend the Law Regarding Nuisance Dogs. Amending the law regarding nuisance animals to include barking dogs will be an effective step towards addressing a prevalent problem in this state of barking dogs disturbing neighbors peaceful enjoyment of their property.

My husband and I live on what was a quiet residential street in rural Sebec. In 2015, Give A Dog A Home German Shepard Dog Rescue relocated to Sebec from Texas. The business moved into a residential property located across the street from our property. From the very beginning there were issues with dogs, barking, howling and yelping all day and night. Please keep in mind at the time the business moved to Maine there were approximately one hundred dogs at the rescue. The dogs were kept in a chain link fenced in enclosure that abutted the street. The dogs had free access to this area twenty-four hours a day. Many calls of complaint were made to the Selectman for the town of Sebec and the Animal Control Officer. The Town of Sebec has a dog barking ordinance that reads in part: "Upon written complaint any Animal Control Officer may investigate and give written notice to the owner that such annoyance and disturbance must cease. Thereafter, upon such continuance of such annoyance or disturbance, such owner shall be guilty of a civil violation and upon conviction shall be punished by a fine of \$25.00". The local Animal Control Officer in response to a number of complaints issued a summons but the District Court in Dover-Foxcroft refused to assess any penalty, stating as their reasoning "dogs bark". Subsequently, the town of Sebec Selectman ordered the Animal Control Officer to stop responding to complaints concerning Give a Dog a Home German Shepard Dog Rescue due to the cost of investigating and litigating. Left with no recourse, a private law suit was filed against the rescue (Charles Shaffer, Stacy Shaffer, William Eckhardt v. Jenny Cope, Give a Dog a Home Dog Rescue). Proceeding the law suit, a group of Sebec citizens drafted, in conjunction with the Animal Control Officer, a revised dog barking ordinance with language similar to the language in Bill #133. The selectman refused to adopt the ordinance for fear incurred fines would potentially cause the rescue to close. The lawsuit came at great emotional and financial cost to the plaintiffs. A cost we may not have had to incur if this bill was in place at the time. A minimum fine in the amount of \$250.00 to be paid to the municipality would have eased the financial burden on the town and acted as an incentive for the business owner to change her practices. As a homeowner I am entitled to peaceful enjoyment of my property, a time honored legal tradition dating back to English common law. Unfortunately, we have been deprived peaceful enjoyment of our property with little to no recourse for ten long years.

While this is a recounting of our personal experience, similar situations are occurring in small towns all over Maine. Historically, it has proven difficult to address the issue of barking dogs due to a number of reasons including, but not limited to, ineffective legislation, lack of enforcement and an increase in animal hoarding behavior (a mental health disorder included in the Diagnostic and Statistical Manual of Mental Health Disorders 5<sup>th</sup> Edition). I support this bill as a positive step towards addressing the chronic issue of barking dogs depriving neighbors of peaceful enjoyment of their property.

Thank you for your time. If you should have any follow up questions, please feel free to email me at [stshaffer11@gmail.com](mailto:stshaffer11@gmail.com) or call me at (207) 564-4951.

*Stacy Shaffer*