

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

OF THE

## FORTY-EIGHTH LEGISLATURE

OF THE

## STATE OF MAINE.

1869.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
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AUGUSTA:

SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.

1869.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1869.

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## Chapter 73.

An act additional to chapter one hundred twenty-six of the revised statutes, for the prevention of cruelty to animals.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

Penalty for cruelty to animals.

SECT. 1. Whoever shall overdrive, overload, overwork, torture, torment, deprive of necessary sustenance, cruelly beat, mutilate or kill, or cause or procure to be so overdriven, overloaded, overworked, tortured, tormented, deprived of sustenance, cruelly beaten, mutilated or killed, any horse, ox, or other animal, and whoever having the charge or custody of any such animal, either as owner or otherwise, shall unnecessarily fail to provide such animal with proper food, drink and shelter or protection from the weather, shall for every such offence be punished by imprisonment in the jail not exceeding one year, or by fine not exceeding two hundred dollars, or by both such fine and imprisonment.

Penalty for owner authorizing or allowing cruelty to his animals.

SECT. 2. Every owner of or person having the charge or custody of any horse, ox, or other animal, who shall knowingly and wilfully authorize or permit the same to be subjected to or suffer unnecessary torture or cruelty, shall be punished for every such offence in the manner provided in section one.

Penalty for cruelty working or abandoning old or disabled animals.

SECT. 3. Every owner, driver, possessor, or person having the charge or custody of an old, maimed, or disabled or diseased horse, mule or other animal, who shall cruelly work the same when unfit for work; or cruelly abandon the same, shall be punished for every such offence in the same manner provided in section one.

Cruel transportation of animals prohibited.

SECT. 4. Any person who shall carry or cause to be carried in or upon any vehicle or otherwise, any animal in an unnecessarily cruel or inhuman manner, shall be punished in the same manner provided in section one.

Transportation of animals in cars.

SECT. 5. No railroad company in this state, in the carrying or transportation of cattle, sheep, swine, or other animals, shall confine the same in cars for a longer period than twenty-eight consecutive hours, unless delayed by storm or other accidental cause, without unloading for rest, water, and feeding for a period of at least five consecutive hours. In estimating such confinement, the time the animals have been confined without such rest on connecting roads from which they are received, shall be computed, it being the intention of this act to prevent their continuous confinement beyond twenty-eight hours, except upon contingencies hereinafter stated; and animals unloaded for rest, water, and feeding under the provisions of this act, shall be properly feed, watered, and sheltered during such rest by the owners or persons in custody thereof, or in case of their default in so doing, then by the railroad company transporting them, at the expense of said owners or persons in custody thereof.

SECT. 6. If any owner or person in charge of said animals refuses or neglects to pay for the care and feed of animals so rested, the railroad company may charge such expense to the owner or consignee, and retain a lien upon the animals until the same is paid; and no claim for damages for detention shall be recovered by the owner or shipper of any animals for the time they are detained under the provisions of this act.

Railroad companies to have a lien on animals for care and feed during transportation.

SECT. 7. Any railroad company, owner, consignee, or person in charge of such cattle, sheep or other animals, who shall violate any provision of the fifth or sixth sections of this act, shall for each and every such violation, forfeit and pay a penalty of one hundred dollars.

Penalty for violation of 5th and 6th sects.

SECT. 8. Any person may take charge of any animal whose owner has abandoned it, or is failing to properly take care and provide for it, and may furnish the same with proper shelter, nourishment and care at the owner's expense, and shall have a lien on such animal for the same.

Abandoned animals may be provided for at owner's expense.

SECT. 9. In all cases where a lien is given under this act, the person or corporation having such lien, may sell such animal or animals at public auction, in the town or city where such animal was found or is detained, after giving the party claiming or owning such animal three days' notice in writing; or in case such party cannot be found, then by publishing notice of the time and place of sale three times in any newspaper printed in the county where such animal was found or detained; and from the proceeds of such sale, may deduct all costs, charges and expenses, and a reasonable compensation for trouble in the matter, and hold the balance, if any, for and pay over the same, on demand, to the party or parties owning the said animal or animals, or his or their legal representatives.

Lien, how enforced.

SECT. 10. It shall be the duty of all sheriffs, deputy sheriffs, police officers and constables, to prosecute all violations of the provisions of this act, which shall come to their notice or knowledge; and all fines collected under this act shall be paid over to the treasurer of the city or town where the offence, for which the fine is imposed, was committed; and in case a society should be formed in such city or town for the prevention of cruelty to animals, then such fines shall inure and be paid over to such society, in aid of the benevolent objects for which it shall have been formed.

Duty of sheriffs and other officers to prosecute violations of this act.

SECT. 11. The several municipal and police courts and trial justices in this state shall have concurrent jurisdiction with the supreme judicial court of all offences under this act.

Municipal courts and trial justices to have concurrent jurisdiction with S. J. C. over offences under this act.

Approved March 12, 1869.