

MAINE STATE LEGISLATURE

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EIGHTH REVISION

THE
REVISED STATUTES

OF THE
STATE OF MAINE

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a fine of not less than \$10, nor more than \$50, to be recovered by complaint in any municipal court or before any trial justice.

Notices Discriminating Against Persons

Sec. 44. Discrimination against persons and classes by printed notices and distribution by operators of places of accommodation, prohibited; definition; exception; penalty. R. S. c. 134, §§ 7, 8, 9, 10. No person, being the owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation, resort, or amusement shall directly or indirectly, by himself or another, publish, issue, circulate, distribute, or display, in any way, any advertisement, circular, folder, book, pamphlet, written or painted or printed notice or sign, of any kind or description, intended to discriminate against or actually discriminating against persons of any religious sect, creed, class, denomination, or nationality, in the full enjoyment of the accommodations, advantages, facilities, or privileges offered to the general public by such places of public accommodation, resort, or amusement.

A place of public accommodation, resort, or amusement within the meaning of this section shall be deemed to include any inn, whether conducted for the entertainment, housing, or lodging of transient guests, or for the benefit, use, or accommodation of those seeking health, recreation, or rest, any restaurant, eating-house, public conveyance on land or water, bath-house, barber-shop, theatre, and music-hall.

Nothing in this section contained shall be construed to prohibit the mailing of a private communication in writing, sent in response to specific written inquiry.

Any person who shall violate any of the provisions of this section, or who shall aid in or incite, cause, or bring about, in whole or in part, the violation of the provisions of this section, shall, for each and every violation, be punished by a fine of not more than \$100, or by imprisonment for not more than 30 days, or by both such fine and imprisonment.

CHAPTER 125.

CRIMES AGAINST MARITAL OR FAMILY STATUS AND CHILDREN.

Sections 1- 5 Desertion and Non-Support.

Sections 6-14 Crimes against Children.

Desertion and Non-Support

Sec. 1. Desertion of wife or children in destitute circumstances, or wilful non-support; when a felony; penalty; court may direct fine to be paid to wife; or may order respondent to make weekly payments; condition of recognizance. R. S. c. 129, § 44. 1943, c. 86. Whoever without lawful excuse deserts his wife when such wife is in destitute or necessitous circumstances, or, being able by means of his property or labor to provide for the necessary support and maintenance of his wife, without lawful excuse wilfully neglects or refuses to provide such support and maintenance when such wife is in destitute or necessitous circumstances, or whoever without lawful excuse deserts his or her minor child or

children under the age of 16 years, or being able by means of his or her property or labor to provide for the necessary support and maintenance of his or her minor child or children under said age, wilfully neglects or refuses to provide such support and maintenance when such child or children are in destitute or necessitous circumstances, when such offense is of a high and aggravated nature, shall be deemed guilty of a felony and on conviction thereof shall be punished by a fine of not more than \$500, or by imprisonment with or without hard labor for not more than 2 years, or by both such fine and imprisonment, and if a fine is imposed, the court may direct that it be paid in whole or in part to the wife or to the guardian or custodian of the minor child or children; provided that before the trial, with the consent of the defendant, or after conviction, instead of imposing the punishment hereinbefore provided, or in addition thereto, the court in its discretion, having regard to the circumstances and to the financial ability or earning capacity of the defendant, may make an order which shall be subject to change by it from time to time as circumstances may require, directing the defendant to pay a certain sum weekly for the space of 1 year to the wife, or to the guardian or custodian of the minor child or children, or to an organization or individual approved by the court, as trustee, and to release the defendant from custody on probation for the space of 1 year, and may in its discretion order said defendant to enter into a recognizance with sureties, in such sum as the court may direct. The condition of the recognizance shall be such that if the defendant shall make his or her personal appearance in court whenever ordered to do so within the year, and shall further comply with the terms of the order and of any subsequent modification thereof, then the recognizance shall be void, otherwise in full force and effect.

*116 Me. 359; 121 Me. 94; 123 Me. 414; 138 Me. 145.

Sec. 2. Desertion of wife or minor children in destitute circumstances and wilful non-support, when a misdemeanor; penalty. R. S. c. 129, § 45. Whoever without lawful excuse deserts his wife when such wife is in destitute or necessitous circumstances, or, being able by means of his property or labor to provide for the necessary support and maintenance of his wife, without lawful excuse wilfully neglects or refuses to provide such support and maintenance when such wife is in destitute or necessitous circumstances, or whoever without lawful excuse deserts his or her minor child or children under the age of 16 years, or, being able by means of his or her property or labor to provide for the necessary support and maintenance of his or her minor child or children under said age, wilfully neglects or refuses to provide such support and maintenance when such child or children are in destitute or necessitous circumstances, when such offense is not of a high and aggravated nature, shall be deemed guilty of a misdemeanor and on the conviction thereof shall be punished by a fine of not more than \$300, or by imprisonment with or without hard labor for not more than 11 months, or by both such fine and imprisonment. If a fine is imposed, the court may direct that it be paid in whole or in part to the wife or to the guardian or custodian of the minor child or children; provided that before the trial, with the consent of the defendant, or after conviction, instead of imposing the punishment hereinbefore provided, or in addition thereto, the court in its discretion, having regard to the circumstances and to the financial ability or earning capacity of the defendant, may make an order, which shall be subject to change by it from time to time as circumstances may require, directing the defendant to pay a certain sum weekly for the space of 1 year to the wife, or to the guardian or custodian of the minor child or children, or to an organization or individual approved by the court, as trustee, and to release the defendant from custody on probation for the

space of 1 year upon his or her entering into a recognizance, with sureties, in such sum as the court may direct. The condition of the recognizance shall be such that if the defendant shall make his or her personal appearance in court whenever ordered to do so within the year, and shall further comply with the terms of the order and of any subsequent modification thereof, then the recognizance shall be void, otherwise in full force and effect.

138 Me. 145.

Sec. 3. On proof of violation of order, court may proceed under original indictment; amount recovered may be paid to wife or guardian. R. S. c. 129, § 46. If the court shall be satisfied by information or evidence under oath, that at any time during the year the defendant has violated the terms of such order, it may forthwith proceed with the trial of the defendant under the original complaint or indictment, or sentence him under the original conviction, or enforce the original sentence, as the case may be. In case of forfeiture of a recognizance and enforcement thereof by execution, the sum recovered may, in the discretion of the court, be paid in whole or in part to the wife or to the guardian or custodian of the minor child or children.

Sec. 4. Earnings of persons sentenced, how disposed of. R. S. c. 129, § 47. When any person is sentenced to hard labor and actually employed in such labor in a county jail or any other county correctional institution or reformatory on account of any sentence imposed under the provisions of the 3 preceding sections, the keeper of said jail or other institution or reformatory shall certify at the end of each week to the county commissioners the number of days during which such person shall have been actually employed in said jail as aforesaid, and the county commissioners shall thereupon draw their order upon the county treasurer for a sum equal to 50c for each day's hard labor so performed by such person, and the same shall thereupon be paid forthwith by the county treasurer to the wife of such person or to the guardian or custodian of his or her minor child or children, or to any organization or individual as trustee which shall be approved by the court imposing such sentence.

Sec. 5. Abandonment of child under 6 years; penalty. R. S. c. 129, § 32. If the father or mother of a child under the age of 6 years, or a person to whom such child is entrusted, exposes it in any place with intent wholly to abandon it, he shall be punished by a fine of not more than \$500, or by imprisonment for not more than 5 years.

Crimes Against Children

Sec. 6. Cruelty to children; penalty. R. S. c. 129, § 33. Any parent, guardian, or other person having the care and custody of any child, who cruelly treats such child by abuse, neglect, overwork, or extreme punishment, shall be punished by a fine of not more than \$100, or by imprisonment for not more than 11 months.

Sec. 7. Permitting children in disorderly house etc.; exception; penalty etc. R. S. c. 129, § 34. 1939, c. 237. Whoever admits or allows to remain in any disorderly house, house of ill fame, gambling place, or place where intoxicating liquors are sold, or other place injurious to health or morals, owned, kept, maintained, managed, or controlled by him in whole or in part, any child under the age of 16 years, shall be punished by a fine of not more than \$100, or by imprisonment for not more than 60 days. Provided, however, that a child or children under the age of 16 years may enter places where intoxicating liquor is sold

when accompanied by a parent, guardian, or other adult person in charge of such child or children, with the consent of the parent or guardian of such child or children.

Sec. 8. Exhibiting children under 16 years of age, or permitting begging by the same; penalty. R. S. c. 129, § 36. No person shall employ or cause to be employed, exhibit, use, or have in custody, or train for use, employment, or exhibition any child under 16 years of age, and no parent, guardian, or other person having care, custody, and control of such child shall procure or permit the training, use, employment, or exhibition of any such child, in begging or soliciting or receiving alms in any manner or under any pretense, or in any illegal, indecent, or immoral exhibition or practice, or in any exhibition of any such child when insane, or idiotic, or when possessing any deformity and unnatural physical formation, or in any practice, exhibition, or place dangerous or injurious to the life, limb, health, or morals of such child. Whoever violates the provisions of this section shall be punished by a fine of not more than \$100, or by imprisonment for not more than 60 days.

Sec. 9. Selling firearms or dangerous weapons to children forbidden except in certain cases; penalty. R. S. c. 129, §§ 39, 40. 1939, c. 132, § 2. Whoever gives, furnishes, or sells to any child under the age of 16 years any dangerous weapon or firearm, except in cases where the parents, guardians, teachers, or instructors of children may furnish them with such weapons for hunting or target shooting outside the thickly settled portions of any town or city, or where such weapons may be used in any licensed shooting gallery, shall be deemed guilty of encouraging, causing, or contributing to the delinquency or distress of such child and, upon conviction, shall be punished by a fine of not more than \$100, or by imprisonment for not more than 60 days.

See § 13.

Sec. 10. Selling or giving air rifles to children under 14 years; penalty. R. S. c. 129, § 37. Whoever sells or gives away an air rifle to any child under the age of 14 years shall be punished by a fine of not less than \$5, nor more than \$20.

Sec. 11. Sale of cigarettes to persons under 16 years of age; penalty. R. S. c. 129, § 38. 1933, c. 118, § 1. 1939, c. 208. Whoever by himself, clerk, servant, or agent directly or indirectly sells, offers for sale, has in his possession with intent to sell, or gives away to, or in any way obtains for any person under the age of 16 years, any cigarette, cigarette paper, so called, or tobacco, such as is used for making any cigarette, shall be punished by a fine of not more than \$50, or by imprisonment for not more than 30 days.

Sec. 12. Selling or giving intoxicating liquor or narcotic drugs to any child under 16 years; penalty. R. S. c. 129, § 39. Whoever sells or gives to any child under the age of 16 years, or furnishes any such child with intoxicating liquor, or narcotic drugs in any form, or encourages such child to use the same, unless prescribed by a physician or otherwise used in case of sickness, shall be deemed guilty of encouraging, causing, or contributing to the delinquency or distress of such child and, upon conviction, shall be punished by a fine of not more than \$100, or by imprisonment for not more than 60 days.

Sec. 13. Evidence required to find person guilty. R. S. c. 129, § 43. In order to find any person guilty of violating the provisions of sections 9 and 12, it shall not be necessary to prove that the child is actually in delinquency or distress, provided it appears from the evidence that through any act or neglect or omis-

sion of duty or by any improper act or conduct on the part of the accused the distress or delinquency of any child may have been caused or merely encouraged.

See c. 136, §§ 33-39, re proceedings when child under 17 years of age is arrested and charged with crime.

Sec. 14. Jurisdiction. R. S. c. 129, §§ 37, 38, 39, 48. 1933, c. 118, §§ 1, 5. In all prosecutions for misdemeanors under the provisions of this chapter, trial justices within their respective counties shall have original and concurrent jurisdiction with municipal courts and the superior court.

CHAPTER 126.

GAMBLING. BUCKET-SHOPS.

Sections 1-11 Gambling.
 Sections 12-13 Search for Implements of Gambling.
 Sections 14-17 Bucket-shops.
 Sections 18-20 Lotteries.
 Sections 21-27 Beano.

Gambling

Sec. 1. Pool selling; penalty. R. S. c. 136, § 4. Whoever engages or participates in pool selling or aids or abets the same by his presence, unless the same is authorized by law, shall be punished by a fine of not more than \$2,000 and by imprisonment for not more than 2 years.

See c. 77, re pari mutuel pool selling.

Sec. 2. Keeping a gambling-house or permitting gambling in house or shop; penalty. R. S. c. 136, § 1. 1933, c. 118, §§ 1, 5. Whoever keeps or assists in keeping a gambling-house, or tenement, or other place occupied, used, kept, or resorted to for the purposes described in section 12, or is found gambling or present as described in said section 12, or permits any person to gamble in any way in any tenement or other place under his care or control, shall be punished by a fine of not more than \$100, or by imprisonment for not more than 4 months; and the municipal officers, constables, and police officers of towns and cities, and the assessors of plantations are required promptly to enforce the laws against gambling rooms, and to make complaint against any person in their respective municipalities when there is probable cause to believe such person to be guilty of a violation of the provisions of this section. Trial justices shall have original jurisdiction, concurrent with municipal courts and the superior court, in all prosecutions for violations of this section.

15 Me. 237; 23 Me. 44; 85 Me. 237; *99 Me. 488; 125 Me. 458; 131 Me. 285; 135 Me. 323.

Sec. 3. Gambling; penalty. R. S. c. 136, § 2. Whoever gambles, or bets on any person gambling, shall be punished by a fine of not less than \$1, nor more than \$20, to be recovered by complaint or indictment to the use of the prosecutor.

Sec. 4. Winning more than \$3 at one time by gambling; penalty. R. S. c. 136, § 3. Whoever is convicted, by indictment found within 6 months, of win-