

**CHAPTER 719
UNCONTROLLED DOGS**

7 § 3911. Dogs at large

It is unlawful for any dog, licensed or unlicensed, to be at large, except when used for hunting. The owner or keeper of any dog found at large is subject to the penalties provided in this chapter.

7 § 3911-A. Abandonment of wolf hybrid

A person who abandons a wolf hybrid commits a civil violation for which a forfeiture not to exceed \$1,000 may be adjudged. For the purposes of this section "abandon" means to desert. For enforcement purposes a wolf hybrid is abandoned if the animal is found a distance of more than 5 miles from the premises of the owner and is not under the control of any person.

7 § 3912. Disposition of dogs at large

1. Ownership of dog unknown. Except as provided in subsection 2, an animal control officer or person acting in that capacity shall seize, impound or restrain a dog found in violation of section 3911 and deliver it to an animal shelter as provided for in section 3913, subsection 2-A. If ownership can not be established, such a dog may be handled as a stray dog for the purpose of acceptance by an animal shelter.

2. Ownership of dog known. An animal control officer or person acting in that capacity shall seize, impound or restrain a dog found in violation of section 3911 and, if the owner is known, shall:

A. Take the dog to its owner; or

B. Deliver it to an animal shelter as provided in section 3913. An animal shelter receiving a dog in accordance with this paragraph shall follow the procedure for stray dogs provided in section 3913.

7 § 3913. Procedure for stray dogs

1. Persons finding stray dogs. A person finding a stray dog and taking control of that dog shall take that dog to its owner if known or, if the owner is not known, to the animal shelter designated by the municipality in which the dog was found.

2-A. Animal shelter. An animal shelter, as defined in section 3907, to which a stray dog is taken shall accept the dog for a period of 6 days unless the shelter is in quarantine or has a bona fide lack of adequate space. The acceptance entitles the animal shelter to receive from the

2. Veterinarians participating in low-cost antirabies clinics. This subsection applies to a veterinarian licensed under Title 32, chapter 71-A or an assistant under the direction of the veterinarian providing professional services within the scope of the veterinarian's license who participates in a low-cost antirabies clinic established under this section. Adherence by the veterinarian or assistant to the standards of care within the profession creates a rebuttable presumption that the conduct of the veterinarian or assistant was not negligent.

7 § 3918. Violation

A person who violates this chapter commits a civil violation for which a forfeiture of not more than \$100 may be adjudged.

7 § 3919. Seizure of stray cats

1. Definition. For the purposes of this chapter, a "stray cat" means a cat on the premises of a person other than the owner of the cat, without the consent of the owner or occupant of the premises, on a public street or on other public property, except under the physical control of the owner.

2. Seizure by animal control officer. An animal control officer or person acting in that capacity may seize a stray cat and deliver it to an animal shelter as provided for in section 3919-A or to the owner, if the owner is known. If ownership can not be established, such a cat may be handled as a homeless cat for the purposes of acceptance and disposition by an animal shelter.

3. Person finding stray cat. A person finding a stray cat and not knowing the owner or residence of the cat may take that cat to the animal shelter designated by the municipality in which the cat was found.

7 § 3919-A. Procedure for acceptance and disposition of stray cats by animal shelter

An animal shelter to which a cat is taken may accept the cat unless the shelter is in quarantine. An animal shelter accepting a cat shall comply with the provisions of this section.

1. Cats with identification. An animal shelter that accepts a cat with cat identification shall make a reasonable attempt to notify the owner by telephone or by sending a written notice within 24 hours of accepting the cat. Except as provided in subsections 4 and 5, the animal shelter shall hold the cat for a period of 6 days beginning on and including the day of acceptance. If the owner claims the cat within the 6-day period, the animal shelter shall release the cat to the owner upon payment of any municipal impoundment fee and actual fees incurred for food, shelter and veterinary care. Upon expiration of the 6-day period, ownership of the cat is vested with the animal shelter and the animal shelter may then handle the cat as a homeless cat for disposition in accordance with subsection 2.

NOTICE OF PUBLIC HEARING

AROOSTOOK, ss.

STATE OF MAINE

TO: Ronald F. Pelletier, a constable of the Town of Madawaska, County and State aforesaid.

GREETINGS:

In the name of the State of Maine and in conformity with this authority vested in municipal officers under 30 M.R.S.A., Section 2151 (3), you are hereby required to notify and warn the voters of the Town of Madawaska that there will be a public hearing held at the Madawaska Town Office on Wednesday, the sixth day of July, A.D., 1988, at 6 o'clock in the afternoon for the purpose of enacting the "control of dogs" ordinance:

DEFINITIONS:

For the purposes of this ordinance, the following definitions shall apply:

OWNERS:

When applied to the proprietorship of a dog shall include every person having a right of property in such dog, every person who shall harbor, or keep a dog, or has it in his care, and every person who permits a dog to remain on or about any premises occupied by him.

DOG CONSTABLE:

The police constable authorized by the Town of Madawaska to have the primary duty to enforce the provisions of all ordinances of the Town of Madawaska and the Laws of the State of Maine concerning the protection, licensing and control of dogs or other animals.

SHELTER:

Shall mean keeping in a humane manner a dog apprehended by a Law Enforcement Officer.

RESTRICTIONS:

It shall be unlawful for any owner of any dog to permit or allow such a dog while in the Town of Madawaska to:

- A. Engage in excessive loud howling or barking or conduct itself in such a manner as to unreasonably annoy any person other than the owner.

RESTRICTIONS CONTINUED:

- B. Cause damage or destruction to property, or commit nuisance upon the premises of a person other than the owner.
- C. While off the premises of the owner, chase or otherwise harass any person in such a manner as reasonably to cause intimidation or put such person in reasonable apprehension of bodily harm or injury.
- D. Chase motor vehicles, bicycles, and other means of transportation.

ENFORCEMENT:

- A. This ordinance shall be enforced by the Dog Constable and may be enforced by the Town Police Department or any other Law Enforcement Officer.
- B. Any constable or Law Enforcement Officer is hereby authorized and empowered to go upon any premises and enter any building, other than a dwelling, to apprehend and shelter any dog or dogs which are in violation of any of the provisions of this ordinance or of any order issued hereunder, when such Constable or Law Enforcement Officer is in immediate pursuit of such dog or dogs. In the case of a licensed dog, the Constable or Law Enforcement Officer shall give written notice by certified mail, return receipt requested with instructions to deliver to addressee only or by service in hand of a Law Enforcement Officer, to the owner stating that his dog was apprehended and stating that the dog will be sold or destroyed unless redeemed within 72 hours. The Dog Constable or Law Enforcement Officer may release any dog so sheltered to the owner upon payment to the Town of Madawaska Constable or Law Enforcement Officer's fee in the amount of ten dollars (\$10.00) and upon payment to the Town of Madawaska the sum of five dollars (\$5.00) per day for the sheltering of said dog, unless in his opinion the release of said dog would be a danger to the public safety in which event he shall continue to hold the dog until after court procedures. In the event any dog has not been redeemed within a period of 72 hours after being apprehended, or in the case of a licensed dog, within 72 hours after notice being given to the owner, the owner shall be deemed to have abandoned and forfeited all property interest in said dog.
- C. The Constable is hereby authorized to sell any dog sheltered at such price as he shall determine to be fair and shall deposit such sum in the general fund of the Town. The Town shall keep a record of all sales showing the names and addresses of the purchasers and such records shall be open to public inspection. Such records shall be kept for one (1) year.

PENALTIES:

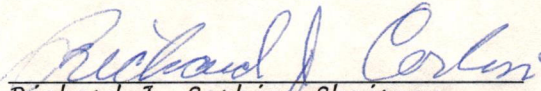
Any person found to be in violation of any provision of this article or any order of court issued hereunder shall be liable to punishment by fine not to exceed fifty dollars (\$50.00) and every day during which such violation continues shall constitute a new offense. In the event that the court shall find that any dog is dangerous or poses a threat to the public safety and welfare, it may order the humane disposal of such dog and shall order the owner to pay the costs of such disposal.

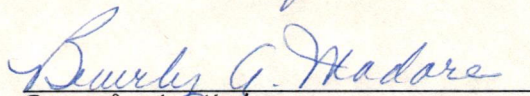
In the event that the dog has been apprehended and sheltered without disposal and the owner has been found to be in violation of this article, the court shall order the owner to pay in addition to whatever fine is assessed, the cost for sheltering said dog.

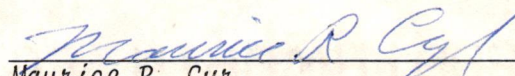
Unless otherwise decreed by ordinance of said Board of Selectmen of the Town of Madawaska, County and State aforesaid, this ordinance shall be declared effective the seventh day of July, A.D., 1988.

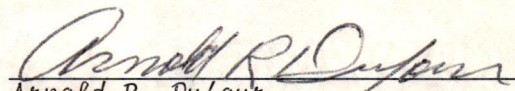
GIVEN UNDER OUR HANDS AND SEAL this twenty-fourth day of June, A.D., one thousand nine hundred and eighty-eight.

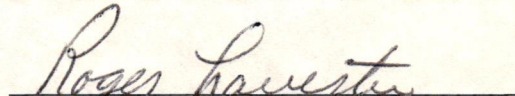
MADAWASKA BOARD OF SELECTMEN


Richard J. Corbin, Chairman

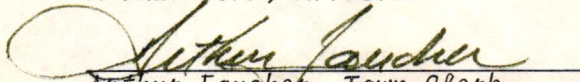

Beverly A. Madore


Maurice R. Cyr


Arnold R. Dufour


Roger Lavertu

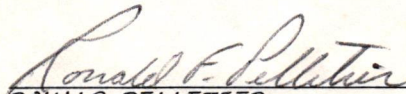
A TRUE COPY, ATTESTED


Arthur Faucher, Town Clerk

OFFICER' RETURN

Pursuant to the within notice, I have warned and notified all interested citizens by posting copies of the within proposed ordinance at the Madawaska Town Clerk's Office, Fraser Paper Ltd. Time Office, Madawaska Post Office, St. David Post Office, K of C Hall, Community Bulletin Board, Madawaska High School Cafeteria, Bob's Neighborhood Store, Dufour's Market, Joel Gervais' Store, Lakeview Market, V. N. Special Store, and Dick's Grocery, all conspicuous public places within the town on the twenty-fourth of June, A.D., one thousand nine hundred and eighty-eight.

ATTEST:


RONALD PELLETIER
CONSTABLE