

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 1202**

H. P. 1030

House of Representatives, March 3, 1955.

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Osborne of Fairfield.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-FIVE

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**AN ACT Relating to Procedure in Cruelty to Animals Laws.**

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

**R. S., c. 140, § 17, amended.** Section 17 of chapter 140 of the revised statutes is hereby amended to read as follows:

**‘Sec. 17. Old, maimed, disabled, diseased, injured or abandoned animals destroyed.** 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 **or turned over to the applicant or some other suitable person.** 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 **or turned over to the applicant or some other suitable person.** 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 notice to be posted in 2 public and conspicuous places in the town, **where the animal was found,** 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 **and retain** possession of **and provide** for such animal **pending disposition by the court, and to sell or dispose of the same or return the same to the owner as may be ordered by the court, which order shall be subject to modification from time to time.** In the event of the return of said animal to the owner, the owner shall pay all fees and all expenses incurred in connection with taking and keeping of said animal and providing it with care and support; in the event of sale of said animal all of said fees and expenses of taking, keeping, caring for and supporting shall be deducted from the sale price and the balance if any turned over to the owner or forfeited to the county from which the process issued. 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 **providing for said animal pursuant to order or direction of the court to have, unless the complaint is dismissed,** 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 any animals 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 **or the final disposition of the animal as ordered by the court.'**