

# MAINE STATE LEGISLATURE

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# SIXTY-FIRST LEGISLATURE.

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SENATE.

No. 6.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND  
EIGHTY-THREE.

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### AN ACT for the prevention of cruelty.

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

SECTION 1. Every person who overdrives, over-  
2 loads, overworks, torments, tortures, maims,  
3 wounds, deprives of necessary sustenance, cruelly  
4 beats, mutilates or kills any horse or other animal,  
5 or causes or procures the same to be done, or hav-  
6 ing the charge or custody of any such animal, as  
7 owner or otherwise, unnecessarily fails to provide  
8 such animal with proper food, drink and shelter,  
9 or protection from the weather; every person own-  
10 ing or having the charge or custody of any animal  
11 who shall knowingly and wilfully authorize or per-  
12 mit the same to be subjected to or suffer any

13 unnecessary torture or cruelty, and every owner,  
14 driver, possessor or person having the custody of  
15 an old, maimed, disabled or diseased horse, or other  
16 animal, who cruelly works the same when unfit for  
17 labor, or cruelly abandons the same, and every per-  
18 son who shall carry or cause to be carried in or  
19 upon any vehicle or otherwise any animal in an  
20 unnecessary cruel or inhuman manner shall for  
21 every such offence be punished by imprisonment in  
22 the county jail not exceeding one year, or by fine  
23 not exceeding two hundred dollars, or by both  
24 such imprisonment and fine.

SECT. 2. Any person who shall keep or use any  
2 live pigeon, fowl, or other bird for the purpose of  
3 a target, or to be shot at either for amusement or  
4 as a test of skill in marksmanship, and any person  
5 who shall shoot at any bird as aforesaid, or be  
6 present as a party, witness, umpire or judge at any  
7 such shooting of any pigeon, fowl or bird, and any  
8 person who shall rent any building, shed, room,  
9 yard, field or premises, or shall knowingly suffer or  
10 permit the use of any building, shed, room, yard,  
11 field or premises for the purpose of shooting any  
12 pigeon, fowl or bird as aforesaid shall be punished  
13 by imprisonment in the county jail not exceeding

14 thirty days, or by fine not exceeding fifty dollars,  
15 or by both such imprisonment and fine. Nothing  
16 in this section shall be construed as prohibiting the  
17 shooting of game in its wild state for the purpose  
18 of human food.

SECT. 3. Any person who shall keep or use, or  
2 in any way be connected with, or interested in the  
3 management of, or shall receive money for the ad-  
4 mission of any person to any place kept or used  
5 for the purpose of fighting or baiting any dog,  
6 cock, or other creature, and every person who shall  
7 encourage, aid or assist therein, or who shall permit or  
8 suffer any place to be so kept or used, and any per-  
9 son who shall visit such place so kept or used or  
10 who shall be found therein for the purpose of wit-  
11 nessing such exhibition shall be punished by im-  
12 prisonment in the county jail not exceeding two  
13 months, or by fine not exceeding fifty dollars, or by  
14 both such imprisonment and fine.

SECT. 4. Whoever owns, possesses, keeps or  
2 trains any bird or animal with the intent that such  
3 bird or animal shall be engaged in an exhibition of  
4 fighting shall upon conviction thereof be punished  
5 by imprisonment in the county jail not exceeding

6 thirty days, or by fine not exceeding fifty dollars,  
7 or by both such imprisonment and fine.

SECT. 5. Whoever is present at any place, build-  
2 ing, or tenement where preparations are being made  
3 for an exhibition of the fighting of birds or animals  
4 with intent to be present at such exhibition, or is  
5 present at such exhibition, as a spectator, shall upon  
6 conviction thereof be punished by a fine not exceed-  
7 ing ten dollars.

SECT. 6. Any sheriff, deputy sheriff, constable,  
2 police officer, officer of any society for the preven-  
3 tion of cruelty to animals, or any other person  
4 authorized to make arrests, may enter any building  
5 or enclosure where he has reason to believe that  
6 any bird or creature is kept for training to be en-  
7 gaged in fighting, and any person resisting or  
8 interfering with such officer shall upon conviction  
9 thereof be punished by imprisonment in the county  
10 jail not exceeding one year, or by fine not exceed-  
11 ing one hundred dollars, or by both such imprison-  
12 ment and fine. Nothing in this section shall be  
13 construed as allowing any officer to enter a dwell-  
14 ing-house without a warrant.

SECT. 7. All railroad companies within the limits  
2 of this state shall give all cars containing cattle,

3 sheep, swine, or other animals a continuous pas-  
4 sage in preference to any other freight; shall not  
5 allow any freight train to pass any car containing  
6 animals in transit, way-billed and bound in the same  
7 direction. A greater number of animals shall not  
8 be loaded into any car than can stand comfortably.  
9 Animals of a kind only shall be loaded in the same  
10 apartment. Young animals shall not be loaded in  
11 the same apartment with older and larger animals,  
12 except in case of animals with their own sucklings,  
13 which shall in all cases be transported in the same  
14 apartment and separate from other animals.  
15 Calves shall have free access to their dams, and  
16 shall not be muzzled. During the months of  
17 December, January, February, and March, cars  
18 used for the transportation of animals shall be  
19 sufficiently boarded up on the sides and ends as to  
20 afford proper protection to such animals in case of  
21 storms or severe cold weather.

SECT. 8. Animals coming into the state on con-  
2 necting roads or other transportation lines, which  
3 have been loaded ten hours or more, shall be un-  
4 loaded, comfortably yarded, and in cold, inclement  
5 weather, comfortably sheltered, and shall be furn-  
6 ished with a sufficient quantity of proper food and

7 good water within ten hours thereafter, and shall  
8 remain so yarded or sheltered, fed and watered, a  
9 reasonable time. Animals in transit to any place  
10 beyond the limits of this state, shall be so unload-  
11 ed, yarded or sheltered, fed and watered, within  
12 twenty hours of the time of crossing the boundary  
13 line of the state. Animals arriving at their des-  
14 tination within the limits of this state, or for em-  
15 barkation, between the hours of three o'clock a. m.  
16 and six o'clock p. m., shall be so unloaded, yarded  
17 or sheltered, fed and watered, within six hours  
18 thereafter and before embarkation. And animals  
19 arriving between the hours of six o'clock p. m. and  
20 three o'clock a. m., shall be so unloaded, yarded or  
21 sheltered, fed and watered, before nine o'clock  
22 a. m. following, and before embarkation. The  
23 railroad company or transportation line having ani-  
24 mals in charge at the expiration of the limit of time  
25 specified in this act for unloading, feeding and  
26 watering, shall be liable for the penalties herein  
27 specified for such neglect.

SECT. 9. Any railroad company, or other trans-  
2 portation line, violating any of the provisions of  
3 sections seven and eight of this act, shall upon  
4 conviction thereof forfeit and pay a penalty of not

5 less than fifty, nor more than five hundred dollars  
6 for each and every such offence. The provisions  
7 of sections seven and eight of this act do not apply  
8 to animals being transported in cars or other con-  
9 veyances where they can, or do, have proper food,  
10 water, space and opportunity to rest.

SECT. 10. Any railroad company or other trans-  
2 portation line may hold a lien on all animals in  
3 transit for payment of all penalties paid in con-  
4 sequence of the direction or orders of the owner or  
5 other person having such animals in charge, and  
6 for all extra expenses or damages incurred in the  
7 care and protection of animals according to the  
8 provisions of this act, and shall not be liable for  
9 any detention of such animals for the purposes  
10 herein named.

SECT. 11. Any sheriff, deputy sheriff, police  
2 officer, constable, officer of any society for the pre-  
3 vention of cruelty to animals, or any person author-  
4 ized to make arrests, may take possession of any  
5 animals detained in violation of the provisions of  
6 this act, and may unload the same, comfortably  
7 yard or shelter, feed, water and care for them, and  
8 may hold a lien on said animals for a reasonable  
9 sum for such care, and shall not be liable for any  
10 damages or detention of such animals.



SECT. 12. In all cases where a lien is given  
 2 under the provisions of this act, the persons or  
 3 corporations having such lien, may sell such ani-  
 4 mal or animals at public auction, in the town or  
 5 city where such animal, or animals, was found or is  
 6 detained, after giving the party claiming or own-  
 7 ing the same three days' notice in writing; or in  
 8 case such party cannot be found, then by publish-  
 9 ing notice of the time and place of sale three suc-  
 10 cessive days in any daily, or once in any weekly  
 11 newspaper printed in the county where such ani-  
 12 mal, or animals, was found or detained, and from  
 13 the proceeds of such sale, may deduct all costs,  
 14 charges and expenses, and a reasonable compen-  
 15 sation for trouble in the matter, and hold the bal-  
 16 ance, if any, for and pay over the same, on de-  
 17 mand, to the party or parties owning the said ani-  
 18 mal or animals, or his or their legal representa-  
 19 tives.

SECT. 13. Any officer or agent of any society for  
 2 the prevention of cruelty to animals may lawfully  
 3 destroy, or cause to be destroyed forthwith, any  
 4 animal found abandoned and not properly cared for,  
 5 appearing in the judgment of two reputable per-  
 6 sons called by him to view the same in his pres-  
 7 ence, to be diseased or injured past recovery for  
 8 any useful purpose.

SECT. 14. Any officer or agent of any society  
2 for the prevention of cruelty to animals may take  
3 possession of any old, maimed, disabled, diseased  
4 or injured horse, or other animal, not properly  
5 cared for, and may have the same valued by two  
6 reputable persons called by him to view such horse  
7 or animal, whereupon he may destroy or cause to  
8 be destroyed such horse or animal; and the price  
9 so fixed upon shall be the measure of the value of  
10 such animal. If any horse or other animal is  
11 attached to any vehicle or other property when  
12 taken possession of as provided in this act, such  
13 vehicle or property shall be properly stored and  
14 cared for at the expense of the owner. If the  
15 owner of such horse or animal does not appear  
16 within twenty-four hours after verbal or written  
17 notice is given to him to claim and properly care  
18 for the same, and pay all reasonable charges, such  
19 horse or animal shall be considered as abandoned.

SECT. 15. Any officer or agent of any society  
2 for the prevention of cruelty to animals may law-  
3 fully interfere to prevent the perpetration of any  
4 act of cruelty upon any animal in his presence,  
5 and any person who shall interfere with or obstruct

6 any such officer or agent in the discharge of his  
7 duty shall be guilty of a misdemeanor.

SECT. 16. Any person may take charge of any  
2 animal whose owner has abandoned it, or is failing  
3 to properly take care and provide for it, and may  
4 furnish the same with proper shelter, nourishment  
5 and care at the owner's expense, and shall have a  
6 lien on such animal for the same.

SECT. 17. It shall be the duty of all sheriffs,  
2 deputy sheriffs, police officers and constables to  
3 prosecute all violations of the provisions of this  
4 act which shall come to their notice or knowledge,  
5 and all fines collected for such violation shall be  
6 paid over to the treasurer of the city or town where  
7 the offence for which the fine is imposed was com-  
8 mitted, and in case a society for the prevention of  
9 cruelty to animals should be formed in such city  
10 or town, then such fines shall inure and be paid  
11 over to such society in aid of the benevolent objects  
12 for which it shall have been formed; otherwise to  
13 any such society in the county, if any, where such  
14 offence was committed.

SECT. 18. Upon application from the mayor and  
2 aldermen of any city, the selectmen of any town,  
3 or the president and three directors of any society

4 for the prevention of cruelty to animals, the gov-  
5 ernor and council may issue a badge and commis-  
6 sion to any officer or agent of any society for the  
7 prevention of cruelty to animals in this state to  
8 arrest any person charged with violating any of  
9 the provisions of this act, same as any sheriff, dep-  
10 uty sheriff, or constable can now do.

SECT. 19. The municipal and police courts and  
2 trial justices in this state shall have concurrent  
3 jurisdiction with the supreme judicial court of all  
4 offences described in this act.

SECT. 20. In this act, and in every law of this  
2 state passed relating to or affecting animals, the  
3 masculine shall include the feminine, the singular  
4 shall include the plural, the word animal shall be  
5 held to include every living creature, the words  
6 torment, torture or cruelty shall be held to include  
7 every act, omission or neglect whereby unjustifiable  
8 physical pain, suffering or death is caused or per-  
9 mitted, and the words owner or person shall be  
10 held to include corporations as well as individuals.

SECT. 21. Sections twenty-eight to thirty-five  
2 inclusive of chapter one hundred and twenty-four  
3 of the public laws of A. D. eighteen hundred and  
4 seventy-one, chapter thirty-six of the public laws

5 of A. D. eighteen hundred and seventy-five  
6 amendatory thereto, and all laws or parts of laws  
7 inconsistent with this act are hereby repealed.

SECT. 22. This act shall take effect when ap-  
2 proved.

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STATE OF MAINE.

IN SENATE, January 24, 1883.

*Ordered*, That two hundred extra copies of "an act for the prevention of cruelty" be printed for the use of members of the legislature.

Read and passed. Sent down for concurrence.

C. W. TILDEN, *Secretary*.

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IN HOUSE, Jan. 24, 1883.

Concurred.

ORAMANDAL, SMITH, *Clerk*.

A true copy.

Attest: C. W. TILDEN, *Secretary*.