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## **An Act To Amend the Laws That Provide an Exemption for Agricultural Guard Dogs from Municipal Ordinances Governing Barking Dogs**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** a municipality has the authority to adopt and the responsibility to enforce ordinances for the protection and peaceful coexistence of residents within that municipality; and

**Whereas,** a broadly written statute inhibits a municipality in carrying out its responsibilities; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 7 MRSA §3950, sub-§1,** as enacted by PL 2005, c. 138, §1, is amended to read:

**1. Certain agricultural working dogs exempt from barking dog ordinances.** A municipal ordinance, law or regulation that prohibits or limits barking dogs does not apply to dogs engaged in herding livestock or to agricultural guard dogs engaged in protecting livestock or warning the owners of danger to the livestock. For the purposes of this subsection, the term "livestock" has the same meaning as in section 3907, subsection 18-A when such activity is located on land classified as farmland under Title 36, chapter 105, subchapter 10, or on property used to produce agricultural products as defined in section 152, subsection 2 when the following conditions are met:

- A. The property is 5 acres or more in area;
- B. The principal use of the property is either agricultural or single-family residential;
- C. The property does not abut properties that are developed as residential; and
- D. The property is not located in an area identified as a growth area in a municipal land use plan.

For the purposes of this subsection, "livestock" has the same meaning as in section 3907, subsection 18-A.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

### **SUMMARY**

This bill restricts the exemption from barking dog ordinances for agricultural working dogs to dogs engaged in agricultural guarding or herding activities on land that is classified as farmland under the

HP1185, LD 1684, item 1, 124th Maine State Legislature  
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State's current use taxation program for farmland and land that is not classified as farmland but meets other criteria relating to size, use and location.