

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE.

1893.

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1893.

CHAP. 165

—proviso.

extend the time of filing such variations in their discretion. Provided, further, that no railroad shall be made across tide waters where vessels can navigate, without special permission of the legislature first obtained.'

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

Approved February 23, 1893.

Chapter 165.

An Act for the prevention of Cruelty to Animals.

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

Sec. 29, ch. 124,
R. S., amended.

SECT. 1. Section twenty-nine of chapter one hundred twenty-four of the revised statutes is hereby amended, so that said section shall read as follows:

Cruelty to
animals, how
punished.

'SECT. 29. Every person who cruelly over-drives, over-loads, or over-works, who torments, tortures, maims, wounds, or deprives of necessary sustenance, or who cruelly beats, mutilates or kills any horse or other animal, or causes the same to be done, or having the charge or custody thereof, as owner or otherwise, unnecessarily fails to provide such animal with proper food, drink, shelter and protection from the weather; every person, owning or having the charge or custody of any animal, who knowingly and willfully authorizes or permits the same to suffer tortures or cruelty; and every owner, driver, possessor or person having the custody of an old, maimed, disabled or diseased animal, who cruelly works the same when unfit for labor, or who cruelly abandons such animal; and every person who carries or causes to be carried, or has the care of, in or upon a car or other vehicle or otherwise, any animal in a cruel or inhuman manner, shall for every such offense be punished by imprisonment in jail not exceeding one year, or by fine not less than five dollars and not exceeding two hundred dollars, or both.'

Sec. 35 shall
apply to
owners,
shippers, etc.

SECT. 2. Section thirty-five, chapter one hundred twenty-four of the revised statutes, as amended by chapter twenty-five of the laws of eighteen hundred ninety-one, and section thirty-six of chapter one hundred twenty-four of the revised statutes, shall apply to the owners, shippers, charterer of cars, or other person having the care, custody or charge of

animals loaded into any car, or transported upon any railroad; and such owner, shipper, charterer of cars, or other person having the care, custody or charge of animals, loaded into cars, or transported over any railroad, for a violation of any of the provisions of said sections thirty-five and thirty-six, shall be subject to the same penalties as are imposed upon railroad companies for a like violation, by section thirty-seven of said chapter.'

SECT. 3. Section thirty-seven of chapter one hundred twenty-four of the revised statutes, is hereby amended by striking out all of said section after the word "offense" in the third line.

Penalty for violation of sections 35 and 36.

SECT. 4. Section forty-two of chapter one hundred twenty-four of the revised statutes, as amended by chapter two hundred eighty-nine of the laws of eighteen hundred eighty-nine, is hereby amended, so that said section shall read as follows:

SECT. 42. Such officer or agent may take possession of any old, maimed, disabled, diseased or injured animal, and apply to any municipal or police court or trial justice 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 destroyed, and its value fixed. If the owner is not known, then the court shall order notices to be posted in two public and conspicuous places in the town, stating the case in substance, and giving forty-eight hours' notice of a hearing thereon. At such hearing if it appears that such animal is old, maimed, disabled, diseased or injured, and is unfit for use, the court shall determine the value of such animal, and shall issue process directing the officer to destroy the same. The defendant may appeal as in civil action, but before such appeal shall be allowed, the defendant shall give sufficient security to said officer, to be approved by the court, to pay all the expenses for the care and support of such animal pending such appeal.'

Any old, diseased or disabled animal may be destroyed.

—proceedings.

SECT. 5. Section forty-seven of chapter one hundred twenty-four of the revised statutes, as amended by chapter three hundred sixty-four of the laws of eighteen hundred eighty-five, is hereby amended, so as to read as follows:

CHAP. 166Magistrate's
jurisdiction.

‘SECT. 47. Municipal and police courts and trial justices shall on complaint cause to be arrested any person charged with the commission in their counties of any of the offenses described in the eighteen preceding sections; the offense may be deemed to have been committed in any county where such animal may be found; and when such offenses are not of a high and aggravated nature, may try and punish by fine not less than five dollars nor exceeding twenty dollars, and by imprisonment not exceeding thirty days; but when on examination the offense appears to be one not within their jurisdiction for trial, they may cause the person or persons charged with the commission of the same to recognize with sureties to appear before the supreme judicial or superior courts, and in default thereof to be committed to jail.’

Approved February 23, 1893.

Chapter 166.

An Act to amend section forty-two of chapter six of the Revised Statutes, relating to taxation of Railroads.

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

Sec. 42, ch. 6, R.
B., amended.

SECT. 1. Section forty-two of chapter six of the revised statutes is hereby amended by substituting for the word “September,” in the fourth line, the word ‘June,’ and for the words “two thousand two hundred and fifty” in the seventh line the words, ‘fifteen hundred,’ also by substituting for the words, “two thousand two hundred and fifty” in the ninth line the words, ‘fifteen hundred,’ and for the words, “three thousand” in the tenth line the words ‘twenty-two hundred and fifty,’ so that said section as amended, shall read as follows:

Amount of tax
on railroad, how
ascertained.

‘SECT. 42. The amount of such annual excise tax shall be ascertained as follows: the amount of the gross transportation receipts as returned to the railroad commissioners for the year ending on the thirtieth day of June preceding the levying of such tax, shall be divided by the number of miles of railroad operated, to ascertain the average gross receipts per mile; when such average receipts per mile do not exceed fifteen hundred dollars, the tax shall be equal to one quarter