

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

OF THE

## SIXTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE.

1891.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
February 18, 1840, and March 16, 1842.

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AUGUSTA:  
BURLEIGH & FLYNT, PRINTERS TO THE STATE.  
1891.

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PUBLIC LAWS  
OF THE  
STATE OF MAINE.

1891.

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## CHAP. 125

## Chapter 125.

An Act amendatory and additional to sections thirty-five and thirty-six of chapter thirty-nine of the Revised Statutes, relating to bottled soda, mineral waters and small beer.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

Sec. 35, ch. 39,  
R. S., amended.

SECT. 1. Section thirty five of said chapter is hereby amended, so as to read as follows :

Protection of  
trade-marks on  
bottles,  
syphons, etc.

‘SECT. 35. All persons or corporations engaged in the manufacture and sale of soda water, mineral and aerated waters, ginger ale, small beer, spruce beer, white beer, milk, cream, or other similar beverages, in syphons, boxes, cans, bottles, kegs or other vessels, with their names, or other marks or devices branded, stamped, engraved, etched, blown, impressed or otherwise produced upon such syphons, boxes, cans, bottles, kegs or anything connected therewith and appertaining thereto, may file in the office of the town or city clerk in which their principal place of business is situated, a description of the names and marks aforesaid used by them, and cause the same to be published once a week for three successive weeks, in any weekly paper published in the county in which said notice may have been filed as aforesaid.’

—how secured.

Sec. 36,  
amended.

SECT. 2. Section thirty-six of said chapter is hereby amended, so as to read as follows :

Unlawful use, or  
defacing trade-  
marks.

‘SECT. 36. Whoever knowingly and willfully, without the written consent of the owner, uses, buys, sells, fills or traffics in any such syphon, box, can, bottle, keg or other vessel so marked as aforesaid, or defaces, covers up or obliterates the names, marks or devices thereon, with intent to use, fill, buy, sell, dispose of or traffic therein, or to convert the same to his own use, shall, on complaint, be punished by imprisonment, not more than thirty days, or by fine of not more than twenty dollars, and fifty cents for each such syphon, box, can, bottle, keg or other vessel so used, bought, sold, filled, trafficked in or disposed of, or by both such imprisonment and fine, in the discretion of the magistrate hearing the complaint; and the said magistrate on finding such person or persons guilty, shall impose the punishment herein prescribed and shall award possession of the property taken to the owner thereof.’

—penalty.

Unlawful use of  
bottles,  
syphons, etc.

SECT. 3. Whenever any person or corporation by its agent, shall make complaint on oath to any magistrate or

court, authorized to issue warrants in criminal cases, that he has reason to believe and does believe that any of his or said corporation's syphons, boxes, cans, bottles, kegs or other vessels, a description of the names, marks or devices whereon has been so filed and published as aforesaid, are being unlawfully used, filled, bought, sold, disposed of or trafficked in, or unlawfully had by any person or corporation, manufacturing or selling said beverages or liquids, or by any junk dealer or dealer in second-hand articles, or by any vender of such syphons, boxes, cans, bottles, kegs or other vessels, the said magistrate shall, thereupon, issue a search warrant to search therefor.'

Approved March 31, 1891.

### Chapter 126.

An Act to amend chapter two hundred and ninety-two of the Public Laws of eighteen hundred and eighty-nine, relating to the regulation of the Lobster Fisheries.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

SECT. 1. Section five of chapter two hundred and ninety-two of the public laws of eighteen hundred and eighty-nine is hereby amended, so as to read as follows:

Sec. 5, ch. 292,  
Public Laws, of  
1889, amended.

SECT. 5. All barrels, boxes or other packages in transit containing lobsters, shall be marked with the full name of the shipper; and in case of seizure by any duly authorized officer, of any barrels, boxes or other packages in transit containing lobsters, which are not marked by the full name of the shipper, or in case of seizure by such officer, of barrels, boxes or other packages in transit, containing lobsters less than the prescribed length, such lobsters as are alive and less than the prescribed length shall be liberated, and all such lobsters as are of the prescribed length found in such barrels, boxes or packages, together with such barrels, boxes and packages, shall be forfeited and disposed of under the provisions of chapter ninety-eight of the revised statutes, unless the owner or person claiming the possession thereof appears within twenty-four hours from the time of seizure and gives the bond provided in said chapter ninety-eight, or pay, for the use of the state, to the officer making such seizure the penalty of one dollar for each lobster less than the prescribed length

How barrels and  
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