

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

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Legislative Document

No. 1886

H. P. 1461

House of Representatives, April 26, 1973

Approved by a Majority of the Committee on Reference of Bills pursuant to Joint Rule No. 10. Referred to the Committee on Agriculture. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Wood of Brooks.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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**AN ACT Relating to Willful Killing or Injury to Certain Animals.**

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

Whereas, there have been many instances of willfully killing of livestock; and

Whereas, this type of crime occurs during the season when such animals are usually pastured; and

Whereas, it is necessary to have this law become effective during the pasturing season; 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:

**R. S., T. 17, § 1092, amended.** Section 1092 of Title 17 of the Revised Statutes is amended to read as follows:

**§ 1092. Malicious killing or injury to domestic animals; stealing**

Whoever willfully or maliciously kills, sells, wounds, maims, disfigures or poisons any ~~domestic animal~~ **livestock, sheep, goats, swine or dog, of another,** or exposes any poisonous substance with intent that the life of such ~~animal~~

**livestock, sheep, goats, swine or dog shall be destroyed thereby, on the lands owned or in possession of another or on any public or private way or public area, or steals or entices away or confines or harbors such ~~animal~~ livestock, sheep, goats, swine for the purpose of obtaining a reward or for any other illegal purpose shall, when the offense is not of a high and aggravated nature, be punished by a fine of not more than \$300 or by imprisonment for not more than 3 months, or by both, and when the offense is of a high and aggravated nature by a fine of not more than \$1,000 or by imprisonment for not more than 4 years. The court shall order the person convicted of such a crime to make restitution of the fair market value of the animal so killed to the owner thereof. If the person convicted cannot pay, as ordered, the court may place him on probation until such sentence is fully performed. Such probation may commence as ordered by the court. If he is sentenced to the State Prison or a correctional center, one condition of parole shall be restitution.**

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

#### STATEMENT OF FACT

This bill is intended to provide method of restitution to a person who has his animal killed illegally by another.