

MAINE STATE LEGISLATURE

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SEVENTH REVISION

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CHAPTER 36.

Innkeepers, Victualers, and Lodging-Houses. Lunch Wagons, Camps, and Roadside Places.

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Innkeepers, Victualers, and Lodging-Houses.

Sec. 1. Licenses to innkeepers and victualers; may be revoked. R. S. c. 31, § 1. The municipal officers, treasurer, and clerk of every town shall meet annually on the first Monday of May, or on the day succeeding, or both, and at such time and place in said town as they appoint, by posting notices in two or more public places therein, at least seven days previously, stating the purpose of the meeting; and at such meeting they may license under their hands as many persons of good moral character, and under such restrictions and regulations as they deem necessary, to be innkeepers and victualers in said town, until the day succeeding the first Monday in May of the next year, in such house or other building, as the license specifies. And at any meeting so notified and held, they may revoke licenses so granted, if in their opinion there is sufficient cause.

See § 24; 24 Me. 442; 93 Me. 485.

Sec. 2. Bond. R. S. c. 31, § 2. No person shall receive his license until he has given his bond to the treasurer, to the acceptance of the board granting it, with one or more sureties in the penal sum of three hundred dollars, in substance as follows, namely:

"Know all men that we — —, as principal, and — —, and — —, as sureties, are held and stand firmly bound to — —, treasurer of the town" (or city) "of — —, in the sum of three hundred dollars, to be paid to him, or his successor in said office; to the payment whereof we bind ourselves, our heirs, executors and administrators, jointly and severally by these presents. Sealed with our seals. Dated the — day of —, in the year nineteen hundred and —.

"The condition of this obligation is such that, whereas the above bounden — — has been duly licensed as a — within said town" (or city) "until the day succeeding the first Monday of May next; now if in all respects he shall conform to the provisions of law relating to the business for which he is licensed, and to the rules and regulations as provided by the licensing board in reference thereto, and shall not violate any law of the state relating to intoxicating liquors, then this obligation shall be void, otherwise shall remain in full force."

93 Me. 483; 117 Me. 339.

Sec. 3. Licenses may be granted for a part of the year. R. S. c. 31, § 3. The licensing board may, at any other time, at a meeting specially called, and notified as aforesaid for the consideration of any application therefor to them made, grant such license on like conditions; but all such licenses expire on the day aforesaid.

Sec. 4. License fee and record. R. S. c. 31, § 4. Every person licensed shall pay to the treasurer, for the use of such board, one dollar; and the clerk shall make a record of all licenses granted.

Sec. 5. Duty of innkeepers to provide entertainment. R. S. c. 31, § 5. Every innkeeper shall, at all times, be furnished with suitable provisions and lodging for strangers and travelers, and with stable room, hay, and provender for their horses and cattle; and with pasturing, if it is required by the terms of his license; and he shall grant such reasonable accommodations as occasion requires, to strangers, travelers, and others.

*71 Me. 19, 316; *76 Me. 542.

Sec. 6. Duties of victualers. R. S. c. 31, § 6. Every victualer has all the rights and privileges and is subject to all the duties and obligations of an innkeeper, except furnishing lodging for travelers, and stable room, hay, or provender for cattle.

10 Me. 439; 16 Me. 122.

Sec. 7. Innkeepers and victualers to allow no gambling on their premises. R. S. c. 31, § 7. No innkeeper or victualer shall have or keep for gambling purposes about his house, shop, or other buildings, yards, gardens, or dependencies, any dice, cards, bowls, billiards, quoits, or other implements used in gambling; or suffer any person resorting thither to use or exercise for gambling purposes any of said games, or any other unlawful game or sport therein; and every person who uses or exercises any such game or sport for gambling purposes in any place herein prohibited, forfeits five dollars.

See c. 135, § 41.

Sec. 8. No reveling, drunkenness, etc. R. S. c. 31, § 8. No innkeeper or victualer shall suffer any reveling, or riotous or disorderly conduct in his house, shop, or other dependencies; nor any drunkenness or excess therein.

Sec. 9. Penalty for neglecting a license. R. S. c. 31, § 9. No person shall be a common innkeeper or victualer without a license, under a penalty of not more than fifty dollars.

65 Me. 363; 76 Me. 543; *89 Me. 445.

Sec. 10. Prosecutions. R. S. c. 31, § 10. The licensing board shall prosecute for any violation of the foregoing sections that come to their knowledge, by complaint, indictment, or action of debt; and all penalties recovered shall inure to the town where the offense is committed. Any citizen of the state may prosecute for any violation of the preceding sections in the same manner as the licensing board may prosecute.

12 Me. 204; 65 Me. 363; *93 Me. 484; 117 Me. 339.

Sec. 11. Liability of hotel keepers, etc., defined. R. S. c. 31, § 11. No innkeeper, hotel keeper, or boarding-house keeper who constantly has in his inn, hotel, or boarding-house a metal safe or suitable vault, in good order and fit for the custody of money, bank-notes, jewelry, articles of gold and silver manufacture, precious stones, personal ornaments, railroad mileage books or tickets, negotiable or valuable papers, and bullion, and who keeps on the doors of the sleeping rooms used by guests suitable locks or bolts, and on the transoms and windows of said rooms suitable fastenings, and who keeps a copy of this section printed in distinct type constantly and conspicuously posted in not less than ten conspicuous places in all in said hotel or inn, shall be liable for the loss of or injury to any articles or property of the kind above specified suffered by any guest, unless such guest has offered to deliver the same to the innkeeper, hotel

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keeper, or boarding-house keeper for custody in such metal safe or vault, and the innkeeper, hotel keeper, or boarding-house keeper has omitted or refused to take said property and deposit it in such safe or vault for custody and to give such guest a receipt therefor; provided, however, that the keeper of any inn, hotel, or boarding-house shall not be obliged to receive from any one guest for deposit in such safe or vault any property hereinbefore described exceeding a total value of three hundred dollars, and shall not be liable for any excess of such property, whether received or not.

72 Me. 274; 74 Me. 229, 262; 77 Me. 360; 91 Me. 279; *115 Me. 190.

Sec. 12. Special arrangement may be made to receive deposits. R. S. c. 31, § 12. Any such innkeeper, hotel keeper, or boarding-house keeper may, by special arrangement with a guest, receive for deposit in such safe or vault any property upon such terms as they may in writing agree to; and every innkeeper, hotel keeper, or boarding-house keeper shall be liable for any loss of the above enumerated articles of a guest in his inn, hotel, or boarding-house after said articles have been accepted for deposit, if caused by the theft or negligence of the innkeeper, hotel keeper, or boarding-house keeper or any of his servants.

Sec. 13. Check or receipt to be given for property delivered for safe-keeping. R. S. c. 31, § 13. Every guest and every person intending to be a guest of any hotel or inn in this state, upon delivering to the proprietor of such hotel or inn, or to his servants, any baggage or other articles of property of such guest, for safe-keeping, elsewhere than in the room assigned to such guest, shall demand, and such hotel proprietor shall give, a check or receipt therefor in such case, to evidence the fact of such delivery; and no such proprietor shall be liable for the loss of or injury to such baggage or other article of property of this guest, unless the same shall have been actually delivered by such guest to such proprietor or to his servants for safe-keeping, or unless such loss or injury shall have occurred through the negligence of such proprietor, or of his servants or employees in such hotel.

Sec. 14. Liability to be that of a depository for hire; limit of liability. R. S. c. 31, § 14. The liability of the keeper of any inn or hotel, for loss of or injury to personal property placed by his guests under his care, other than that described in the three preceding sections, shall be that of a depository for hire, except that in case such loss or injury is caused by fire not intentionally produced by the innkeeper or his servants, such keeper shall not be liable; provided, however, that in no case shall such liability exceed the sum of one hundred and fifty dollars for each trunk and its contents, fifty dollars for each valise and its contents, and ten dollars for each box, bundle, or package, and contents, so placed under his care, and for all other miscellaneous effects including wearing apparel and personal belongings, fifty dollars, unless he shall have consented in writing with such guest to assume a greater liability; and provided, further, whenever any person shall suffer his baggage or property to remain in any inn, hotel, or boarding-house after leaving the same as a guest, and after the relation of keeper and guest between such guest and the proprietors of such inn or boarding-house or hotel has ceased, or shall forward the same to such inn, hotel or boarding-house before becoming a guest thereof, and the same shall be received into such inn or boarding-house or hotel, such innkeeper may at his option hold such baggage or property at the risk of such owner.

74 Me. 229, 262.

Sec. 15. Lien on baggage or other property deposited for safe-keeping. R. S. c. 31, § 15. The keeper of any inn, boarding-house, or hotel shall have a

lien on the baggage and other property in and about said premises belonging to or under the control of his guests or boarders, for the proper charges due him from such guests or boarders for the accommodation, board, and lodging, and for all money paid for or advanced to them, and for such other extras as are furnished at their request, and said innkeeper, boarding-house keeper, or hotel keeper may detain such baggage and other property until the amount of such charges is paid, and such baggage and other property shall be exempt from attachment or execution until such keeper's lien and the cost of satisfying it are satisfied.

*35 Me. 154; 38 Me. 192; 42 Me. 51.

Sec. 16. Enforcement of lien; notice of sale; disposal of proceeds. R. S. c. 31, § 16. The innkeeper, boarding-house keeper, or hotel keeper shall retain such baggage and other property upon which he has a lien for a period of ninety days, at the expiration of which time, if such lien is not satisfied, he may sell such baggage and other property at public auction, after giving ten days' notice of the time and place of sale in a newspaper of circulation in the county where the inn, boarding-house, or hotel is situated, and also by mailing a copy of such notice addressed to said guest or boarder at the place of residence registered by him in the register of such inn, hotel, or boarding-house; after satisfying the lien and any costs that may accrue, any residue remaining shall, on demand within six months, be paid to such guest or boarder, and if not so demanded within six months from date of such sale, such residue shall be deposited by such innkeeper, boarding-house keeper, or hotel keeper with the treasurer of the county in which the inn, hotel, or boarding-house is situated, together with a statement of such keeper's claim and the cost of enforcing same, a copy of the published notice, and of the amounts received for the goods sold at said sale; said residue shall by said county treasurer be credited to the general revenue fund of said county, subject to a right of said guest or boarder, or his representative, to reclaim at any time within three years of date of deposit with said treasurer.

Sec. 17. Penalty for fraud in obtaining food, etc. R. S. c. 31, § 17. Whoever obtains food, lodging, or other accommodations at any hotel, inn, boarding-house, or eating-house, with intent to defraud the owner or keeper thereof, shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than three months.

Sec. 18. False show of baggage, etc., to be proof of fraudulent intent. R. S. c. 31, § 18. Evidence that lodging, food, or other accommodations were obtained by false pretense, or by false or fictitious show or pretense of baggage or other property, or that the person refused or neglected to pay for such food, lodging, or other accommodation on demand, or that he gave in payment for such food, lodging, or other accommodation, negotiable paper on which payment was refused, or that he absconded without paying or offering to pay for such food, lodging, or other accommodation, or that he surreptitiously removed or attempted to remove his baggage, shall be prima facie proof of the fraudulent intent mentioned in section seventeen; but this section and the preceding section shall not apply where there has been an agreement in writing for delay in payment for a period exceeding ten days.

Sec. 19. Copies of law to be posted. R. S. c. 31, § 19. Every hotel keeper, innkeeper, or boarding-house keeper within this state, shall keep a copy of sections seventeen, eighteen, and nineteen, printed in distinct type posted in not less than ten conspicuous places in his hotel, inn, boarding-house, or eating-house.

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Judges of municipal and police courts and trial justices shall have jurisdiction of all offenses arising under sections seventeen and eighteen, where the amount of which any such keeper of a hotel, inn, boarding-house, or eating-house has been thus defrauded does not exceed the sum of twenty dollars.

Sec. 20. Municipal officers may, by ordinance, require lodging-houses to be licensed; lodging-house defined. 1923, c. 142, § 1. The municipal officers of cities and towns shall have authority to require by ordinance the granting of licenses to lodging-houses. The term "lodging-house" shall not be deemed to include a house where lodgings are let to less than five lodgers, nor to the dormitories of charitable, educational, or philanthropic institutions, nor to the emergency use of private dwelling-houses at the time of conventions or similar public gatherings. The term "lodger" shall not be deemed to include persons within the second degree of kindred to the person conducting a lodging-house.

Sec. 21. Licenses may be issued by same persons issuing innkeepers' and victualers' licenses; term of license; no fee. 1923, c. 142, § 2. Licenses required by section twenty of this chapter may be issued by the same persons issuing innkeepers' and common victualers' licenses, as provided in section one, and shall be for the same period as provided in said section. All innkeepers' licenses shall be expressed to be subject to the provisions of sections twenty to twenty-six, inclusive, of this chapter. No license fee shall be collected for a lodging-house license.

Sec. 22. Register to be kept; true name of guests to be inscribed therein; contents and method of keeping register prescribed; register open to inspection of licensing authority; penalty. 1923, c. 142, § 3. Every person conducting any hotel or lodging-house shall at all times keep and maintain, or cause to be kept and maintained therein, a register in which shall be inscribed the true name of each and every guest or person renting or occupying a room or rooms therein. Such register shall be signed by the person renting such room or rooms, or by some one under his direction; and the proprietor of such hotel or lodging-house, or his agent, shall thereupon write opposite such name or names so registered the number of each room assigned to and occupied by each such guest, together with the date such room is rented. The proprietor of such hotel or lodging-house, or his agent, shall also keep and preserve a record showing the date when the occupant of each room so rented shall quit and surrender the same. Such record may be made a part of the register, and both shall be kept available for a period of two years at all reasonable times to the inspection of any lawful agent of the licensing authority. Any person who wilfully violates any provision of this section shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars or by imprisonment for not more than ninety days for each offense or by both such fine and imprisonment.

Sec. 23. No person to write other than true name in register; all persons must register; penalty. 1923, c. 142, § 4. No person shall write, or cause to be written, or if in charge of a register knowingly permit to be written, in any register in any lodging-house or hotel any other or different name or designation than the true name or names in ordinary use of the person registering or causing himself to be registered therein. Nor shall any person occupying such room or rooms fail to register or fail to cause himself to be registered. Any person violating any provision of this section shall be punished by a fine of not less than ten dollars nor more than twenty-five dollars for each offense.

Sec. 24. License may be revoked or suspended; hearing must be held and licensee given opportunity to hear evidence; notice, how served; appeals. 1923,

c. 142, § 5. A license issued under the provisions of this chapter may be revoked if at any time the licensing authority shall be satisfied that the licensee is unfit to hold the license. It shall also have the right to suspend and make inoperative for such period of time as it may deem proper all the aforesaid licenses mentioned herein for any cause deemed satisfactory to it. The revocation and suspension shall not be made until after investigation and hearing, nor until the licensee shall have been given opportunity to hear the evidence in support of the charge against him and to cross-examine, himself or through counsel, the witnesses, nor until the licensee shall have been given an opportunity to be heard; notice of hearing shall be served on the licensee or left at the premises of the licensee not less than three days before the time set for the hearing. The licensing authority, as designated in this chapter, is hereby specifically charged with the duty of enforcing its provisions and of prosecuting all offenders against the same. Appeal from the decision of the licensing authority may be had to the superior court in and for the county in which the licensing authority is located, in the usual manner provided for appeals from municipal courts; courts of competent jurisdiction, for due cause shown, may issue temporary orders returning the enforcement of such revocations and suspensions, and after full hearing may vacate such temporary orders or make the same permanent.

Sec. 25. Copy of §§ 20-26 to be posted near register. 1923, c. 142, § 6. All licensed innholders and all licensees under sections twenty to twenty-six shall post in a conspicuous place near the register, if required by the licensing authority, a notice to be furnished by it containing the provisions of this chapter relating to the entry of names in the register, together with the penalties herein provided for their violation.

Sec. 26. Record of convictions to be transmitted by clerk of court to licensing authority. 1923, c. 142, § 7. The clerk of a court in which any person is convicted of a violation of any provision hereof shall forthwith send a copy of the record of the conviction to the licensing authority in the city or town where the offense occurred.

Lunch Wagons.

Sec. 27. Lunch wagons may be licensed; license may be revoked; objection of abutters. R. S. c. 31, § 20. The mayor and aldermen of any city, or selectmen of any town, may, if in their opinion public convenience so requires, license any reputable person, upon the payment of an annual license fee, to be fixed by said licensing authority, to maintain a vehicle for the sale of food in such part of any public way and during such hours as the licensing authority may designate, provided that public travel is not incommoded thereby; and no other or further license shall be required for this purpose. Any such license may be revoked, for reasonable cause, at any time, by the licensing authority. No such license, however, shall be granted to use any part of any public way the fee in which is not owned by the city or town, against the objection of the owners of the land abutting on that part of the way.

See § 24.

Recreational Camps and Roadside Places.

Sec. 28. Overnight and recreational camps, roadside eating and lodging places to be licensed; penalty. 1927, c. 233, §§ 1, 4. No person, corporation, firm, or copartnership shall conduct, control, manage, or operate, directly or indirectly, any over night or recreational camp, or roadside eating or lodging

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place, which is located outside the compact portion of cities, towns, and plantations and which is operated only a part of each year, unless the same shall be licensed by the public health council. Any person, corporation, association, firm, or copartnership violating the provisions of this section shall be punished by a fine of not more than one hundred dollars.

Sec. 29. Public health council authorized to license. 1927, c. 233, § 2. The public health council is empowered to license overnight and recreational camps, and roadside eating and lodging places which are located outside the compact portions of cities, towns, and plantations, and which are operated only part of each year.

Sec. 30. Terms and fees to be approved by governor and council. 1927, c. 233, § 3. Such licenses shall be issued by the public health council under such terms and conditions, and such fees for licenses not exceeding five dollars may be charged, as may be approved by the governor and council.

CHAPTER 37.

Public Exhibitions and Amusements.

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Public Exhibitions.

Sec. 1. Penalty for pageantry, etc., without license. R. S. c. 32, § 1. Whoever, for money or other valuable article, exhibits any images, pageantry, sleight of hand tricks, puppet show, circus, feats of balancing, wire dancing, personal agility, dexterity, or theatrical performances, without a license therefor as hereinafter provided, forfeits, for every offense, not less than ten dollars nor more than one hundred dollars; but this prohibition does not extend to any permanently established museum.

Sec. 2. Licenses; fees; prosecutions; traveling circuses required to obtain state license; penalty. R. S. c. 32, § 2. 1923, c. 136. The municipal officers of towns may grant licenses for any of the foregoing exhibitions or performances therein, on receiving for their town such sum as they deem proper; twenty-four hours being allowed for each exhibition or performance; and they shall prosecute, by complaint for the use of their town, all violations of the preceding section. No traveling circus shall advertise or exhibit any parade, show, or entertainment in this state without first paying a state license of five hundred dollars for each calendar year. Application for such license shall be made to the secretary of state and shall contain the name of the person or corporation owning or operating said traveling circus and a statement of the proposed territory within the limits of said state and the names of the cities and towns in which said traveling circus is to exhibit. Upon the payment of the sum of five hundred dollars, a license shall issue.

The advertising and exhibiting of any parade, show, or entertainment of any traveling circus without first taking out such license shall be deemed a mis-