

MAINE STATE LEGISLATURE

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SIXTH REVISION

THE
REVISED STATUTES

OF THE

STATE OF MAINE

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By the Authority of the Legislature

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Sec. 26. Persons exempt. R. S. c. 45, § 16. The provisions of the fifteen preceding sections shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business, nor to bona fide sales of goods, wares and merchandise by sample for future delivery, nor to hawkers on the streets or pedlers from vehicles.

Sec. 27. Jurisdiction of prosecutions. R. S. c. 45, § 17. Municipal and police courts and trial justices shall have jurisdiction of all complaints and prosecutions under this chapter.

CHAPTER 42.

Pawnbrokers and Intelligence Offices.

Pawnbrokers.

Sec. 1. Licenses of pawnbrokers; term. R. S. c. 37, § 1. The municipal officers of any town may grant licenses to persons of good moral character to be pawnbrokers therein for one year, unless sooner removed by said officers for violation of law; whoever carries on said business without a license, forfeits not exceeding one hundred dollars.

Sec. 2. An account of all business done must be kept. R. S. c. 37, § 2. Every pawnbroker shall keep a book, in which he shall enter the date, duration, amount and rate of interest of every loan made by him; an accurate account and description of the property pawned, and the name and residence of the pawner, and, at the same time, shall deliver to said pawner a written memorandum signed by him, containing the substance of the above entry, and, at all reasonable times, shall submit said book to the inspection of any of the officers aforesaid; and for every violation of this section he forfeits twenty dollars.

Sec. 3. Rates of interest fixed. R. S. c. 37, § 3. No pawnbroker shall directly or indirectly receive a rate of interest greater than twenty-five per cent a year on a loan not exceeding twenty-five dollars, nor more than six per cent on a larger loan made upon property pawned, under a penalty of one hundred dollars for each offense.

See c. 40, § 46.

Sec. 4. Time and mode of selling pawned property, and notice thereof, fixed under a penalty. R. S. c. 37, § 4. No pawnbroker shall sell any property pawned, until it has remained in his possession for three months after the expiration of the time for which it was pawned; all such sales shall be at public auction by a licensed auctioneer, after notice of the time and place of sale, the name of the auctioneer, and a description of the property to be sold has been published in a newspaper in the town, where the property is pawned, if any, and if not, after such notice has been posted in two public places therein at least two weeks before the sale; all sales of such property otherwise made, are void, and the pawnbroker, undertaking to make them, forfeits twenty dollars for every such offense.

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Sec. 5. Penalty for not paying over proceeds. R. S. c. 37, § 5. After deducting from the proceeds of any sale as aforesaid the amount of the loan, the interest then due, and the proportional part of the expenses of sale, such pawnbroker shall pay the balance to the person who would have been entitled to redeem such property if no sale had been made; and if not so paid on demand, the broker forfeits double the amount so retained, half to the pawner, and half to the state.

Intelligence Offices.

Sec. 6. Regulation of employment agencies; annual license fee; particulars of license; license not valid to protect another place; affidavits. 1911, c. 87, §§ 1, 7, 8. No person shall open, keep or carry on any employment agency in the state, unless such person shall first procure a license therefor from the municipal officers of the city or town where such employment agency is to be located. Any person who shall open or conduct any such agency without first procuring such license shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty, nor more than three hundred dollars, or by imprisonment for not less than one month nor more than six months, or by both fine and imprisonment. Such license shall be granted upon the payment to the city or town treasurer, annually, of a fee of twenty-five dollars for the use of said city or town; the license shall be signed by a majority of the municipal officers, and shall continue in force from May first to May first of the succeeding year. Every license so granted shall contain the name of the person licensed, a designation of the city, street and number of the house or building in which the licensee is authorized to carry on the employment agency, and the number and date of such license, and shall be exhibited in a public and conspicuous place in the office or place of business of the licensee. Such license shall not be valid to protect any other place than that designated therein, unless consent is first obtained from the municipal officers, nor until the written consent to such transfer, of the surety or sureties on the bond required by the following section is filed with the original bond. No such agency shall be located on premises where intoxicating liquors are sold or dispensed contrary to law, nor shall any license be issued to any person, directly or indirectly engaged or interested in the sale of intoxicating liquors. The application for such license shall be filed with the municipal officers at least one week prior to the date of hearing thereon, and the municipal officers shall act upon any application within thirty days after the filing thereof. Each application shall be accompanied by the affidavits of two persons who have known the applicant, or the chief officers thereof, if a corporation, for two years at least, stating that the applicant is, or said officers are, of good moral character, and a resident, or residents, of the state and has, or have, been such for at least five years prior to the date of such application.

Sec. 7. Bond required of applicant; action on bond. 1911, c. 87, § 2. The municipal officers shall require such person to file with his application a bond to the inhabitants of the city or town wherein such application is made, in the penal sum of one thousand dollars, with one or more sureties, to be approved by said municipal officers, conditioned that the obligor will

conform to and not violate any of the duties, terms, conditions, provisions or requirements of the last eight sections of this chapter. Whoever is aggrieved by the misconduct of any such licensed person, may maintain an action in the name of the inhabitants of the city or town, to whom the bond was given, but for his own benefit, upon the bond of such person, in any court having jurisdiction, and shall be liable for costs in such action, and the inhabitants of such city or town shall not be liable.

Sec. 8. Licensee shall keep register, which shall be open for inspection. 1911, c. 87, § 3. Every such licensee shall keep a register in which shall be entered in the English language the date of every accepted application for employment, name and address of the applicant to whom employment is offered or promised, written name and address of the person to whom applicant is sent for employment, and of the fee received. The aforesaid register of applicants for employment shall be open during office hours to inspection by any one or more of the municipal officers, their authorized agents, or any police officer when on duty. No licensee, or his employees, shall knowingly make any false entry in such register.

Sec. 9. Receipt shall be given to applicants for employment; fee returned if no employment is obtained. 1911, c. 87, § 4. 1915, c. 38. Every licensee shall give to each applicant for employment from whom a fee or other valuable thing shall be received for procuring such employment, or to whom a charge is made therefor, which fee or other valuable thing shall in no case exceed the sum of one dollar if paid in advance, or one dollar and twenty-five cents if charged to the applicant, a receipt, if said fee is paid in advance, or a statement if it is charged, in which shall be stated the name of the applicant, the amount of the fee or other valuable thing, the date, the name or nature of the employment or situation to be procured, and the name and address of the person, firm or corporation, to whom the applicant is referred or sent for work or employment. Such fee shall be in full compensation for all service of said licensee. If the applicant does not obtain a situation, or employment through the agency of such licensee within six days after the application as aforesaid, said licensee shall return to said applicant on demand the amount of the fee or other valuable thing so paid and delivered by said applicant to said licensee, or if a charge was made, said licensee shall cancel the same, provided that said person, seeking employment through such agency, does not break any agreement he may make with said licensee, relative to time of entering into the employment sought for. The man to be employed must be furnished with a duplicate card showing name, last residence, and name and residence of nearest relative or friend. No licensee shall by himself, agent, or otherwise, induce or attempt to induce any employee to leave his employment with a view to obtaining other employment through such agency.

Sec. 10. No person shall be sent to place of bad repute; questionable characters not permitted to frequent agency. 1911, c. 87, § 5. No licensee shall send, or cause any female help or servant, or inmate or performer, to be sent to any questionable place or place of bad repute, house of ill fame, or assignation house, or to any house or place of amusement kept for immoral purposes, or place resorted to for the purpose of prostitution,

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vice, or gambling, the character of which such licensee knows, either actually or by reputation. No licensee shall knowingly permit questionable characters, prostitutes, gamblers, intoxicated persons, or procurers to frequent such agency. No licensee shall accept any application for employment made by or on behalf of any child, or shall place or assist in placing any such child in any employment in violation of law.

Sec. 11. Enforcement; complaints for violation, how and to whom made; notice of hearing; revocation of license. 1911, c. 87, § 6. The enforcement of sections six to thirteen, both inclusive, shall be entrusted to the municipal officers during their term of office and until the qualification of their successor or successors. Complaints of the violation of any provision of said sections shall be made orally or in writing to said municipal officers, and reasonable notice thereof, and of the time and place of hearing, not less than twenty-four hours, shall be given in writing to such licensee by serving upon him a concise statement of the facts constituting the complaint; the hearing shall be had before said municipal officers at such time and place as they may designate, within one week from the date of such service, and no adjournment shall be taken for a period longer than one week. The result of such hearing shall be announced within one week from the date thereof. The municipal officers may refuse to issue and may revoke any license for good cause shown within the meaning and purpose of said sections; and when it is shown to the satisfaction of a majority of said municipal officers that any person is guilty of any immoral, fraudulent or illegal act or conduct in connection with said business, said municipal officers shall revoke the license of such person; but notice of such charges shall be presented in writing signed by the party making the same and reasonable opportunity shall be given such licensee to defend himself in the manner heretofore provided in this section. Whenever said municipal officers shall refuse to issue or shall revoke any license of an employment agency, their decision shall be final. Whenever for any cause such license shall be revoked, such revocation shall take effect upon announcement of the decision, and such revocation shall be considered good cause for refusing to issue another license to said person or his representative, or to any person with whom he is to be associated in the business of furnishing employment or help.

Sec. 12. Penalty. 1911, c. 87, § 6. Whoever violates any provision of sections six to thirteen, both inclusive, of this chapter, except as is otherwise provided, shall be punished by a fine not exceeding twenty-five dollars with costs of prosecution. Judges of municipal and police courts, and trial justices shall have jurisdiction of such offenses, and in default of payment may commit the respondent to the county jail or house of correction for a period not exceeding thirty days. Any municipal officer may institute criminal proceedings to enforce the provisions of said sections.

Sec. 13. Definitions. 1911, c. 87, §§ 9, 10. The term "person" in the six preceding sections shall include persons, company, society, association, firm or corporation, and the term "employment agency" shall include the business of keeping an intelligence office, employment bureaus or other agencies for procuring work or employment for persons seeking employ-

ment, or for acting as agents for procuring such work or employment, where a fee or other valuable thing is exacted, charged or received, or for procuring or assisting to procure employment, work or situation of any kind or for procuring or providing hereby for any person; but said sections shall not apply to the employment of seamen nor to teachers' agencies or charitable institutions.

CHAPTER 43.

Pilots and Ship Owners, Wrecks and Shipwrecked Goods, Lighters and Harbors. Port Wardens.

Pilots.

Sec. 1. Appointment and bond of pilots. R. S. c. 38, § 1. The governor, with the advice and consent of the council, may appoint pilots for any port, in which a majority of the ship owners and masters apply in writing therefor and recommend suitable persons; and shall give to each of them branches or warrants for the execution of the duties of his office; and such pilots shall, before entering upon said duties, give bond to the treasurer of state in the sum of five thousand dollars for the faithful performance thereof.

Const. of Me. Art. ix, § 1. Appointment of pilots for harbor of Portland, P. & S. L. 1915, c. 184.

Sec. 2. Their duty; master may pilot his own vessel. R. S. c. 38, § 2. Such pilots shall take charge of all vessels, drawing nine feet of water and upwards, bound into, and of all such vessels, except coasting and fishing vessels, bound to sea out of any said ports, and shall pilot them into or out of the port assigned them, first showing to the master thereof their branch and informing him of their fees; but any master may pilot his own vessel without being subject to pay therefor.

Sec. 3. Governor and council to fix fees, hear complaints, suspend or remove pilots. R. S. c. 38, § 3. The governor and council may fix the fees of pilotage; specify the same in the branch of each pilot; transmit to each collector of customs in said ports a schedule thereof, to be hung up by him for public inspection; hear and determine all complaints against such pilots for misconduct, and suspend or remove them and appoint others in their places.

Sec. 4. Liability for damage caused by their fault. R. S. c. 38, § 4. If any vessel, while under the charge of such pilot, is lost, run aground, or cast away, through his fault, he is liable to pay the owner or insurer a just compensation for any damage thereby sustained.

Ship Owners.

Sec. 5. Ship owners' liability to freighters. R. S. c. 38, § 5. No ship owner is answerable beyond the amount of his interest in the vessel and freight, for the embezzlement, loss or destruction, by the master and mar-