

MAINE STATE LEGISLATURE

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SEVENTH REVISION

THE
REVISED STATUTES

OF THE
STATE OF MAINE

PASSED AUGUST 5, 1930, AND TAKING
EFFECT NOVEMBER 10, 1930



By the Authority of the Legislature

AUGUSTA
KENNEBEC JOURNAL PRINT

Sec. 40. Printed copies of §§ 38 to 41 must be posted in public places. R. S. c. 129, § 37. No person shall be convicted of any offense under section thirty-eight unless a printed copy of sections thirty-eight to forty-one, inclusive shall have been posted in a conspicuous place in the public building, hotel, railroad station, railroad-car, or steamboat where said offense is committed, for at least thirty days prior to the commission of said offense, and is also posted at the time of said offense.

Sec. 41. Penalty for destroying notices. R. S. c. 129, § 38. Whoever wilfully destroys, defaces, or tears down any such printed copy posted under the preceding section, shall forfeit not less than one dollar, nor more than ten dollars to be recovered on complaint.

Malicious injury to the structure of meridian lines, c. 53, § 39; to toll-gate or toll-bridge, c. 31, § 20.

CHAPTER 140.

Offenses Against the Public Health, Safety and Policy.

Sections 1-14	Unwholesome Provisions and Drinks.
Section 15	Expectoration in Public Places.
Sections 16-17	Fireworks.
Sections 18-19	Candy.
Sections 20-29	Tramps.
Section 30	Regulation of Radio Waves.

Unwholesome Provisions and Drinks.

Sec. 1. Corrupting water used for domestic or other uses; penalty. R. S. c. 130, § 1. 1917, c. 126. 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 any public water supply, 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 in said waters, or upon the ice thereof, shall be punished by a fine of not more than five thousand dollars, or by imprisonment for any term of years.

*118 Me. 13.

Sec. 2. Holding any diseased meat or milk for human food; penalty. R. S. c. 130, § 2. Whoever, having charge of any animal, or meat or milk of any animal affected with tuberculosis or other contagious or infectious disease, 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 dollars, nor more than fifty dollars.

Sec. 3. Sale of impure or adulterated milk or cream; penalty; standard milk; skimmed milk excepted. R. S. c. 130, § 3. Whoever by himself, clerk, servant, or agent, sells, exchanges, or delivers, or has in his custody or possession with intent to sell, exchange or deliver, or exposes or offers for sale or

exchange milk which is not of good standard quality, adulterated milk or milk to which water or any foreign substance has been added, or milk produced from sick or diseased cows, or milk in or from cans or other utensils that are not in a clean or sanitary condition, or as pure milk, milk from which the cream or a part thereof has been removed; and whoever by himself, clerk, servant, or agent, sells, exchanges, or delivers, or has in his custody with intent to sell, exchange, or deliver, cream containing less than eighteen per cent of milk fat, shall for the first offense be punished by a fine of not more than fifty dollars, for a second offense by a fine of not less than fifty dollars, nor more than one hundred dollars and for a subsequent offense by a fine of one hundred dollars and by imprisonment for not less than thirty days, nor more than sixty days. And in prosecutions hereunder milk which upon analysis is shown to contain less than eleven and seventy-five hundredths per cent of milk solids or less than three and twenty-five hundredths per cent of fat shall not be considered milk of good standard quality. Nothing in this section shall be construed to prohibit the sale of skimmed milk as such.

Sec. 4. Sale of unwholesome provisions or drinks; killing for sale, or selling meat of calves killed when less than four weeks old; penalty; meat to be seized and destroyed. R. S. c. 130, § 4. Whoever sells diseased, corrupted or unwholesome provisions for food or drink, knowing them 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 a fine of not more than one thousand dollars, or by imprisonment for not more than five years; 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 a fine of not more than fifty dollars, or by imprisonment for not more than thirty days; 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. 5. Warrants may be issued to search for such veal. R. S. c. 130, § 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 less than four weeks old is kept or concealed with intent to sell the same for purposes of food, the magistrate, when satisfied that there is reasonable cause for such belief, may issue a warrant to search therefor.

Sec. 6. Imitations of butter or cheese not to be manufactured or sold. R. S. c. 130, § 6. 1927, c. 119. No person shall manufacture, sell, expose for sale or have in his possession with intent to sell, or take 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. Nor shall any person, firm or corporation sell, expose for sale, or have in his possession with intent to sell oleomargarine unless the original package in which the same is shipped or conveyed from place of manufacture shall have the word "oleomargarine" in letters three-quarters inch high and of proportionate width plainly printed or stencilled on the top or side thereof and unless each carton or wrapper containing said oleomargarine and in which such oleomargarine is sold or kept for sale shall have the word "oleomargarine" printed on two prin-

cial display panels in plain Gothic letters not less than twenty point type. When said oleomargarine is sold from a tub or box or other container in which it is kept for sale in bulk, said oleomargarine must be wrapped in wrappers plainly stamped or printed on the outside thereof with the word "oleomargarine" in plain Gothic letters not less than twenty point size, and shall also contain the name and address of the seller thereof and the quantity sold. For the purpose of this section any article, substance or compound manufactured from animal fats or oils, vegetable oils, or from compounds or mixtures of animal fats or oils and vegetable oils which has been churned in cream, milk, or water or bathed in a solution of brine, shall be considered oleomargarine. Nor shall any person, firm, or corporation within this state use in any way in connection or association with the sale, or exposure for sale or advertisement of any oleomargarine or any substance designed to be used as a substitute for butter, the word "butter," "creamery," "dairy," or the name or representation of any breed of dairy cattle, or any combination of such word or words and representation, or any other words or symbols or combinations thereof commonly used in the sale of butter.

Sec. 7. Oleomargarine. R. S. c. 130, § 7. 1925, c. 156. No person shall by himself, his clerk, servant, or agent, furnish oleomargarine or any other substitute instead of butter in any hotel, restaurant, boarding-house, lunch room, or lunch cart to a guest or patron thereof without notifying said guest or patron that the substance so furnished is not butter by placing on the walls of said hotel, restaurant, boarding-house, lunch room or lunch cart where oleomargarine or other substitute is served, a white placard on which is printed in black ink, in plain roman letters of not less than three inches in length and not less than two inches in width the words "Oleomargarine sold or used here," or the name of the substitute displayed on the placard instead of the word oleomargarine, such placard to be displayed at all times in such conspicuous place as to be readily seen by any and all persons entering such hotel dining-room, restaurant, boarding-house, lunch room, or lunch cart, where oleomargarine or other substitute is served.

Sec. 8. Imitations not to be sold. R. S. c. 130, § 8. No person shall sell or offer for sale to any person who asks, sends, or inquires for butter or cheese, any substance or compound made in imitation of butter or cheese.

Sec. 9. Renovated butter to be labeled as such. R. S. c. 130, § 9. No person shall sell, offer or expose for sale any renovated butter, unless the words "renovated butter" shall be conspicuously and plainly stamped, labeled or marked, so that said words cannot be easily defaced, upon the top and side of every tub, firkin, box, or package containing said article or compound. The seller at retail of said article or compound, which is not in the original package, 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 the package the words "renovated butter."

Sec. 10. Penalty for violation of four preceding sections. R. S. c. 130, § 10. Whoever violates any provision of the four preceding sections shall be punished for the first offense by a fine of not more than one hundred dollars and for the second offense by a fine of not more than two hundred dollars.

See c. 42, § 23.

Sec. 11. Duty of officers to make complaints; suspected articles to be analyzed. R. S. c. 130, § 11. Every inspector of milk, sheriff, deputy sheriff, or constable shall institute complaint for any violations of sections six to nine,

inclusive, whenever he has reasonable cause therefor, and on the information of any person who shall lay before him satisfactory evidence of such violation. 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. 12. Butter and cheese defined. R. S. c. 130, § 12. For the purposes of this chapter, 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. 13. Swelling of scallop meats prohibited; penalty; jurisdiction. R. S. c. 130, § 14. No person shall swell, or expand scallop meats, by the use of fresh water, baking-soda, or by any other artificial means. Whoever violates this section shall be punished by a fine of five dollars for each gallon of scallops so treated. Municipal and police courts and trial justices shall have jurisdiction of prosecutions for offenses under this section.

Sec. 14. Bread offered for sale to be enclosed in sanitary wrapper; penalty; jurisdiction. 1921, c. 133. No person, firm, or corporation shall distribute, transport, or sell for distribution or transportation any bread, in loaf form, which is not properly enclosed in a sanitary wrapper. Any person, firm, or corporation who violates any provision of this section shall be punished by a fine of not more than one hundred dollars for the first offense and by a fine of not more than two hundred dollars for each subsequent offense. Municipal and police courts and trial justices have jurisdiction of the above offenses.

Expectoration in Public Places.

Sec. 15. Spitting in public places prohibited; penalty. R. S. c. 130, § 15. No person shall expectorate or spit on any public sidewalk, or public street crossing, or cross walk, or, except in receptacles provided for the purpose, in any city or town hall, in any court-house or court-room, in any factory, in any public library or museum, in any church or theatre, in any lecture or music-hall, in any ferryboat or steamboat, in any railroad-car except a smoking-car, in any street or interurban railroad-car, in any railroad station, or waiting-room or any sidewalk or platform connected therewith. Whoever violates any of the provisions of this section shall be punished by a fine of not more than twenty dollars.

Fireworks.

Sec. 16. Sale of fireworks without license; penalty. R. S. c. 130, § 16. Whoever sells, or offers for sale, crackers, squibs, rockets, or other fireworks, in any town, without the license of the municipal officers thereof, shall be punished by a fine of not more than ten dollars, to the use of such town.

Sec. 17. Toy pistols, sale of, prohibited. R. S. c. 130, § 17. Whoever has in his possession a toy pistol for the explosion of percussion caps or blank cartridges, with intention to sell it, or sells or offers to sell or give it away, shall be punished by a fine of not less than five dollars, 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.

Candy.

Sec. 18. Sale of adulterated candy and brandy drops; penalty. R. S. c. 130, § 21. 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 dollars, nor more 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. 19. Penalty for offering prize candy for sale; liability to summary arrest. R. S. c. 130, § 22. 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 a fine of not more than twenty dollars, or by imprisonment for not more than thirty days, 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 for not more than twenty-four hours, until a complaint has been made and a warrant issued against him.

Tramps.

Sec. 20. Begging, etc., evidence of being a tramp; refusing to labor; penalty; jurisdiction. R. S. c. 130, § 24. 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 punished by imprisonment 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.

Sec. 21. Tramps entering dwelling, kindling fire in highway, etc.; penalty. R. S. c. 130, § 25. 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 firearm 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 for not more than two years.

119 Me. 546.

Sec. 22. Malicious injury to person or property; penalty. R. S. c. 130, § 26. 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 for not more than five years.

Sec. 23. State prison sentences for less than a year. R. S. c. 130, § 27. 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.

Sec. 24. Arrest by any citizen; exceptions. R. S. c. 130, § 28. Any person, upon view of an offense described in sections twenty to twenty-five, 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.

Sec. 25. Non-resident tramps sleeping or lodging in barns, etc., without permission; penalty; arrest and detention. R. S. c. 130, § 29. 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 punished by a fine of twenty dollars, and in default of payment, shall be imprisoned at hard labor in the nearest work-jail for not less than four months for the first offense, and not less than six months for every subsequent offense. A non-resident committing any act of beggary or vagrancy shall be deemed a tramp, and may be arrested by any officer and detained for not more than twenty-four hours until a warrant, issued on complaint of some resident of the state, can be obtained.

Sec. 26. Fees of officers; when costs to be paid by the state. R. S. c. 130, § 30. 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.

See c. 33, § 22.

Sec. 27. Vagrant, tramp or beggar refusing to leave a dwelling-house on request; penalty. R. S. c. 130, § 31. If any 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 at labor for not more than thirty days in any jail, work-house, house of correction or at any town farm or almshouse in the town in which the offense was committed, and by a fine of not more than ten dollars, and in default of payment by imprisonment for an additional thirty days.

Sec. 28. Such convict may be required to labor; keeper may be appointed; convict is entitled to the net profits of his labors. R. S. c. 130, § 32. 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. 29. Special constables. R. S. c. 130, § 33. Mayors and selectmen shall appoint special constables to arrest and prosecute all tramps in their respective municipalities.

Regulation of Radio Waves.

Sec. 30. Regulation of radio waves; penalty for disturbing reception. 1927, c. 215. It shall be unlawful to use any radio receiving set which radiates radio waves between two hundred meters wave length and five hundred and fifty meters wave length which causes interference with the reception of any other radio receiving set. Whoever knowingly, maliciously, or wantonly by any means unreasonably disturbs the reception of radio waves used for radiotelephony, between two hundred meters wave length and five hundred and fifty meters wave length, shall be punished by a fine of not less than ten dollars and not more than fifty dollars to be recovered by complaint in any municipal or police court or before any trial justice.

CHAPTER 141.

Libels.

Sec. 1. Definition of a libel and of a publication. R. S. c. 131, § 1. A libel is the malicious defamation of a living person, made public by any printing, writing, sign, picture, representation, or effigy, tending to provoke him to wrath, expose him to public hatred, contempt, or ridicule, or to deprive him of the benefits of public confidence and social intercourse; or of a deceased person, thus made public, designed to blacken and vilify his memory, and tending to scandalize or provoke his relatives or friends; but nothing shall be deemed a libel unless there is a publication thereof; and the delivery, selling, reading, or otherwise communicating a libel directly or indirectly to any person, including the person libeled, is a publication.

32 Me. 533; 72 Me. 21; *89 Me. 293; 112 Me. 502.

Sec. 2. Penalty for libel. R. S. c. 131, § 2. Whoever makes, composes, dictates, writes, or prints a libel; directs or procures it to be done; wilfully publishes or circulates it, or knowingly and wilfully aids in doing either, shall be punished by a fine of not more than one thousand dollars, and by imprisonment for less than one year.

66 Me. 327; 112 Me. 502.

Sec. 3. Responsibility for libels printed or published. R. S. c. 131, § 3. Whoever manages or controls the business of a printing-office, bookstore, or shop, as principal or agent, or is, in whole or in part, proprietor, editor, printer, or publisher of a newspaper, pamphlet, book, or other publication, is responsible for any libel printed or published therein, unless he proves on trial that it was printed and published without his knowledge, consent, or suspicion, and that by reasonable care and diligence, he could not have prevented it.

Sec. 4. Punishment for securing the publication of any false or libelous statement. R. S. c. 131, § 4. Whoever wilfully and maliciously states, delivers, or transmits by any means whatever to the manager, editor, publisher, or reporter of any newspaper, magazine, publication, periodical, or serial, for publication therein, any false or libelous statement concerning any person or corporation, and thereby secures the actual publication of the same, shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than eleven months, or by both fine and imprisonment.

Sec. 5. How far the truth of a publication is a justification. R. S. c. 131, § 5. In prosecutions for any publication relative to the official conduct of men