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TESTIMONY BEFORE THE JOINT STANDING COMMITTEE ON AGRICULTURE,
CONSERVATION AND FORESTRY

IN OPPOSITION TO LD 133

An Act to Amend Laws Regarding Nuisance Dogs

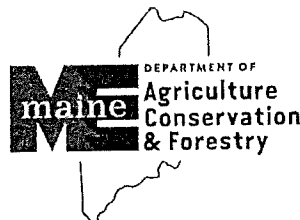
February 6, 2025

Senator Talbot Ross, Representative Pluecker, and members of the Joint Standing Committee on Agriculture, Conservation and Forestry, I am Ronda Steciuk, Director of the Animal Welfare Program (AWP) within the Bureau of Agriculture, Food and Rural Resources. I am speaking on behalf of the Department of Agriculture, Conservation and Forestry (DACF) in opposition to LD 133, *“An Act to Amend Laws Regarding Nuisance Dogs.”* While acknowledging that barking dogs can cause disturbance and conflict in a community, I would like to highlight some likely unintended consequences of barking or disturbing a person’s peace as a basis for inclusion in the definition of a nuisance dog in Maine.

The current legal definition of a nuisance dog is reserved for physical harm and damage. The statutes governing dogs that fall within this definition have significant consequences. As written, the bill amends the definition to include disrupting a person’s peace by “a dog that barks, howls or yelps excessively.” In addition to the significant enforcement challenges that the subjective word ‘excessively’ presents, we do not believe that any volume or duration of barking rises to the level of harm or public risk intended to bear the consequences in the affiliated statutory language, which I am happy to speak to specifically now or at the work session.

The potential unintended consequences to local Animal Control Officers as well as DACF District Humane Agents are of heightened interest to our Department. Local ordinances currently govern noise and barking complaints. When formulating its ordinance, the local community decides the investigation requirements and circumstances under which an investigation is triggered. The definitional change proposed in LD 133 would require that every excessive barking complaint be investigated and documented, as required by §3952-A(1). In neighbor disputes, this could rise to investigations multiple times a week, the failure of which would make the ACO or town officials subject to §3950-A complaints, investigations, and penalties. AWP is obligated under §3950-A(3) to investigate each complaint of alleged refusal or neglect of duty by a municipal officer. These investigations employ significant AWP resources, including regular consultations with the Attorney General’s office.

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Noise and barking dogs can be divisive and inflammatory in a community; therefore, we believe these matters are best left to local ordinances. Alternatively, we urge that any attempt to address this issue by statute should stand on its own outside of Chapter 727. Enforcement will require carefully crafted and considered definitions, elements of proof, consequences, and penalties appropriate to this offense, apart from the Dangerous and Nuisance Dog statute.

Thank you for the opportunity to testify. I'm happy to answer questions now and at the work session.