

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1148

S. P. 552

In Senate, April 11, 1941.

Reported by Senator Harvey of York from Committee on Judiciary and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

AN ACT Relating to Cruelty to Animals.

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

Sec. 1. R. S., c. 135, § 63, amended. Section 63 of chapter 135 of the revised statutes is hereby repealed and the following enacted in place thereof:

‘Sec. 63. Enforcement of lien. Persons or corporations having such lien, may enforce it by a sale thereof, in the same manner as in case of enforcements of liens on goods in possession and choses in action, provided for in chapter 105, sections 71-79, inclusive.’

Sec. 2. R. S., c. 135, § 64, repealed. Section 64 of chapter 135 of the revised statutes is hereby repealed.

Sec. 3. R. S., c. 135, § 65, amended. Section 65 of chapter 135 of the revised statutes, as amended, is hereby repealed and the following enacted in place thereof:

‘Sec. 65. Old, maimed, disabled, diseased, injured or abandoned animals may be destroyed; proceedings. Any sheriff, deputy sheriff, constable, police officer or agent for any society for the prevention of cruelty to animals, or any person authorized to make arrests, may apply to any municipal

court or trial justice for process to permit the applicant to take possession of any old, maimed, disabled, diseased or injured animal, or any animal whose owner has cruelly abandoned or cruelly fails to take care of or provide for, or for process to cause the same to be destroyed. If the owner is known, a copy of such application shall be served upon him in hand with an order of court to appear at a time and place named, to show cause why such animal should not be taken or destroyed. If the owner cannot be found by reasonable diligence, or is out of the state, although a resident therein, a copy of such application and order of court shall be left at his last and usual place of abode. If the owner is not known, then the court shall order notices to be posted in 2 public and conspicuous places in the town, stating the case and circumstances, and giving 48 hours' notice of hearing thereon. At such hearing, if it appears that such animal has been abandoned by its owner, or that such animal is old, maimed, disabled, diseased or injured, or its owner has cruelly failed to take care of it and provide for it, the court shall order such animal to be destroyed or shall issue process, directing the applicant for such process or some other suitable person to take possession of such animal. The court may direct the applicant or some other suitable person to take possession of and provide for said animal pending the hearing on the process sought under the provisions of this section, or pending any continuance of said hearing; said persons to have a lien for their expenses thus incurred, said lien to be enforced as hereinafter provided. The defendant may appeal as in a civil action, and pending such appeal the court may order the applicant or some other suitable person to take possession of said animal and to furnish the same with proper shelter, nourishment and care for the same, but before such appeal shall be allowed, the defendant shall give sufficient security to satisfy the applicant or such other person as the court shall direct to take possession of said animal, approved by the court, to pay all of the expenses for the care and support of such animal pending appeal.

Any person taking possession of an animal as provided in this section shall have a lien thereon for his expense of furnishing the same with proper shelter, nourishment and care, and may enforce said lien in the same manner as liens on goods in possession and choses in action; and the court in giving judgment for such lien shall include thereon a pro rata amount for pasturage, feed and shelter, provided by the lienor from the date of the commencement of proceedings to the date of the judgment.

Sec. 4. R. S., c. 135, § 67, amended. Section 67 of chapter 135 of the revised statutes is hereby repealed and the following enacted in place thereof:

Sec. 67. Care of sheep abandoned on islands; lien; penalty. The keeping or leaving of sheep on any of the uninhabited and barren islands lying off the coast of Maine within said state, during the months of December, January, February and March of any year without providing sufficient food and proper shelter therefor shall be deemed prima facie evidence that the owner or person having the custody and control of such sheep is guilty of cruelty to animals and subject to the penalties provided in section 49 of this chapter. Any person may take charge of such sheep whose owner has cruelly abandoned it, or cruelly fails to take care and provide for it, and may furnish the same with proper shelter, nourishment, and care at the owner's expense, and have a lien thereon for the same; and may enforce said lien in the manner provided for in the previous section hereof.'

Sec. 5. R. S., c. 135, § 69, amended. Section 69 of chapter 135 of the revised statutes, as amended by chapter 161 of the public laws of 1931, is hereby further amended to read as follows:

Sec. 69. Duty of officers to prosecute for violations; payment for services. Sheriffs, deputy sheriffs, police officers, constables, and agents appointed under the provisions of the following section, shall investigate all cases of cruelty to animals coming to their knowledge, and shall inspect all stock yards actively engaged in handling animals for shipment when authorized to do so by the county commissioners of the county within which said stock yards or places of shipment are located, and shall be paid for such inspection on the same basis as is herein provided for investigation of cases of cruelty to animals. Said officers and agents shall cause offenders to be prosecuted in all cases in which the offense may appear to be of a sufficiently aggravated nature to require prosecution; all fines imposed for the punishment of such offenses, shall be paid over to the county treasurer of the county in which the offense may have been committed. For services and expenses in conducting such investigations such agents shall be paid a reasonable sum by the county in which such services are rendered and expenses incurred, and for their travel the same fees as are now allowed officers, by law for the service of a warrant for arrest, but no county shall be liable to pay the fees of such agents for their travel outside of its lines; provided, however, that all claims of such agents for such travel and services shall first be audited and approved by the county commissioners of the county liable to pay the same.'