

MAINE STATE LEGISLATURE

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FIFTH REVISION.

THE

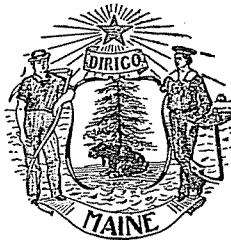
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED SEPTEMBER 1, 1903, AND TAKING EFFECT JANUARY 1, 1904.

BY THE AUTHORITY OF THE LEGISLATURE.



AUGUSTA :
KENNEBEC JOURNAL PRINT,
1904.

CHAPTER 129.

OFFENSES AGAINST THE PUBLIC HEALTH, SAFETY AND POLICY.

UNWHALESOME PROVISIONS AND DRINKS.

SEC. 1. Whoever knowingly and wilfully poisons, defiles or in any way corrupts the waters of any well, spring, brook, lake, pond, river or reservoir, used for domestic purposes for man or beast, or knowingly corrupts the sources of the water supply of any water company, or of any city or town, supplying its inhabitants with water, or the tributaries of said sources of supply in such manner as to affect the purity of the water so supplied, or knowingly defiles such water in any manner, whether the same be frozen or not, or puts the carcass of any dead animal or other offensive material into said waters, or upon the ice thereof, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year.

Penalty for
corrupting
water used
for domestic
and other
purposes.
1891, c. 82, § 1.

See 1891, c. 82, § 3.

SEC. 2. The owner or other person having charge of any animal, or meat or milk of any animal affected with tuberculosis or other contagious or infectious disease, who, knowing that the animal is thus affected, shall hold the animal, or its meat or milk, for human food, shall be punished by a fine of not less than five, nor more than fifty dollars.

Penalty for
holding any
diseased meat
or milk, for
human food.
1895, c. 144, § 1.

SEC. 3. Whoever acting for himself, or as the employee of another, knowingly or wilfully sells or offers for sale, milk from cows diseased, sick or fed upon the refuse of breweries or distilleries, or upon any substance deleterious to its quality, or milk to which water or any foreign substance has been added, or sells or offers for sale as pure milk, any milk from which cream has been taken, shall be punished by a fine of twenty dollars for the first, and fifty dollars for every subsequent offense. When milk shall, by the gravimetric analysis be found to contain over eighty-eight per cent of water, it shall be deemed prima facie evidence that said milk has been watered, and when milk by the analysis aforesaid, shall be found to contain less than twelve per cent of solids, and less than three per cent of fat, it shall be deemed, prima facie, milk from which cream has been taken, and any milk which, by the analysis aforesaid, shall be found to contain any foreign substance, shall be deemed milk to which a foreign substance has been added.

Penalty for
selling or
offering for
sale impure
or diluted
milk.
R. S., c. 38, § 47.
1893, c. 255, § 2.

—when milk
shall be
deemed to
have been
diluted.

SEC. 4. Whoever sells diseased, corrupted or unwholesome provision for food or drink, knowing it to be such, 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; 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.

Penalty for
selling
unwholesome
provisions
or drinks.
R. S., c. 128, § 1.

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

SEC. 5. When complaint is made on oath to any court or justice authorized to issue warrants in criminal cases, that meat of calves killed when

Warrants
may be issued
to search for

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such veal.
R. S., c. 128, § 2.
Penalty for
manufactur-
ing, selling,
etc., imitation
of yellow but-
ter or cheese.
R. S., c. 128, § 2.
1895, c. 143.
95 Me., 97.

Duty of offi-
cers to make
complaints.
R. S., c. 128, § 5.

—suspected
articles to be
analyzed.

—costs, how
to be taxed.

Butter and
cheese,
defined.
R. S., c. 128, § 6.

Selling pre-
served eggs,
without notice
to purchaser,
prohibited.
1895, c. 99.

—penalty.

Sale of lard,
regulated.
1889, c. 244.

Sale of
wheat meal,
regulated.
1889, c. 257.

Penalty for
violation of
§§ 10, 11.
1889, c. 244, § 2.
1889, c. 257, § 2.

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. 6. Whoever, by himself or his agent, manufactures, sells, exposes for sale or has in his possession with intent to sell, or takes orders for the future delivery of any article, substance or compound made in imitation of yellow butter or cheese, and not made exclusively and wholly of cream or milk, or containing any fats, oil or grease not produced from milk or cream, whether said article, substance or compound be named oleomargarine, butterine or otherwise named, forfeits for the first offense one hundred dollars and for the second and each subsequent offense, two hundred dollars, to be recovered by indictment with costs, one-third part to go to the complainant and the balance to the state.

SEC. 7. Every inspector of milk, sheriff, deputy sheriff or constable shall institute complaint for violations of the preceding section 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.

SEC. 8. For the purposes of the two 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.

SEC. 9. Whoever, by himself or his agent, sells or offers for sale eggs that have been in cold storage or lined, or that have been preserved in any manner and are not what are usually denominated fresh eggs, without notice to the purchaser or purchasers, knowingly and with intent to deceive, shall be punished by imprisonment not exceeding thirty days, or by fine not exceeding one hundred dollars.

SEC. 10. No manufacturer or other person shall sell, deliver, prepare, put up, expose or offer for sale any lard, or any article intended for use as lard, which contains any ingredient but the pure fat of swine, in any tierce, bucket, pail or other vessel or wrapper, or under any label bearing the words "pure," "refined," "family," or either of them, alone or in combination with other words, unless every vessel, wrapper or label, in or under which such article is sold or delivered or prepared, put up or exposed for sale, bears on the top or outer side thereof, in letters not less than one-half inch in length and plainly exposed to view, the words, "compound lard."

SEC. 11. No manufacturer or other person shall sell, prepare, deliver, put up, expose or offer for sale, any article, substance or compound, under or by the name of wheat meal, graham meal or graham flour, made in imitation of pure wheat meal, and not consisting exclusively and wholly of pure wheat meal unless every box, bucket, barrel or wrapper in or under which such article is sold, delivered or exposed for sale, bears on the top or outer side thereof, in letters not less than one-half inch in length, and plainly exposed to view, the words, "compound wheat meal."

SEC. 12. Any person who violates any provision of the two preceding sections forfeits for each offense the sum of fifty dollars to the use of any person suing therefor in an action of debt.

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SEC. 13. Whoever adulterates sugar or molasses; or knowingly, wilfully 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.

Sale of adulterated sugar or molasses prohibited.
R. S., c. 128, § 7.
—penalty.

SEC. 14. Whoever sells or offers for sale, as maple sugar or syrup, any article made in adulteration or imitation of maple sugar or syrup, shall be punished by a fine of not less than twenty-five, nor more than one hundred dollars, or by imprisonment in the county jail for thirty days. Half the fine shall be paid to the complainant and the balance to the county in which the offense is prosecuted.

Sale of adulterated maple sugar, or syrup, prohibited.
1895. c. 118.

SEC. 15. 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 be fined not less than fifty, nor more than one hundred dollars, for each offense.

Adulteration of vinegar prohibited.
R. S., c. 128, § 8.
—penalty.

SEC. 16. 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 be fined not less than one hundred dollars, for each offense.

Manufacture or sale of adulterated vinegar, how punished.
R. S., c. 128, § 9.

SEC. 17. 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, and may fix their compensation.

Municipal officers to appoint inspectors of vinegar.
R. S., c. 128, § 10.

FIRE-WORKS.

SEC. 18. Whoever sells, or offers for sale, crackers, squibs, rockets or other fire-works, 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 fire-works without license.
R. S., c. 128, § 11.

SEC. 19. 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.
R. S., c. 128, § 12.
—penalty and liability.

LOTTERIES.

SEC. 20. Every lottery, policy, policy lottery, policy shop, scheme or device of chance, of whatever 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 whoever is concerned therein, directly or indirectly, by making, writing, printing, 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, slip, bill, token or other device purporting or designed to guarantee or assure to any person or to entitle any person to a chance of drawing or obtaining any prize or thing of value to be drawn in any lottery, policy, policy lottery, policy shop, scheme or device of chance of whatever name or description; by printing, publishing or circulating the same, or any handbill, advertisement or notice thereof, or by knowingly suffering the same to be published in any newspaper or

Lotteries, of all kinds, schemes of chance, at church fairs and gatherings, or otherwise, prohibited.
R. S., c. 128, § 13.
1895. c. 66.
7 Me., 502.
15 Me., 123.
78 Me., 73.
82 Me., 319.
85 Me., 238.

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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 ten, nor more than one thousand dollars, to be recovered by complaint, indictment or action of debt, half to the prosecutor and half to the town where the offense is committed; and if by action of debt, he shall not be entitled to the benefit of chapter one hundred and fourteen, 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-six. The printing, advertising, issuing or delivery of any ticket, paper, document or material representing or purporting to represent the existence of, or an interest in a lottery, policy lottery, game or hazard, shall be prima facie evidence of the existence, location and drawing of such lottery, policy lottery, game or hazard, and the issuing or delivery of any such paper, ticket, document or material shall be prima facie evidence of value received therefor by the person or persons, company or corporation who issues or delivers or knowingly aids or abets in the issuing or delivering of such paper, ticket, document or material.

—printing,
etc., of
tickets, shall
be prima
facie evidence
of existence
of lottery.

Attorney
general
may have
injunction
to restrain
any lottery.
R. S., c. 128, § 14.

—proceedings.

SEC. 21. 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 recov-
ered back.
R. S., c. 128, § 15.
82 Me., 319.

SEC. 22. 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.

CANDY AND CIGARETTES.

Sale of
adulterated
candy and
brandy drops
forbidden.
1895, c. 71.

—penalty.

SEC. 23. Whoever, by himself, his servant, or as agent of any other person or corporation, manufactures for sale, or knowingly sells or offers for sale any candy adulterated by the admixture of terra alba, barytes, talc or any other mineral or metallic substance, or by poisonous colors or flavors, or containing brandy, whiskey, rum, wine or any alcoholic liquor in liquid form or other ingredients deleterious or detrimental to health, or offers for sale any candy under the name of brandy, whiskey, rum or wine drops, shall be punished by a fine of not less than fifty, nor more

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than one hundred dollars. The candy so adulterated shall be forfeited and destroyed under the direction of the court. County attorneys shall prosecute all complaints under this section, in all the courts in their respective counties.

SEC. 24. Whoever sells or offers for sale, prize candy in packages containing or purporting to contain a prize or gift, shall, for each offense be punished by imprisonment in any jail or house of correction not exceeding thirty days, or by fine not exceeding twenty dollars, and if discovered in the commission of such offense 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.

SEC. 25. Whoever, by himself, his clerk, servant or agent, directly or indirectly sells, offers for sale, has in his possession with intent to sell, or gives away, to any person under the age of twenty-one years, any cigarette, shall be punished by fine not exceeding fifty dollars, or by imprisonment not exceeding sixty days. Trial justices and municipal and police courts shall have jurisdiction of offenses arising under this section.

Penalty for offering prize candy for sale.
R. S., c. 128, § 16.

—liability to summary arrest.

Manufacture and sale of cigarettes to minors prohibited.
1897, c. 333.

—penalty.
—jurisdiction of offenses.

TRAMPS.

SEC. 26. 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 in the county jail for not less than thirty days nor more than ten months, at hard labor for ten hours each day, Sundays excepted. And should any person so sentenced refuse to labor in accordance with the provisions of this section, he shall be provided with no food, except bread and water, until he shall consent to labor in conformity with the requirements of this section. Trial justices and judges of municipal and police courts, shall have jurisdiction of all offenses arising under this section.

Begging, etc., evidence of being a tramp.
R. S., c. 128, § 17.
1901, c. 150.

—penalty.

—refusing to labor, how punished.

SEC. 27. 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.
R. S., c. 128, § 18.

SEC. 28. 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.
R. S., c. 128, § 19.

SEC. 29. Any 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.

State prison sentences for less than a year.
R. S., c. 128, § 20.

SEC. 30. Any person, upon view of an offense described in sections twenty-six to thirty-two, inclusive, 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.
R. S., c. 128, § 21.

—exceptions.

SEC. 31. If any tramp, not resident in the state, sleeps or lodges in any barn or other outbuilding 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 offense, and not less than six months for every subsequent offense.

Non-resident tramps forbidden to sleep or lodge in barns, etc., without permission.
R. S., c. 128, § 22.

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—evidence.

—arrest and
detention.Fees of
officers.

R. S., c. 128, § 23.

—when costs
shall be paid
by the state.
See c. 27, § 30.Vagrant,
tramp or
beggar,
refusing to
leave a dwell-
ing-house
on request,
how to be
punished.
R. S., c. 141, § 23.Such convict
may be
required
to labor.
R. S., c. 141, § 24.—keeper may
be appointed.—convict is
entitled to
the net profits
of his labor,
after deduct-
ing expenses.Special
constables
shall be
appointed to
arrest tramps.
R. S., c. 128, § 24.
1889. c. 288, § 3.

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.

Sec. 32. 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.

Sec. 33. If any public vagrant, tramp, beggar or other person who goes about from place to place asking or subsisting upon charity, or without means of support, having entered a dwelling-house, remains therein to the terror or fright of any of its occupants, or refuses or neglects, on request, to depart, he shall be punished by imprisonment and labor not exceeding thirty days in any jail, workhouse, house of correction or at any town farm or almshouse in the town in which the offense was committed, and by fine not exceeding ten dollars, and in default of payment he shall be imprisoned for an additional thirty days.

Sec. 34. The keeper of the jail, workhouse, house of correction, or in case of a sentence to any town farm or almshouse, the overseers of the poor of such town, or the keeper or agent of such town farm or almshouse, may require such convict to labor at any lawful work within the town where such institution is situated, and may appoint any suitable person keeper over him, and may collect and receive the wages, compensation or profits of his labor, and at the expiration of such sentence pay to the convict such reasonable compensation, as in their judgment the profits of his labor will warrant, deducting therefrom, the costs of commitment and any fine imposed under the preceding section.

Sec. 35. Mayors and selectmen shall appoint special constables to arrest and prosecute all tramps in their respective municipalities.