

# MAINE STATE LEGISLATURE

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FOURTH REVISION.

THE  
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED AUGUST 29, 1883, AND TAKING EFFECT JANUARY 1, 1884.

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BY THE AUTHORITY OF THE LEGISLATURE.



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lars; and such offenders may be prosecuted by the owner of property so destroyed or injured, or by his authorized agent, within one year from the day of the offence, half of the fine to be paid to such owner, and half to the county in which the offence was committed.

SEC. 22. Trial justices, and municipal and police courts, have jurisdiction of offences described in the preceding section, when the property destroyed or injury done is not alleged to exceed twenty dollars.

CHAP. 127.

Jurisdiction  
of trial  
justices.  
R. S., c. 127,  
§ 19.

## CHAPTER 128.

### OFFENCES AGAINST THE PUBLIC HEALTH, SAFETY AND POLICY.

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19. Malicious injury to person or property, how to be punished.
20. Tramps may be sentenced to the state prison for less than a year.
21. Tramps may be apprehended in the act, by any citizen, but the four preceding sections do not apply to women, children, or the blind.
22. Non-resident tramps are forbidden to sleep in barns, or outbuildings, without permission. Penalty. Evidence; arrest and detention.
23. Officers' fees. When to be paid by the State, out of the pauper fund.
24. Municipal officers may appoint special constables. Their duty.

#### UNWHOLESOME PROVISIONS AND DRINKS.

- SEC. 1. Whoever sells diseased, corrupted or unwholesome provision Penalty for

## CHAP. 128.

selling unwholesome provisions or drinks. 1883, c. 204, § 1.

—killing for sale, or selling meat of calves killed when less than four weeks old.

Warrants may be issued to search for such veal. 1883, c. 204, § 2.

Sale of adulterated cheese or butter, and oleomargarine, how regulated. 1883, c. 154, §§ 1, 2.

Penalty for violation of preceding section. 1883, c. 154, § 3. —for fraudulent defacement or removal of marks, stamps, brands, labels, or wrappers.

for food or drink, knowing it to be such, without informing the buyer, or fraudulently adulterates for the purpose of sale, any substance intended for food, or any wine, spirits or other liquors intended for drink, so as to render them injurious to health, shall be punished by imprisonment for not more than five years, or by fine not exceeding one thousand dollars; and whoever kills or causes to be killed for the purpose of sale, any calf less than four weeks old, or knowingly sells, or has in possession with intent to sell for food, the meat of any calf killed when less than four weeks old, shall be punished by imprisonment in the jail or house of correction, not exceeding thirty days, or by fine not exceeding fifty dollars, or both; and all such meat exposed for sale, or kept with intent to sell, may be seized and destroyed by any board of health, or health officer, or any sheriff, deputy sheriff, constable, or police officer.

SEC. 2. When complaint is made on oath to any court or justice authorized to issue warrants in criminal cases, that meat of calves killed when less than four weeks old, is kept or concealed with intent to sell the same for purposes of food, such magistrate, when satisfied that there is reasonable cause for such belief, may issue a warrant to search therefor.

SEC. 3. Whoever, by himself or his agent, sells, exposes for sale or has in his possession with intent to sell, any article, substance or compound made in imitation of cheese or butter, or as a substitute for cheese or butter, and not made exclusively and wholly of milk or cream, and containing any fats, oils or grease not produced from milk or cream, shall have the words "imitation cheese" or "adulterated butter," or if such substitute is the compound known as oleomargarine, then the word "oleomargarine" stamped, labelled or marked, in printed letters of plain roman type not less than one inch in length, so that said words cannot be easily defaced, upon the side of every cheese-cloth or band around the same, and upon the top and side of every tub, firkin, box or package containing any of said article, substance or compound. And in case of retail sales of any of said articles, substances or compounds not in the original packages, the seller shall attach to each package so sold and deliver therewith to the purchaser, a label or wrapper bearing in a conspicuous place upon the outside of said package the words "imitation cheese," "adulterated butter," or "oleomargarine," as herein provided, in printed letters of plain roman type not less than half an inch in length.

SEC. 4. Whoever sells, exposes for sale or has in his possession with intent to sell, any article, substance or compound made in imitation or semblance of cheese or butter, or as a substitute for cheese or butter, except as provided in the preceding section; and whoever defaces, erases, cancels or removes any mark, stamp, brand, label, or wrapper provided for by the preceding section, or changes the contents of any box, tub, article or package marked, stamped or labelled as aforesaid, with intent to deceive as to the contents thereof, for the first offence forfeits one hundred, and for the second and every subsequent offence two hundred dollars, to be recovered by indictment with costs.

SEC. 5. Every inspector of milk, sheriff, deputy sheriff or constable shall institute complaint for violations of the two preceding sections whenever he has reasonable cause for suspicion, and on the information of any person who shall lay before him satisfactory evidence of the same. Said inspector or officer shall take specimens of suspected butter or cheese and cause the same to be analyzed or otherwise satisfactorily tested. The expense of such analysis or test, not exceeding twenty dollars in any one case, may be included in the costs of prosecution, and taxed and allowed to the officer paying the same.

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Duty of officers to make complaints.  
1883, c. 154, § 4.

—suspected articles to be analyzed.

—costs, how to be taxed.

SEC. 6. For the purposes of the three preceding sections, the terms "butter," and "cheese," mean the products usually known by those names, and which are manufactured exclusively from milk or cream, or both, with salt and rennet, and with or without coloring matter.

Butter and cheese, defined.  
1883, c. 154, § 5.

SEC. 7. Whoever adulterates sugar or molasses; or knowingly, willfully or maliciously sells, or offers or exposes for sale, sugar, or molasses, adulterated with salts of tin, terra alba, glucose, dextrine, starch sugar, corn syrup, or other preparation from starch, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment for not more than one year.

Sugar and molasses shall not be adulterated.  
1879, c. 93, §§ 1, 2.

—sale prohibited.

—penalty.  
1879, c. 93, § 3.

Adulteration of vinegar prohibited.  
1881, c. 6, § 1.

SEC. 8. Whoever manufactures for sale, or knowingly offers or exposes for sale, or knowingly causes to be branded or marked as cider vinegar, any vinegar not the legitimate product of pure apple juice, known as apple cider, and not made exclusively therefrom, but into which any foreign substance, ingredient, drug, or acid has been introduced, as appears by proper tests, shall, for each offence, be fined not less than fifty nor more than one hundred dollars.

—penalty.

SEC. 9. Whoever manufactures for sale, or knowingly offers or exposes for sale, vinegar found, upon proper tests, to contain any preparation of lead, copper, or sulphuric acid, or other ingredient injurious to health, shall, for each offence, be fined not less than one hundred dollars.

Manufacture or sale of adulterated vinegar, how punished.  
1881, c. 6, § 2.

SEC. 10. The mayor and aldermen of cities shall, and the selectmen of towns may, annually appoint one or more persons to be inspectors of vinegar, for their respective municipalities, who shall be sworn before entering upon their duties.

Municipal officers to appoint inspectors of vinegar.  
1881, c. 6, § 3.

## FIRE-WORKS.

SEC. 11. Whoever sells, offers for sale, or gives away crackers, squibs, rockets, or other fire-works, or fires or throws the same in any town, without the license of the municipal officers thereof, shall be fined not exceeding ten dollars, to the use of such town.

Penalty for selling, giving away or using fire-works without license.  
R.S., c. 128, § 2.

SEC. 12. Whoever has in his possession a toy pistol for the explosion of percussion caps, or blank cartridges, with intent to sell it, or sells or offers to sell or give it away, shall be fined not less than five nor more than one hundred dollars, and shall be liable for all damages resulting from such selling, or giving away, to be recovered in an action on the case.

Toy pistols, sale of, prohibited.  
1883, c. 216.

—penalty and liability.

## LOTTERIES.

SEC. 13. Every lottery, scheme, or device of chance, of whatever

Lotteries,

## CHAP. 128.

whether church fairs and gatherings, or otherwise, prohibited. 1877, c. 176, § 2. R.S., c. 128, § 3.

—tickets and material, how to be dealt with. 7 Me., 502. 15 Me., 123.

—penalty.

name or description, whether at fairs or public gatherings, or elsewhere, and whether in the interests of churches, benevolent objects, or otherwise, is prohibited and declared a nuisance; and whoever is concerned therein, directly or indirectly, by making, advertising, purchasing, receiving, selling, offering for sale, giving away, disposing of, or having in possession with intent to sell or dispose of, any ticket, certificate, share or interest therein; by printing, publishing, or circulating the same, or any hand bill, advertisement or notice thereof, or by knowingly suffering the same to be published in any newspaper or periodical under his charge, or on any cover or paper attached thereto; or who in any manner aids therein or is connected therewith, shall be punished by fine of not less than one hundred, nor more than one thousand dollars, to be recovered by indictment or action of debt, half to the prosecutor, and half to the town where the offence is committed; and if by action of debt, he shall not be entitled to the benefit of chapter one hundred and thirteen, and if by indictment, he shall further be punished by imprisonment for thirty days on the first conviction; sixty, on the second; and ninety, on the third. And all lottery tickets, or materials for a lottery, procured for that purpose, shall be disposed of as provided in section twelve of chapter one hundred and twenty-five.

Attorney general may have injunction to restrain any lottery. R.S., c. 128, § 4.

—proceedings.

SEC. 14. When it appears to the attorney general that any person has formed or published such a lottery, or taken any measures for that purpose; or is engaged in selling or otherwise distributing tickets, certificates, shares, or interests therein, whether such lottery originated in this state or not, he shall immediately make complaint in the name of the State to some justice of the supreme judicial court, in or out of term time, for an injunction to restrain such person from further proceedings therein; and if satisfied that there is sufficient ground therefor, such justice shall forthwith issue such injunction; and thereupon he shall order notice, to be served like other summonses, on the adverse party to appear and answer to said complaint. Such justice, after a full hearing, may dissolve, modify, or make perpetual such injunction; make all orders and decrees, according to the course of chancery, necessary to restrain and suppress such unlawful proceedings, and if the adverse party neglects to appear, or the final decree of the court is against him, judgment shall be rendered against him for all costs, fees, and expenses incurred in the case, and for such compensation to the attorney general, for his services and expenses, as the court deems reasonable.

Payments and securities for lotteries are void, and may be recovered back. R.S., c. 128, § 5.

SEC. 15. Payments, compensations, and securities of every description, made directly or indirectly, in whole or in part, for any such lottery or ticket, certificate, share or interest therein, are received without consideration and against law and equity, and may be recovered back.

## PRIZE CANDY.

Penalty for offering prize candy for sale. 1872, c. 80, § 1.

SEC. 16. Whoever sells or offers for sale, prize candy in packages containing or purporting to contain a prize or gift, shall, for each offence be punished by imprisonment in any jail or house of correction not ex-

ceeding thirty days, or by fine not exceeding twenty dollars, and if discovered in the commission of such offence in any railroad car, steamboat, public conveyance, or other place, by any officer qualified to serve criminal process, he may be arrested by such officer and detained by imprisonment or otherwise not exceeding twenty-four hours, until a complaint has been made and a warrant issued against him.

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—liability to summary arrest.  
1872, c. 80, § 2.

## TRAMPS.

SEC. 17. Whoever goes about from town to town or from place to place in any town, asking for food or shelter, or begging, or subsisting upon charity, shall be deemed a tramp, and be imprisoned at hard labor in the state prison for not more than fifteen months.

Begging, &c., evidence of being a tramp.  
1880, c. 213, § 1.  
1878, c. 78, § 1.  
—penalty.

SEC. 18. If a tramp enters a dwelling-house, or kindles a fire in the highway, or on the land of another without the consent of the owner or occupant, or is found carrying any fire-arm or other dangerous weapon, or threatens to do injury to any person, or to the real or personal estate of another, he shall be punished by imprisonment at hard labor in the state prison for not more than two years.

Penalty for entering dwelling, kindling fire in highway, etc., without leave.  
1880, c. 213, § 2.

SEC. 19. If a tramp wilfully and maliciously does injury to any person, or to the real or personal estate of another, he shall be punished by imprisonment at hard labor in the state prison for not more than five years.

Malicious injury to person or property.  
1880, c. 213, § 3.

SEC. 20. The court imposing any punishment provided by either of the three preceding sections may, at its discretion, sentence to the state prison for a term less than one year.

Prison sentences may be for less than a year.  
1880, c. 213, § 9.

SEC. 21. Any person, upon view of an offence described in the last eight sections of this chapter, may apprehend the offender and take him before any competent magistrate, for examination, but said sections shall not apply to any blind person, or female, or minor under the age of fourteen years.

Arrest by any citizen.  
1880, c. 213, § 5.  
—exceptions.  
1880, c. 213, § 7.

SEC. 22. If any tramp, not resident in the state, sleeps or lodges in any barn or other out building without consent of the owner or occupant, he shall be fined twenty dollars, and in default of payment, shall be imprisoned at hard labor in the nearest work-jail, not less than four months for the first offence, and not less than six months for every subsequent offence. A non-resident committing any act of beggary or vagrancy shall be deemed a tramp, and may be arrested by any officer and detained not exceeding twenty-four hours until a warrant, issued on complaint of some resident of the state, can be obtained.

Non-resident tramps forbidden to sleep or lodge in barns, &c., without permission.  
1878, c. 78, §§ 1, 2.  
—evidence.  
1880, c. 213, § 4.  
—arrest and detention.  
1878, c. 78, § 2.

SEC. 23. The fees of officers and magistrates under the preceding section shall be the same as in case of common vagrants, except that the fees for commitment shall be one dollar and a half for each day necessarily employed, and actual expenses of transportation; all costs incurred under said section shall be paid by the State, upon the order of the county commissioners, out of the state pauper fund; *provided*, that the governor and council are satisfied that the person confined is a tramp, having no pauper settlement in the state.

Fees of officers.  
1878, c. 78, § 3.

—when costs shall be paid by the State.  
1881, c. 37.  
1878, c. 78, § 3.  
See c. 24, § 29.

SEC. 24. Mayors and selectmen may appoint special constables, to arrest and prosecute all tramps in their respective municipalities.

Special constables.  
1880, c. 213, § 6.