

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE.

1883.

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PUBLIC LAWS
OF THE
STATE OF MAINE.
1883.

CHAP. 182

Chapter 182.

An Act to amend section nine of chapter five of the Revised Statutes, relating to lands reserved for public uses.

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

Sec. 9, ch. 5, R. S., amended.

SECT. 1. That section nine of chapter five of the revised statutes be amended by striking out the words "or organized into plantations," in the sixth line of said section, so that said section shall read as follows :

Reservation of 1,000 acres for public uses.

'SECT. 9. In every township there shall be reserved one thousand acres of land, and at the same rate in all tracts less than a township, for the exclusive benefit of such town or tract as the legislature directs, to average in quality and situation and value as to timber, with the other lands therein. In townships or tracts sold and not incorporated, the lands reserved for public uses may be selected and located by the land agent and the proprietors by a written agreement describing them by metes and bounds, signed by them and recorded in the land office. The plan or outline of the lands so selected shall be entered on the plan of the township or tract in the land office, which shall be a sufficient location thereof.'

—may be located by agreement.

SECT. 2. This act shall take effect when approved.

Approved March 9, 1883.

Chapter 183.

An Act for the prevention of Cruelty.

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

Penalty for cruelty to animals.

SECT. 1. Every person who cruelly over-drives, over-loads, over-works, torments, tortures, maims, wounds, deprives of necessary sustenance, cruelly beats, mutilates or kills any horse or other animal, or causes or procures the same to be done, or having the charge or custody of any such animal, as owner or otherwise, unnecessarily fails to provide such animal with proper food, drink and shelter, or protection from the weather ; every person, owning or having the charge or custody of any animal, who shall knowingly and wilfully authorize or permit the same to be subjected to or suffer any unnecessary torture or cruelty ; and every owner, driver,

possessor or person having the custody of an old, maimed, disabled or diseased horse or other animal, who cruelly works the same when unfit for labor, or cruelly abandons the same; and every person who shall carry or cause to be carried, in or upon any vehicle or otherwise, any animal in an unnecessarily cruel or inhuman manner, shall, for every such offense, be punished by imprisonment in the county jail not exceeding one year, or by fine not exceeding two hundred dollars, or by both such imprisonment and fine.

SECT. 2. Any person who shall keep or use any live pigeon, fowl or other bird for the purpose of a target, or to be shot at either for amusement or as a test of skill in marksmanship, and any person who shall shoot at any bird as aforesaid, or be present as a party, umpire or judge at any such shooting of any pigeon, fowl or bird, and any person who shall rent any building, shed, room, yard, field or premises, or shall knowingly suffer or permit the use of any building, shed, room, yard, field or premises for the purpose of shooting any pigeon, fowl or bird as aforesaid, shall be punished by imprisonment in the county jail not exceeding thirty days, or by fine not exceeding fifty dollars, or by both such imprisonment and fine. Nothing in this act shall be construed as prohibiting the shooting of wild game in its wild state.

Penalty for shooting pigeons and other birds for amusement.

Act not to apply to shooting wild game.

SECT. 3. Any person who shall keep or use, or in any way be connected with, or interested in the management, or shall receive money for the admission of any person to any place kept or used for the purpose of fighting or baiting any dog, cock or other creature, and every person who shall aid or assist therein, or who shall permit or suffer any place to be so kept or used, shall be punished by imprisonment in the county jail not exceeding two months, or by fine not exceeding fifty dollars, or by both such imprisonment and fine.

Penalty for keeping, etc., any place for fighting or baiting dogs or other creatures.

SECT. 4. Whoever owns, possesses, keeps, or trains any bird or animal with the intent that such bird or animal shall be engaged in an exhibition of fighting, shall, upon conviction thereof, be punished by imprisonment in the county jail not exceeding thirty days, or by fine not exceeding fifty dollars, or by both such imprisonment and fine.

Penalty for owning, training, etc. any game bird or animal.

SECT. 5. Any sheriff, deputy sheriff, constable, police officer, officer of any society for the prevention of cruelty to animals, or any other person authorized to make arrests, may

Officers authorized to enter buildings where birds, etc., are kept for training

CHAP. 183

Penalty for resisting officer.

Dwelling-houses not to be entered without a warrant.

Railroad companies shall give cars containing animals, continuous passage and preference to other freight.

Loading of cars regulated.

Animals to be protected against storms and cold weather.

Animals brought into the state, in transit, etc., to be allowed rest, shelter, food and water.

enter any building or enclosure where he has reason to believe that any bird or creature is kept for training to be engaged in fighting; and any person resisting or interfering with such officer shall, upon conviction thereof, be punished by imprisonment in the county jail not exceeding one year, or by fine not exceeding one hundred dollars, or by both such imprisonment and fine. Nothing in this section shall be construed as allowing any officer to enter a dwelling-house without a warrant.

SECT. 6. All railroad companies within the limits of this state shall give all cars containing cattle, sheep, swine or other animals, a continuous passage in preference to any other freight; and all cars, when loaded with cattle, sheep, swine or other animals, at any station, shall have precedence over any other freight. A greater number of animals shall not be loaded into any car than can stand comfortably therein. Animals of one kind only shall be loaded in the same apartment. Young animals shall not be loaded in the same apartment with older and larger animals, except in case of animals with their own sucklings, which shall, in all cases be transported in the same apartment and separate from other animals. Calves shall have free access to their dams, and shall not be muzzled. During the months of December, January, February and March, cars used for the transportation of animals shall be sufficiently boarded up on the sides and ends as to afford proper protection to such animals in case of storms or severe cold weather.

SECT. 7. Animals coming into the state on the same or connecting roads or other transportation lines, which have been loaded ten hours or more, shall be unloaded, comfortably yarded, and in cold, inclement weather, comfortably sheltered, and shall be furnished with a sufficient quantity of proper food and good water within ten hours thereafter, provided, they shall so long remain in the state, and shall remain so yarded or sheltered, fed and watered a reasonable time. And all animals in transit within this state shall be so unloaded, yarded, or sheltered, fed and watered every twenty hours, unless delayed by accident or other unavoidable circumstances. Animals arriving at their destination within the limits of this state, or for embarkation on steamers between the hours of three o'clock in the forenoon and six o'clock in the afternoon, shall be so unloaded, yarded or sheltered, fed and watered

within six hours thereafter and before embarkation. And animals arriving between the hours of six o'clock in the afternoon and three o'clock in the forenoon, shall be so unloaded, yarded or sheltered, fed and watered before nine o'clock in the forenoon following, and before embarkation, if remaining in the state. The railroad company or transportation line having animals in charge within this state at the expiration of the limit of time specified in this act for unloading, feeding and watering, shall be liable for the penalties herein specified for such neglect.

Liability for neglect.

SECT. 8. Any railroad company or other transportation line violating any of the provisions of sections six and seven of this act shall, upon conviction thereof, forfeit and pay a penalty of not less than fifty nor more than five hundred dollars for each and every such offense. The provisions of sections six and seven of this act do not apply to animals being transported in cars or other conveyances where they can and do have proper food, water, space and opportunity to rest.

Penalty for violation of sections 6 and 7.

Exceptions to provisions of sections 6 and 7.

SECT. 9. Any railroad company or other transportation line may hold a lien on all animals in transit for payment of all penalties paid in consequence of the direction or orders of the owner or other person having such animals in charge, and for all extra expenses or damages incurred in the care and protection of animals according to the provisions of this act, and shall not be liable for any detention of such animals for the purposes herein named.

Railroad companies to have a lien on animals for care and protection.

SECT. 10. Any sheriff, deputy sheriff, police officer, constable, officer of any society for the prevention of cruelty to animals, or any person authorized to make arrests, may take possession of any animals detained in violation of the provisions of this act, and may unload the same, comfortably yard or shelter, feed, water and care for them, and may hold a lien on said animals for a reasonable sum for such care, and shall not be liable for any damages or detention of such animals.

Sheriffs or other officers may enforce provisions for care of animals.

May have lien for such care.

SECT. 11. In all cases where a lien is given under the provisions of this act, the persons or corporations having such lien, may sell such animal or animals at public auction, in the town or city where such animal, or animals, was found or is detained, after giving the party claiming or owning the same

Lien, how enforced.

CHAP. 183

three days' notice in writing; or in case such party cannot be found, then by publishing notice of the time and place of sale three successive days in any daily, or once in any weekly newspaper printed in the county where such animal, or animals, was found or detained, and from the proceeds of such sale, may deduct all costs, charges and expenses, and a reasonable compensation for trouble in the matter, and hold the balance, if any, for and pay over the same, on demand, to the party or parties owning the said animal, or animals, or to the legal representatives of said party or parties.

Abandoned animals may be destroyed.

SECT. 12. Any officer or agent of any society for the prevention of cruelty to animals may lawfully destroy or cause to be destroyed forthwith, any animal found abandoned and not properly cared for, appearing in the judgment of two reputable persons called by him to view the same in his presence to be diseased or injured past recovery for any useful purpose.

Any old horse or other animal, not cared for, may be destroyed.

SECT. 13. Any officer or agent of any society for the prevention of cruelty to animals may take possession of any old, maimed, disabled, diseased or injured horse or other animal not properly cared for, and may have the same valued by two reputable persons called by him to view such horse or animal, whereupon he may destroy or cause to be destroyed such horse or animal; and the price so fixed upon shall be the measure of the value of such animal. If any horse or other animal is attached to any vehicle or other property when taken possession of as provided in this act, such vehicle or property shall be properly stored and cared for at the expense of the owner. If the owner of such horse or animal does not appear within twenty-four hours after verbal or written notice is given to him to claim and properly care for the same, and pay all reasonable charges, such horse or animal shall be considered as abandoned.

Value, how fixed.

Animal to be considered abandoned, if owner does not claim it after due notice.

Officers may interfere to prevent cruelty.

SECT. 14. Any officer or agent of any society for the prevention of cruelty to animals may lawfully interfere to prevent the perpetration of any act of cruelty upon any animal in his presence, and any person who shall interfere with or obstruct any such officer or agent in the discharge of his duty shall be guilty of a misdemeanor.

Abandoned animals may be provided for at owner's expense.

SECT. 15. Any person may take charge of any animal whose owner has cruelly abandoned it, or is cruelly failing to properly take care and provide for it, and may furnish the

same with proper shelter, nourishment and care at the owner's expense, and shall have a lien on such animal for the same. CHAP. 183

SECT. 16. It shall be the duty of all sheriffs, deputy sheriffs, police officers and constables to prosecute all violations of the provisions of this act which shall come to their notice or knowledge, and all fines collected for such violation shall be paid over to the treasurer of the city or town where the offense for which the fine is imposed was committed, and in case a society for the prevention of cruelty to animals should be formed in such city or town, then such fines shall inure and be paid over to such society in aid of the benevolent objects for which it shall have been formed; otherwise to any such society in the county, if any, where such offense was committed.

Duty of officers to prosecute for violations.

Fines, how disposed of.

SECT. 17. Upon application from the mayor and aldermen of any city, the selectmen of any town, or the president and three directors of any society for the prevention of cruelty to animals, the governor and council shall issue a badge and commission to any officer or agent of any society for the prevention of cruelty to animals in this state to arrest any person charged with violating any of the provisions of this act, same as any sheriff, deputy sheriff or constable can now do.

Governor and council may appoint officers to enforce this act.

SECT. 18. The municipal and police courts and trial justices in this state shall have concurrent jurisdiction of all offenses described in this act.

Jurisdiction of police courts and trial justices.

SECT. 19. In this act, and in every law of this state passed relating to or affecting animals, the masculine shall include the feminine, the singular shall include the plural, the word animal shall be held to include every living creature, the words torment, torture or cruelty shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted, and the words owner or person shall be held to include corporations as well as individuals.

Rules of construction.

SECT. 20. Sections twenty-eight to thirty-five inclusive of chapter one hundred and twenty-four of the public laws of eighteen hundred and seventy-one, chapter thirty-six of the public laws of eighteen hundred and seventy-five amendatory thereto, and all laws or parts of laws inconsistent with this act are hereby repealed.

Certain acts and all inconsistent acts, repealed.