

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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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Ninety-seventh Legislature

1955

'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

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 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 or the final disposition of the animal as ordered by the court.'

Effective August 20, 1955

Chapter 223

AN ACT Relating to Service of Process on Nonresidents in Motor Vehicle Laws.

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

R. S., c. 22, § 70, amended. Section 70 of chapter 22 of the revised statutes is hereby amended by adding at the end thereof a new paragraph to read as follows:

'The provisions of this section shall apply to any resident of the State who becomes a resident of any other state or country prior to the time when any action or proceeding against him, growing out of any accident or collision in which such person or his agent may be involved, while operating a motor vehicle on a public way in this State, has been brought.'

Effective August 20, 1955

Chapter 224

AN ACT Exempting Foreign Charitable Corporations from Certain Fees.

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

R. S., c. 53, § 135-A, additional. Chapter 53 of the revised statutes is hereby amended by adding thereto a new section to be numbered 135-A, to read as follows:

'Sec. 135-A. Fees to foreign charitable corporations. Foreign charitable corporations shall be exempt from the payment of any fees payable by foreign corporations to the Secretary of State.'

Effective August 20, 1955