

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 232

H. P. 174

House of Representatives, January 20, 1971

Referred to Committee on Agriculture. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Webber of Belfast.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Relating to Enforcement of Laws Dealing with Cruelty to Animals.

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

Sec. 1. R. S., T. 7, § 3405, amended. Section 3405 of Title 7 of the Revised Statutes is amended to read as follows:

§ 3405. Record of sales

All persons or kennels engaged in buying or selling dogs must keep record of from whom bought and to whom sold, which record shall be open to inspection by local police officers, humane agents, or the Commissioner of Agriculture or his agent.

Sec. 2. R. S., T. 7, § 3451, amended. Section 3451 of Title 7 of the Revised Statutes, as amended, is further amended by amending the 4th paragraph from the end to read as follows:

The Commissioner of Agriculture, his authorized agent, a humane agent or a veterinarian employed by the State may, at any time, enter any kennel, excepting any building used for human habitation heretofore recognized as not subject to search warrant, and make examination and conduct any recognized test for the existence of any contagious or infectious disease or condition and may quarantine such kennel in person or by registered mail and such quarantine shall be maintained as long as the veterinarian employed by the State may deem necessary. Any kennel where dogs are housed or confined shall be maintained in a sanitary and humane manner. Records of purchases and sales of all dogs must be kept, stating names, complete address of persons from whom purchased and to whom sold, and shall be open for

inspection to local police officers ~~or humane agents~~, the Commissioner of Agriculture or his authorized agent.

Sec. 3. R. S., T. 17, § 1054, amended. The 2nd sentence of section 1054 of Title 17 of the Revised Statutes, is amended to read as follows:

All fines collected under this section upon or resulting from the complaint or information of an officer ~~or agent of the Maine State Society for the Protection of Animals~~ shall be paid over to said society in aid of the benevolent objects for which it was incorporated shall be paid over to the county treasurer of the county in which the offense may have been committed.

Sec. 4. R. S., T. 17, 1176, amended. Section 1176 of Title 17 of the Revised Statutes, as amended by chapter 201 of the public laws of 1969, is further amended to read as follows:

§ 1176. Officers may take possession of animals unlawfully detained; lien

Any sheriff, deputy sheriff, police officer, constable, ~~state humane agent~~ or other person authorized to make arrests may take possession of any animals detained in violation of this chapter and may unload the same, comfortably yard or shelter, feed, water and care for them and have a lien thereon for a reasonable sum for such care, and is not liable for any damages for detention of the same.

Sec. 5. R. S., T. 17, § 1210, additional. Title 17 of the Revised Statutes is amended by adding a new section 1210 to read as follows:

§ 1210. Duties of Commissioner of Agriculture

The Commissioner of Agriculture shall act as coordinator of the responsibilities and duties specified in this chapter. He shall assist the enforcement officers by establishing or suggesting guidelines in matters including, but not limited to, proper care of animals and the control of diseases. He shall publish such guidelines, together with copies of this chapter, and distribute them to interested parties. Any funds necessary to carry out the duties of the Commissioner of Agriculture under this chapter shall be paid for from the dog license appropriation.

Sec. 6. R. S., T. 17, § 1211, amended. The first sentence of section 1211 of Title 17 of the Revised Statutes is amended to read as follows:

Any sheriff, deputy sheriff, constable, police officer ~~or agent for any society for the prevention of cruelty to animals~~ or any person authorized to make arrests may apply to the District Court for process to permit the applicant to take possession of any old, maimed, disabled, diseased or injured animal or any animal whose owner has cruelly abandoned or cruelly fails to take care of or provide for, or for process to cause the same to be destroyed or turned over to the applicant or some other suitable person.

Sec. 7. R. S., T. 17, § 1212, amended. Section 1212 of Title 17 of the Revised Statutes is amended to read as follows:

§ 1212. Prevention of cruelty by officers

Such officer ~~or agent~~ may lawfully interfere to prevent the perpetration of any act of cruelty upon an animal in his presence, and whoever interferes with or obstructs such officer ~~or agent~~ in the discharge of his duty is guilty of a misdemeanor.

Sec. 8. R. S., T. 17, § 1213, amended. Section 1213 of Title 17 of the Revised Statutes is amended to read as follows:

§ 1213. Prosecutions; payment for services

Sheriffs, deputy sheriffs, police officers and constables ~~and agents appointed under section 1214~~ shall investigate all cases of cruelty to animals coming to their knowledge and shall inspect all stockyards actively engaged in handling animals for shipment when authorized to do so by the county commissioners of the county within which said stockyards or places of shipment are located, and shall be paid for such inspection on the same basis as is provided for investigation of cases of cruelty to animals. Said officers ~~and agents~~ shall cause offenders to be prosecuted in all cases in which the offense may appear to be of a sufficiently aggravated nature to require prosecution. All fines imposed for the punishment of such offenses shall be paid over to the county treasurer of the county in which the offense may have been committed. ~~For services and expenses in conducting such investigations such agents shall be paid a reasonable sum by the county in which such services are rendered and expenses incurred, and for their travel the same fees as are now allowed officers by law for the service of a warrant for arrest, but no county shall be liable to pay the fees of such agents for their travel outside of its lines. All claims of such agents for such travel and services shall first be audited and approved by the county commissioners of the county liable to pay the same.~~

Sec. 9. R. S., T. 17, §§ 1214-1215, repealed. Sections 1214 and 1215 of Title 17 of the Revised Statutes are repealed.

STATEMENT OF FACT

The purpose of this bill is to confine the law enforcement of the laws dealing with cruelty to animals to sheriffs, deputy sheriffs, constables and police officers.