

MAINE STATE LEGISLATURE

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ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with the Revised Statutes of 1964, Title 3, Section 164, Subsection 6.

THE KNOWLTON AND McLEARY COMPANY
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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature

1973

CHAPTER 398

AN ACT Relating to Willful Killing or Injury to Certain Animals.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, there have been many instances of willfully killing of livestock; and

Whereas, this type of crime occurs during the season when such animals are usually pastured; and

Whereas, it is necessary to have this law become effective during the pasturing season; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

R. S., T. 17, § 1092, amended. Section 1092 of Title 17 of the Revised Statutes is amended to read as follows:

§ 1092. Malicious killing or injury to domestic animals; stealing

Whoever willfully or maliciously kills, ~~kills~~, wounds, maims, disfigures or poisons any ~~domestic animal~~ livestock, sheep, goats, swine or dog, of another, or exposes any poisonous substance with intent that the life of such ~~animal~~ livestock, sheep, goats, swine or dog shall be destroyed thereby, on the lands owned or in possession of another or on any public or private way or public area, or steals or entices away or confines or harbors such ~~animal~~ livestock, sheep, goats, swine for the purpose of obtaining a reward or for any other illegal purpose shall, when the offense is not of a high and aggravated nature, be punished by a fine of not more than \$300 or by imprisonment for not more than 3 months, or by both, and when the offense is of a high and aggravated nature by a fine of not more than \$1,000 or by imprisonment for not more than 4 years. The court shall order the person convicted of such a crime to make restitution to the owner thereof of the fair market value for any animal so killed, wounded, maimed, disfigured or poisoned, except as provided in Title 7, section 3602. If the person convicted cannot pay, as ordered, the court may place him on probation until such sentence is fully performed. Such probation may commence as ordered by the court. If he is sentenced to the State Prison or a correctional center, one condition of parole shall be restitution.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.