

STATE OF MAINE

v.

MELVILLE O'DONNELL

Submitted on Briefs June 27, 2002  
Decided July 29, 2002

Panel: SAUFLEY, C.J., and CLIFFORD, RUDMAN, DANA, ALEXANDER,  
CALKINS, and LEVY, JJ.

MEMORANDUM OF DECISION

Melville O'Donnell appeals from the judgment of conviction entered in the District Court (Portland, *Goranites, J.*) finding him guilty of one count of keeping a dog found at large, in violation of 7 M.R.S.A. § 3911 (2002),<sup>1</sup> and one count of keeping a dangerous dog, in violation of 7 M.R.S.A. § 3952 (2002),<sup>2</sup> both civil violations. Contrary to O'Donnell's contention, the court did not err by ordering

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1. Section 3911 provides that "[i]t 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 M.R.S.A. § 3911.

2. Section 3952 provides, in part, that "[a] person who owns or keeps a dangerous dog commits a civil violation for which a forfeiture of not more than \$1,000, plus costs, may be adjudged." 7 M.R.S.A. § 3952.

that his dog be euthanatized pursuant to 7 M.R.S.A. § 3952(1)(B).<sup>3</sup> The evidence presented at trial relating to a previous attack against a woman and her dog supports the finding that O'Donnell's dog "has a history of a prior assault." 7 M.R.S.A. § 3952(1)(B).

The entry is:

Judgment affirmed.

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3. Section 3952(1)(B) provides that "[i]f, upon hearing, the court finds that the dog is a dangerous dog . . . , the court . . . shall . . . [o]rder the dog to be euthanatized if it has killed, maimed or inflicted serious bodily injury upon a person or has a history of a prior assault." 7 M.R.S.A. § 3952(1)(B).