

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-seventh Legislature

OF THE

STATE OF MAINE

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STATE OF MAINE

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panies shall have been consolidated shall cease; and the constituent companies, whether consolidated into a new company or merged into one of such constituent companies, as the case may be, shall become the consolidated company by the name provided in said agreement, possessing all the rights, privileges, powers, franchises and immunities as well of a public as of a private nature, and being subject to all the liabilities, restrictions and duties of each of such companies so consolidated and all and singular the rights, privileges, powers, franchises and immunities of each of said companies and all property, real, personal and mixed, wheresoever located, and all debts due to any of said constituent companies on whatever account, and all other things in action of or belonging to each of said companies shall be vested in the consolidated company; and all property, rights, privileges, powers, franchises and immunities and all and every other interest shall be thereafter as effectually the property of the consolidated company as they were of the several and respective constituent companies and the title to any real estate, whether by deed or otherwise, under the laws of this State, vested in any of such constituent companies, shall not revert or be in any way impaired by reason thereof, provided that all rights of creditors and all liens upon the property of any of said constituent companies shall be preserved unimpaired, limited to the property affected by such liens at the time of the consolidation, and all debts, liabilities and duties of the respective constituent companies shall thenceforth attach to said consolidated company and may be enforced against it to the same extent as if said debts, liabilities and duties had been incurred or contracted by it.

V. "Consolidate" as used in this section shall be construed to include and authorize either a merger or consolidation or both.

Effective August 20, 1955

Chapter 220

AN ACT Relating to Terms of the Superior Court in York County.

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

Sec. 1. R. S., c. 106, § 11, sub-§ XVI; amended. Subsection XVI of section 11 of chapter 106 of the revised statutes is hereby amended to read as follows:

'XVI. York: At Alfred on the ~~and Tuesday of January and 1st Tuesdays of May and October~~ 1st Tuesdays of January, May, September and November.'

Sec. 2. Effective date. The provisions of this act shall become effective on January 1, 1956.

Effective January 1, 1956

Chapter 221

AN ACT Relating to Digging Clams in Kennebunkport, York County.

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

R. S., c. 38, § 57, amended. Section 57 of chapter 38 of the revised statutes is hereby amended by adding after the 3rd sentence thereof a new sentence, to read as follows:

'From October 1, 1955 to October 1, 1957, no clams shall be dug or taken from the flats in Batson's River or in any of its branches or tributaries, in said town of Kennebunkport, except that, during said 2-year period, any resident or property owner of said town may dig from said flats not to exceed 2 pecks of clams at one tide.'

Effective August 20, 1955

Chapter 222

AN ACT Relating to Procedure in Cruelty to Animals Laws.

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 notices 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