

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-eighth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Ninety-eighth Legislature

1957

Chapter 184

AN ACT Relating to Removal of Persons from Indian Tribal Reservations.

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

R. S., c. 25, § 349, amended. The 4th sentence of section 349 of chapter 25 of the Revised Statutes is hereby amended to read as follows:

'After due hearing, said judge with the recommendation of the Tribal Governor and Council may if he is satisfied that such removal is approved by the majority of the adult members of said tribe or is for any cause proper to be enforced order the respondent to remove within a specified time beyond the tribal reservation limits.'

Effective August 28, 1957

Chapter 185

AN ACT Relating to Granting Mining Rights by Forest Commissioner.

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

R. S., c. 36, § 12, amended. Section 12 of chapter 36 of the Revised Statutes is hereby amended to read as follows:

'Sec. 12. Granting rights to cut timber; grant mining rights; leasing camp sites and mill privileges; preference to Maine people. The Commissioner, under the direction of the Governor and Council, shall sell at public or private sale and grant rights to cut timber and grass belonging to the State, and may lease camp sites, mill privileges, dam sites, flowage rights, the right to set poles and maintain utility service lines and the right to construct and maintain roads, and grant mining rights, after the approval of the Mining Bureau, on lands belonging to the State, on such terms as they direct; also the right to cut timber and grass and lease camp sites, mill privileges, dam sites, flowage rights, the right to set poles and maintain utility service lines and the right to construct and maintain roads, and grant mining rights, after the approval of the Mining Bureau, on public reserved lots in any township or tract of land until the same is incorporated, on such terms as they direct. Preference in such sales or leases shall be given to persons, firms or corporations of this State.'

Effective August 28, 1957

Chapter 186

AN ACT Relating to Damages Done by Dogs and Wild Animals.

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

Sec. 1. R. S., c. 100, § 18, repealed and replaced. Section 18 of chapter 100 of the Revised Statutes is hereby repealed and the following section enacted in place thereof:

'Sec. 18. Payment of damages done by dogs and wild animals; recovery from owner; keeping dogs that kill sheep and poultry. Whenever any livestock, poultry or domestic rabbits, properly enclosed, owned by a resident of this State is killed or injured by dogs or wild animals, the owner, after locating such animal, animals or poultry or a sufficient part of each to identify the same, may make complaint thereof to the mayor of a city, or to one of the municipal officers of the town or plantation where such damage was done within 24 hours after he has knowledge of same. Thereupon, the municipal officers shall investigate the complaint and if satisfied such damage was committed by dogs or wild animals within the limit of their municipality, after viewing the evidence estimate the actual value of such animals or poultry according to the purposes for which they were kept, whether as breeders or other purposes, together with the damage to any other animals or poultry being bitten, torn or chased or exhausted, and make returns on blanks furnished by the Department of Agriculture. Such returns shall be made in triplicate, the original and duplicate copies together with a bill from the claimant shall be mailed to the Commissioner of Agriculture or his duly authorized agent within 15 days from the date of investigation, and the triplicate shall be kept by the municipal clerk as his record.

A full description of all evidence seen by the investigator shall be plainly printed or written in triplicate on all reports and recommendations giving the number of animals or poultry, properly enclosed, with the estimated value and the number of each giving their ages, average live weight and any other information that will assist in making a fair adjustment.

When livestock, poultry or domestic rabbits, properly enclosed, are kept in an unincorporated place, the owner may make complaint to the municipal officers of the nearest municipality adjoining, or the nearest municipality when there is none adjoining who shall investigate the complaint.

Each report and recommendation must be signed by the investigator in the place provided for his or her signature. Such signature shall be construed to mean that the investigator has seen evidence legally establishing the liability of the State. All reports and recommendations must be signed by a majority of the municipal officials.

The Commissioner of Agriculture or his duly authorized agent shall approve the bill or, if it seems advisable, investigate and adjust the claim.

When the claim is approved by the Commissioner of Agriculture or his duly authorized agent, the same shall be paid by the State to the person sustaining such damage.

All dogs doing such damage and found without leather or metal collar and tag as required by law shall be deemed to be unlicensed. If investigation shows such dog or dogs to have been legally licensed, the State shall accept liability and adjust the damage.

The State may maintain an action on the case against the owner or keeper of the dogs to recover the amount paid unless, before the final disposition of the case, the said owner or keeper of the said dog produces satisfactory evidence that the dog has been killed.

Any person who keeps a dog that kills or injures any livestock, poultry or domestic rabbits shall be punished by a fine of not more than \$100 and costs unless, before the final disposition of the case, the said owner or keeper of the dog produces satisfactory evidence that the dog has been killed.'

Sec. 2. R. S., c. 100, § 19, repealed. Section 19 of chapter 100 of the Revised Statutes, as amended by chapter 136 of the public laws of 1955, is hereby repealed.

Effective August 28, 1957

Chapter 187

AN ACT Relating to Duties of Animal Husbandry Specialist.

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

R. S., c. 100, § 10, amended. The 2nd sentence of the 6th paragraph of section 10 of chapter 100 of the Revised Statutes is hereby amended to read as follows:

'The representatives of the Department of Agriculture in charge of animal husbandry shall be known as the Animal Husbandry Specialist and the Assistant Animal Husbandry Specialist, ~~and who shall devote their time to the carrying out of~~ the provisions of the dog licensing laws and the adjustment of claims for damages to livestock and poultry by dogs and wild animals, and to the promotion of animal husbandry within the State.'

Effective August 28, 1957

Chapter 188

AN ACT Relating to Amount Recovered in Actions for Injuries Causing Immediate Death.

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

R. S., c. 165, § 10, amended. The 2nd sentence of section 10 of chapter 165 of the Revised Statutes is hereby amended to read as follows:

'The jury may give such damages as they shall deem a fair and just compensation, not exceeding ~~\$10,000~~ \$20,000, with reference to the pecuniary injuries resulting from such death to the persons for whose benefit such action is brought, and in addition thereto, shall give such damages as will compensate the estate of such deceased person for reasonable expenses of medical, surgical and hospital care and treatment and for reasonable funeral expenses, provided ~~that~~ such action shall be commenced within 2 years after the death of such person.'

Effective August 28, 1957

Chapter 189

AN ACT Relating to Unlicensed Dogs.

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

R. S., c. 100, § 14, amended. The 2nd sentence of the 1st paragraph of section 14 of chapter 100 of the Revised Statutes, as enacted by chapter 274 of the public laws of 1955, is hereby amended to read as follows: