

Testimony of the Maine Municipal Association

In Opposition to

LD 133 – An Act to Amend the Laws Regarding Nuisance Dogs

February 6, 2025

Sen. Talbot Ross, Rep. Pluecker and distinguished members of the Agriculture Conservation and Forestry Committee, my name is Rebecca Graham, and I am providing testimony in opposition to LD 133, An Act to Amend the Laws Regarding Nuisance Dogs, at the direction of MMA's Legislative Policy Committee (LPC). Our LPC is made up of individuals from across Maine with municipal officials elected by their peers across Maine's 35 Senate districts representing communities with very different access to available enforcement resources and local capacity.

On a daily basis, municipal officials must navigate the challenging local dynamics posed by less than ideal neighbors and new neighbors who may not approve of the business or living habits of an existing neighbor. While this task can be challenging it remains vital that all available solutions balance the rights of all parties involved and that any resulting rules or legislation targeting these activities are drafted in a way that continues a balanced approach. More importantly, it is vital proposed changes are enforceable by the wide variety of individuals who may be tasked with administering them.

As drafted in Sec. 1, this bill proposed to add a new standard to the section of law meant to address canine behavior that has an injury component and is related to the direct control of an animal by an owner that may be neglectful. The intent of this section of law is to address the owner's responsibility for escalating dog behavior that poses a physical threat to property and individuals. The records kept by the municipality are for that purpose and to prevent an individual who for instance regularly keeps aggressive dogs and either actively encourages or fails to respond to that behavior which can lead to the forced removal of the animal. Barking and howling can be annoying and directly impact the quality of life for neighbors, but it is not escalating dangerous behavior that should be tracked by the municipality.

Additionally, most communities have local ordinances that address barking dogs which contain time of day standards and the length of time the behavior can remain undressed by the owner. Placing the standards in statute would not only preempt those local ordinances with a different standard, it also removes the enforcement authority to address the behavior from other town officials like select boards and code enforcement officers that can currently enforce local ordinances, and puts the burden on law enforcement exclusively. This is problematic because it reduces the ways an individual complainant must address a violation of local ordinance and requires a law enforcement response that is simply not available or a priority.

For all of these reasons, officials ask that you oppose LD 133. Thank you for your consideration of our position and I will be glad to attend the work session with any additional information that may be helpful as you debate the merits of this bill.