

MAINE STATE LEGISLATURE

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EIGHTY-SECOND LEGISLATURE

H. P. No. 512

H. D. No. 114

House of Representatives, Feb. 12, 1925.

Referred to Committee on Agriculture and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Smith of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-FIVE

AN ACT to Amend Section Sixty of Chapter One Hundred
and Twenty-six of the Revised Statutes.

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

Section sixty of chapter one hundred and twenty-six of
2 the revised statutes is hereby amended by inserting after
3 the word "fixed" in the sixth line of said section the words,
4 'If the owner cannot be found by reasonable diligence or
5 is out of the state, although resident therein, a copy of such
6 application and order of court shall be left at his last and
7 usual place of abode,' so that said section as amended shall
8 read as follows:

'Sect. 60. Old, diseased or disabled animals may be de-

2 stroyed; proceedings. R. S., c. 125, sec. 49. Such officer
3 or agent may take possession of any old, maimed, disabled,
4 diseased or injured animal, and apply to any municipal or
5 police court or trial justice for process to cause the same
6 to be destroyed. If the owner is known, a copy of such
7 application shall be served upon him in hand with an order
8 of court to appear at a time and place named, to show
9 cause why such animal should not be destroyed, and its
10 value fixed. If the owner cannot be found by reasonable
11 diligence or is out of the state, although resident therein,
12 a copy of such application and order of court shall be left
13 at his last and usual place of abode. If the owner is not
14 known, then the court shall order notices to be posted in
15 two public and conspicuous places in the town, stating the
16 case in substance, and giving forty-eight hours' notice of
17 a hearing thereon. At such hearing if it appears that such
18 animal is old, maimed, disabled, diseased or injured, and
19 is unfit for use, the court shall determine the value of such
20 animal, and shall issue process directing the officer to de-
21 stroy the same. The defendant may appeal as in civil ac-
22 tion, but before such appeal shall be allowed, the defend-
23 ant shall give sufficient security to said officer, to be ap-
24 proved by the court, to pay all the expenses for the care
25 and support of such animal pending such appeal.'

NOTE

The purpose of this amendment is this: In numerous cases where the officer or agent have taken possession of such animal, it has been almost an impossibility for the officer to locate the owner to serve application and order of court on him "in hand" as required by the present law. And in the meantime the animal has to be cared for at the expense of the county. In one case in Bangor, over a month was required to get service in hand on the owner of a horse. The Bangor Humane Society approves this change.