

MAINE STATE LEGISLATURE

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E I G H T Y - N I N T H L E G I S L A T U R E

Legislative Document

No. 767

S. P. 361

In Senate, February 14, 1939.

Referred to Committee on Inland Fisheries and Game. Sent down for concurrence and 500 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Chamberlain of Penobscot.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

**AN ACT Classifying Certain Fur-bearing Animals as Domestic Animals
and Protecting Property Rights Therein.**

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

Sec. 1. Certain animals classified as domestic animals. Silver, silver black and black foxes, which of their nature, in the absence of efforts for their domestication, were known as wild whenever the same shall have been born in restraint or captivity upon any farm or ranch for the purpose of cultivating or pelting their furs, together with their offspring and increase, are and shall be considered and classified as domestic animals for the purpose of and within the meaning of any statute or law relating generally to domestic animals (other than dogs and cats or other pets), or relating to farming, to animal husbandry, or to the encouragement of agriculture, unless any such statute or law is or shall be impossible of application to such fur-bearing animals; and such fur-bearing animals, together with their offspring and increase, are and shall be the subjects of ownership, lien, and all kinds of absolute and other property rights, the same as purely domestic animals, in whatever situation, location, or condition such fur-bearing animals may thereafter come or be, and regardless of their remaining in or escaping from such restraint or captivity; and such fur-bearing animals shall receive the same protection of law, and in the same

way and to the same extent shall be the subject of trespass or larceny as other personal property.

Sec. 2. Brands or tattoo marks may be adopted. Any owner or prospective owner of such fur-bearing animals in restraint or captivity shall be entitled from time to time, by written subscribed statement, to adopt distinctive brands or tattoo marks, and not including arabic numerals and not already in known use by others, for any of such fur-bearing animals and to have such distinctive identifying brands or tattoo marks recorded in his name in the office of the department of agriculture of the state of Maine, upon paying a recording fee of \$1 for each such brand or for each such tattoo mark. Such statements shall be recorded in a suitable book to be kept therefor in said office. The presence of such recorded brand or recorded tattoo marks upon any such fur-bearing animal shall be prima facie evidence of the ownership of such animal in the person, persons, partnership, association or corporation in whose name such brand or tattoo mark is so recorded, subject always to his, their or its right to make due transfer of title, right or interest in, or lien upon such animal.

Sec. 3. Trespassing, trapping, etc., forbidden; penalty. No person, without the permission of the owner of any privately owned fur-bearing animal, shall enter the enclosure within which any privately owned fur-bearing animal is kept for preservation, culture, breeding or growing, or shall trespass on private ground adjoining such enclosure; and no person shall knowingly and wilfully kill, trap, or injure any fur-bearing animal owned by another person without the consent of the owner. Any person who violates the terms of this section shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than \$200, or by imprisonment in the county jail for not more than 6 months, or by both such fine and imprisonment, in the discretion of the court.

Sec. 4. Repeal of certain laws. Section 76 of chapter 38 of the revised statutes, as revised, and all other acts or parts of acts inconsistent herewith are hereby repealed, provided, this repeal shall not affect any cause of action or proceeding under the existing law at the date this repeal becomes effective.

Sec. 5. Constitutionality. If any clause, sentence, paragraph, section, or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.