

## CHAPTER 729

### DAMAGE BY ANIMALS

#### §3961. Reimbursement for damage done by animals

**1. Injuries and damages by animal.** When an animal damages a person or that person's property due to negligence of the animal's owner or keeper, the owner or keeper of that animal is liable in a civil action to the person injured for the amount of damage done if the damage was not occasioned through the fault of the person injured.

[PL 2001, c. 220, §1 (NEW).]

**2. Injuries by dog.** Notwithstanding subsection 1, when a dog injures a person who is not on the owner's or keeper's premises at the time of the injury, the owner or keeper of the dog is liable in a civil action to the person injured for the amount of the damages. Any fault on the part of the person injured may not reduce the damages recovered for physical injury to that person unless the court determines that the fault of the person injured exceeded the fault of the dog's keeper or owner.

[PL 2001, c. 220, §1 (NEW).]

#### SECTION HISTORY

PL 1987, c. 383, §3 (NEW). PL 1999, c. 254, §8 (AMD). PL 2001, c. 220, §1 (RPR).

#### §3961-A. Attack on service animal or assistance animal

A person who owns or keeps a dog that attacks, injures or kills a service animal or assistance animal while the service animal or assistance animal is in discharge of its duties commits a civil violation for which a forfeiture of not more than \$1,000 may be adjudged. [PL 2015, c. 457, §6 (AMD).]

When a person is adjudicated of a violation of this section, the court shall order the person to make restitution to the owner of the service animal or assistance animal for any veterinary bills and necessary retraining costs or replacement costs of the service animal or assistance animal if it is disabled or killed. [PL 2015, c. 457, §6 (AMD).]

For the purposes of this section, "service animal" has the same meaning as set forth in Title 5, section 4553, subsection 9-E. For the purposes of this section, "assistance animal" has the same meaning as set forth in Title 5, section 4553, subsection 1-H. [PL 2015, c. 457, §6 (AMD).]

#### SECTION HISTORY

PL 2001, c. 220, §2 (NEW). PL 2007, c. 664, §13 (AMD). PL 2011, c. 369, §4 (AMD). PL 2015, c. 457, §6 (AMD).

#### §3962. Complaint and recovery

**(REPEALED)**

#### SECTION HISTORY

PL 1987, c. 383, §3 (NEW). PL 1993, c. 468, §18 (RP).

#### §3962-A. Penalty for damage to livestock or pets by animals

**1. Violation.** Except as provided in subsection 3, the owner or keeper of an animal that due to negligence of the animal's owner or keeper kills or injures livestock, poultry, domestic rabbits or pets commits a civil violation for which a forfeiture not to exceed \$100 may be adjudged in addition to costs.

[PL 1999, c. 254, §9 (AMD).]

**2. Additional remedy.** A person who suffers damage as a result of a violation of subsection 1 may also pursue a civil action against the owner or keeper of the animal pursuant to section 3961. [PL 1999, c. 254, §9 (AMD).]

**3. Exception.** If the owner or keeper of an animal that kills or injures another animal establishes that the animal that was killed or injured provoked the killing or injury or that the animal that committed the killing or injury was leashed or controlled on the owner's or keeper's property at the time of the killing or injury, then the owner or keeper is not liable under this section or section 3961. [PL 1999, c. 254, §9 (AMD).]

#### SECTION HISTORY

PL 1993, c. 468, §19 (NEW). PL 1995, c. 351, §2 (RPR). PL 1999, c. 254, §9 (AMD).

#### §3963. Joint and several liability

If any properly enclosed livestock, poultry, domestic rabbits or pets are killed or injured by 2 or more dogs at the same time and the dogs are kept by 2 or more owners or keepers, the owners or keepers are jointly and severally liable for the damage. [PL 1995, c. 351, §3 (AMD).]

#### SECTION HISTORY

PL 1987, c. 383, §3 (NEW). PL 1995, c. 351, §3 (AMD).

#### §3964. Damage by animals

**(REPEALED)**

#### SECTION HISTORY

PL 1987, c. 383, §3 (NEW). PL 1995, c. 351, §4 (RP).

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