

MAINE STATE LEGISLATURE

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SIXTY-FIRST LEGISLATURE.

SENATE.

No. 51.

STATE OF MAINE.

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

AN ACT for the prevention of cruelty.

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

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

13 suffer any unnecessary torture or cruelty, and every
14 owner, driver, possessor or person having the cus-
15 tody of an old, maimed, disabled or diseased horse,
16 or other animal, who cruelly works the same when
17 unfit for labor, or cruelly abandons the same, and
18 every person who shall carry or cause to be carried
19 in or upon any vehicle or otherwise any animal in
20 an unnecessarily 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, umpire or judge at any such
7 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 wild game in its wild state.

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 aid or assist therein, or who shall permit or suffer
8 any place to be so kept or used, shall be punished
9 by imprisonment in the county jail not exceeding
10 two months, or by fine not exceeding fifty dollars,
11 or by 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. 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. 6. 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; and all
5 cars when loaded with cattle, sheep, swine or other
6 animals at any station shall have precedence over
7 any other freight. A greater number of animals
8 shall not be loaded into any car than can stand
9 comfortably therein. Animals of one kind only
10 shall be loaded in the same apartment. Young
11 animals shall not be loaded in the same apartment
12 with older and larger animals, except in case of
13 animals with their own sucklings, which shall in
14 all cases be transported in the same apartment and

15 separate from other animals. Calves shall have
16 free access to their dams, and shall not be muzzled.
17 During the months of December, January, Febru-
18 ary and March, cars used for the transportation of
19 animals shall be sufficiently boarded up on the
20 sides and ends as to afford proper protection to
21 such animals in case of storms or severe cold
22 weather.

SECT. 7. Animals coming into the state on the
2 same or connecting roads or other transportation
3 lines, which have been loaded ten hours or more,
4 shall be unloaded, comfortably yarded, and in cold,
5 inclement weather, comfortably sheltered, and shall
6 be furnished with a a sufficient quantity of proper
7 food and good water within ten hours thereafter,
8 *provided*, they shall so long remain in the state,
9 and shall remain so yarded or sheltered, fed and
10 watered a reasonable time. And all animals
11 in transit within this state shall be so unloaded,
12 yarded, or sheltered, fed and watered every twenty
13 hours. Animals arriving at their destination
14 within the limits of this state, or for embarkation
15 on steamers between the hours of three o'clock A.
16 M., and six o'clock P. M., shall be so unloaded,
17 yarded or sheltered, fed and watered within six

18 hours thereafter and before embarkation. And
19 animals arriving between the hours of six o'clock
20 P. M., and three o'clock A. M., shall be so unloaded,
21 yarded or sheltered, fed and watered before nine
22 o'clock A. M., following, and before embarkation
23 if remaining in the state. The railroad company
24 or transportation line having animals in charge
25 within this state at the expiration of the limit of
26 time specified in this act for unloading, feeding,
27 and watering, shall be liable for the penalties herein
28 specified for such neglect.

SECT. 8. 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, and do have proper food,
10 water, space and opportunity to rest.

SECT. 9. 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 conse-
4 quence 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. 10. 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. 11. 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. 12. 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. 13. 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 property 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. 14. 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. 15. Any person may take charge of any
2 animal whose owner has cruelly abandoned it, or is
3 cruelly failing to properly take care and provide
4 for it, and may furnish the same with proper
5 shelter, nourishment and care at the owner's expense,
6 and shall have a lien on such animal for the same.

SECT. 16. 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. 17. 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 shall 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. 18. The municipal and police courts and
2 trial justices in this state shall have concurrent
3 jurisdiction of all offences described in this act.

SECT. 19. 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. 20. 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.

STATE OF MAINE.

IN SENATE, February 21, 1883.

Reported by Mr. McLAUGHLIN of Cumberland, from the Committee on the Judiciary, laid on the table to be printed under the Joint Rules.

C. W. TILDEN, *Secretary.*