

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1961 CUMULATIVE SUPPLEMENT

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tionally established, even though such posts have not been in existence for 2 years prior to their application for a license, and provided further, that a license may be issued to a fair association to operate such amusement in conjunction with its annual fair when sponsored, operated and conducted for the benefit of such fair association. No such license shall be issued to any person, firm or corporation other than a fair association or bona fide charitable, educational, fraternal, patriotic, religious or veterans organization. The fee for such license shall be \$2 and shall be paid to the treasurer of state to be credited to the general fund. No such licenses shall be assignable or transferable. Nothing contained herein is to be construed to prohibit any fair association or bona fide charitable, educational, fraternal, patriotic, religious or veterans organization from obtaining more than one 6-day license. (R. S. c. 126, § 23. 1947, c. 172. 1957, c. 206.)

Effect of amendment.—The 1957 proviso at the end of the present second amendment made the former first sentence into two sentences and added the

Sec. 26. Effect of other laws.—All acts and parts of acts inconsistent herewith shall be inoperative as to sections 21 to 27 and the share of the state stipend for aid and encouragement to agricultural societies shall not be withheld from any such society because of the conducting on the fair grounds of the game of “Beano” or “Bingò.” (R. S. c. 126, § 26. 1959, c. 37, § 2.)

Effect of amendment.—The 1959 amendment added the words “or ‘Bingo’” at the end of this section.

Audience Participation.

Sec. 28. Audience or reader participation in radio, television or newspaper amusements or games.—Nothing contained in this chapter shall apply to or prohibit the conducting or operating over television or radio or by newspaper publication with audience or reader participation as directed by the sponsor of any amusement, game or program, whether or not the same involves the awarding of prizes or the element of chance, provided the participants pay no consideration in cash or other property directly or indirectly for the privilege of participating therein. (1955, c. 16. 1959, c. 94.)

Effect of amendment.—The 1959 amendment added “or by newspaper publication” following “radio,” “or reader” following

“audience” and “as directed by the sponsor” following “participation” in this section.

Chapter 140.

Cruelty to Animals.

Sec. 1. Maliciously killing or injuring domestic animals; stealing.—Whoever willfully or maliciously kills, wounds, maims, disfigures or poisons any domestic animal or dog, or exposes any poisonous substance with intent that the life of such animal or dog shall be destroyed thereby, or steals or entices away or confines or harbors such animal 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. (R. S. c. 127, § 1. 1961, c. 3.)

Effect of amendment.—The 1961 amendment substituted the language now following “illegal purpose” for “shall be pun-

ished by a fine of not less than \$20 nor more than \$500, or by imprisonment for not more than 4 years.”

Sec. 3. Shooting of pigeons and other birds for amusement; not applicable to wild game.—Whoever keeps or uses any live pigeon, fowl or other bird for a target or to be shot at, either for amusement or as a test of skill in marksmanship, and whoever shoots at any bird as aforesaid or is present as a party, umpire or judge at such shooting, and whoever rents any building, shed, room, yard, field or premises, or knowingly suffers the use of the same for such purpose, shall be punished by a fine of not more than \$50 or by imprisonment for not more than 30 days. Nothing in this section prohibits the shooting of wild game in its wild state or the shooting of birds at field trials under the supervision of the department of inland fisheries and game in accordance with the provisions of section 117-A of chapter 37. (R. S. c. 127, § 3. 1953, c. 11, § 1. 1955, c. 290, § 23.)

Effect of amendment.—The 1955 amendment substituted, in the last sentence, the reference to § 117-A of chapter 37 for a reference to § 151 of chapter 37.

Sec. 5. Complaint, warrant and proceedings to prevent and to punish.—If any person competent to testify in civil actions makes complaint on oath before any judge of a municipal court or trial justice that an offense specified in section 4 is about to be committed, setting forth in such complaint the grounds of his belief, such magistrate may issue his warrant directed to any competent officer, therein reciting the name and residence of the complainant and the substance of his complaint, and directing such officer to prevent the violation of said section by arresting any persons whom he finds willfully violating the same, and by bringing the respondents before such magistrate for trial. (R. S. c. 127, § 5. 1961, c. 317, § 470.)

Effect of amendment.—The 1961 amendment substituted “actions” for “suits” near the beginning of this section.

Sec. 17. Disposition of old, maimed, disabled, diseased, injured or abandoned animals.—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. (R. S. c. 127, § 17. 1955, c. 222.)

Effect of amendment.—The 1955 amendment inserted the words "or turned over to the applicant or some other suitable person" in the first and second sentences and the words "where the animal was found" in the fourth sentence. It also made

changes in the fifth and seventh sentences and inserted the sixth sentence, and added the words "or the final disposition of the animal as ordered by the court" at the end of the section.

Sec. 18. Dogs brought to veterinarian. — Any person finding a sick, stray, injured or abandoned dog may take the same to any licensed veterinarian, humane society or shelter within the state, who may accept the same, providing such shelter has been approved by the commissioner of agriculture or his agent. Any licensed veterinarian, humane society or shelter accepting such a sick, stray, injured or abandoned dog shall keep the same for a period of 2 weeks and shall be entitled to receive from the state the sum of \$1 per day for such period or part thereof as they shall provide food and shelter, provided that such licensed veterinarian, humane society or shelter shall notify the clerk of their respective town or city within 24 hours after accepting such a dog, such notice to include a detailed description of the dog and the circumstances of its finding. Upon the expiration of said 2 weeks if the owner of the dog has not appeared to claim the same then said licensed veterinarian, humane society or shelter may give away, sell or otherwise humanely dispose of said dog; proceeds from any sale shall be deducted from any claim for board made to the state. In the event the owner of such a dog shall appear and claim the dog while still in possession of said keeper, the owner may have and receive the same upon payment of all charges provided for in this section. All moneys paid by the state to such keepers shall be taken from the fund received from dog licenses. (1953, c. 367. 1955, c. 257.)

Effect of amendment.—The 1955 amendment added at the end of the first sentence the provision as to approval of the shelter.

Sec. 23. Governor and council may license state humane agents; term; bond.—The governor and council may license not exceeding 50 persons to be known as and denominated state humane agents to serve for the term of 4

years, unless such license is sooner revoked for cause, such persons to be authorized to investigate, arrest and prosecute any person charged with violating any of the provisions of sections 2 to 22, inclusive, the same as any sheriff, deputy sheriff or constable can do, and whose jurisdiction shall extend throughout the state. Each person so licensed before receiving his commission shall give bond in the sum of \$500. Such bond shall be executed by a surety company authorized to do business within the state and shall be on a form approved by the insurance commissioner and shall be filed with the state auditor. Such bond shall be conditioned for the proper discharge of the services which he may perform by virtue of such license. Every person licensed as a state humane agent shall, before receiving his license, pay to the secretary of state \$10. (R. S. c. 127, § 22, 1945, c. 234, 1957, c. 105.)

Effect of amendment. — The 1957 amendment rewrote this section.

Chapter 141.

Nuisances.

Sec. 1. Common nuisances; jurisdiction to abate. — All places used as houses of ill fame, or for the illegal sale or keeping of intoxicating liquors, or resorted to for lewdness or gambling; all houses, shops or places where intoxicating liquors are sold for tipping purposes, and all places of resort where intoxicating liquors are kept, sold, given away, drunk or dispensed in any manner not provided for by law are common nuisances. The superior court shall have jurisdiction upon information filed by the county attorney or upon complaint filed by not less than 7 legal voters of his county setting forth any of the facts contained herein, to restrain, enjoin or abate the same, and an injunction for such purpose may be issued by said court. Such injunction shall be recorded within 30 days in the registry of deeds in the county where said nuisance is located and shall forever run against the building or other place or structure in which said nuisance is committed. No dismissal of such information or complaint shall prevent action upon any information or complaint subsequently filed covering the same subject matter. (R. S. c. 128, § 1, 1961, c. 317, § 471.)

Effect of amendment.—The 1961 amendment rewrote the second sentence of this section.

Sec. 6. Certain nuisances described.

Cavity in black top of sidewalk, with a submerged gasoline filler cap for the use of an adjacent gasoline filling station, constitutes a common and public nuisance.

Daniel v. Morency, 156 Me. 355, 165 A. (2d) 64.

Cited in Verreault v. Lewiston, 150 Me. 67, 104 A. (2d) 538.

Sec. 11-A. Dumping of oil.—Oil, and a petroleum base, or materials containing significant quantities of such oil shall not be intentionally placed or deposited directly into or on banks of any river or stream, permanent or temporary, lake, pond or tidal waters or on the ice thereof where such material may fall or otherwise find its way into said watercourse or tidal waters, or shall such material be intentionally placed or deposited directly in pits, wells or on ground surfaces in such a manner that oil will percolate, seep or otherwise find access into ground waters or into wells used for the production of water. (1961, c. 132.)

Sec. 14. Repealed by Public Laws 1955, c. 405, § 46.

Sec. 17-A. Certain lights prohibited along highways. — No person shall place or maintain upon or in view of any highway any light so that its beams or rays are directed at any portion of a public street or highway when the