

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

REVISED STATUTES

OF THE

STATE OF MAINE

1954

1957 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 3

**Place in Pocket of Corresponding
Volume of Main Set**

THE MICHE COMPANY
CHARLOTTESVILLE, VIRGINIA
1957

manner as hereinbefore provided for a hearing, before the municipal officers. The decision of said justice shall be communicated within 10 days after the date of hearing to the appellant and to the municipal officers of the town in which the proposed wharf, weir or trap is to be located; and this decision shall be binding in said municipal officers, who shall issue a license, if so directed by the decision of said justice, within 3 days after said decision has been communicated to them. If said appeal is sustained by said justice in whole or in part, the appellant shall have his costs against the appellee. If the appeal is not so sustained, the appellee shall have his costs against the appellant. If any owner to whom a license has been issued, or his heirs or assigns, fails to remove all stakes and brush within a period of 1 year after the termination of the license, as provided in the following section, any person can remove the same without charge against said owner, his heirs or assigns.

In the case of islands not within the jurisdiction of any town all powers of municipal officers to issue licenses to build weirs are conferred upon the owner or owners of such islands. If said owner or owners are unable to agree as to the issuance of a license they shall submit the question of such issuance to the commissioner of sea and shore fisheries, who shall, after a hearing at which all parties may be represented, decide as to the issuance of such license. (R. S. c. 86, § 7. 1955, c. 227.)

Effect of amendment.—The 1955 amendment substituted in the third sentence the words “with sureties, in the sum of \$500” for the words “without sureties, in the sum of \$100.”

Chapter 100.

Miscellaneous Provisions Relating to Towns.

Sections 68-A to 68-J. Pin Ball Machines.
Section 71-A. Drive-In Theaters.
Sections 79-A to 79-D. Closing-Out Sale.

Dogs.

Sec. 9. Lists of all dogs; returns.

If any city or town fails to remit to the treasurer of state on or before October 15 of each year a sum of money equal to the licenses required by sections 9 to 28, inclusive, on all dogs living on the 15th day of June preceding, such deficiency shall be collected in the manner provided by section 13 of chapter 18. (R. S. c. 88, § 8. 1955, c. 135.)

Effect of amendment.—The 1955 amendment substituted in the last paragraph of the section the words “collected in the manner provided by section 13 of chapter 18” for the words “added to the state tax of such delinquent city or town for the following year.” As the rest of the section was not changed by the amendment, only the last paragraph is set out.

Sec. 10. Dog licenses; fee; suitable tag; duties of animal husbandry expert; kennels.—On or before the 1st day of April of each year, the owner or keeper of any dog 6 months old or over shall apply to the city or town clerk either orally or in writing for a license for each such dog owned or kept by him. Such application shall state the breed, sex, color and markings of such dogs and the name and address of the last previous owner.

A fee of \$1.15 shall be paid the city or town clerk for each license issued on male dogs, and a fee of \$5.15 shall be paid for all female dogs capable of bearing young. All female dogs shall be considered capable of producing young unless a certificate issued by the commissioner of agriculture and signed by a licensed vet-

erinarian, or previous license record, is presented from a licensed veterinarian stating that such female was made incapable of bearing young by spaying by him. When such certificate accompanies the application, a fee of \$1.15 shall then be paid on such spayed females. In addition to the amount paid for license and tag, each applicant shall pay the city or town clerk 25¢ for the recording and making a return to the commissioner of agriculture.

Such licenses shall be made in triplicate, the original copy shall be mailed to the commissioner of agriculture, 1 copy given to the person applying for the license and 1 copy retained by the city or town clerk.

A suitable tag showing the year such license is issued and bearing such other data as the commissioner of agriculture may prescribe shall be given with each license and must be securely attached to a leather or metal collar which must be worn at all times by the dog for which the license was issued and it shall be unlawful for any person to remove such tag or to place either collar or tag on any dog not described or for which the license was not issued.

Returns from clerks of cities, towns and plantations showing all licenses issued by them together with a correct report showing the total number of dogs in "both sexes" found by the city or town assessors and the number of dogs killed shall be made to the commissioner of agriculture not later than the 1st day of July each year.

All license blanks and tags shall be furnished by the commissioner of agriculture. The representatives of the department of agriculture in charge of animal husbandry shall be known as the animal husbandry specialist and the assistant animal husbandry specialist, who shall carry out the provisions of the dog licensing laws and the adjustment of claims for damages to livestock and poultry by dogs and wild animals, and to the promotion of animal husbandry within the state. The expense of furnishing the above-mentioned blanks and tags, and the necessary clerk hire and travel, and the salary of the animal husbandry specialist and the assistant animal husbandry specialist shall be paid from the funds received from the licensing of dogs; provided, however, that money is hereby appropriated out of the dog license receipts for the purposes of this section.

Any person becoming the owner or keeper of a dog after the 1st day of April, not duly licensed as herein required, shall, within 10 days after he becomes the owner or keeper of said dog, cause said dog to be described and licensed as provided above.

Every owner or keeper of dogs, kept for breeding, hunting, show, field trials and exhibition purposes, may receive annually a special kennel license authorizing him to keep said dogs for said purpose, provided he keeps said dogs within a proper enclosure; and provided further, that such special kennel license shall permit such owner, keeper or authorized agent to transport under control and supervision said dogs to and from places of hunting or exhibition within or without the state. When the number of dogs so kept does not exceed 10, the fee for such license shall be \$9.90, and in addition 25¢ for each such license as a fee for recording and making the return required by law; when the number of dogs so kept exceeds 10, the fee for such license shall be \$19.90, and in addition 25¢ for each such license as a fee for recording and making the return required by law, and no fees shall be required for the dogs of such owner or keeper under the age of 6 months. Dogs covered by kennel license shall be furnished suitable kennel tags as prescribed by the commissioner of agriculture or his agent. (R. S. c. 88, § 9. 1945, c. 183, §§ 1, 2, 3; c. 209. 1949, c. 261. 1955, c. 433, § 2; c. 444. 1957, c. 187.)

Effect of amendments.— The first 1955 amendment substituted "\$1.15" for "90¢" in the first and third sentences of the second paragraph and "\$5.15" for "\$4.90" in the first sentence of the second paragraph. The second 1955 amendment inserted in the first sentence of the last paragraph

the words "hunting, show, field trials and exhibition" and the words "hunting or." The second amendment also substituted in the last sentence of the last paragraph the words "furnished suitable kennel tags as prescribed by the commissioner of agriculture or his agent" for the words "ex-

empted from the provisions of this section requiring registration, numbering and coloring.”

The 1957 amendment substituted the words “who shall carry out” for the

words “and shall devote their time to the carrying out of” and inserted the words “and poultry” in the second sentence of the sixth paragraph.

Sec. 11. Dog kennels. — The commissioner of agriculture, his authorized agent, or duly authorized and appointed state humane agents, may at any time, enter any kennel, shelters or buildings used for the purpose of housing dogs and excepting any domicile and excepting any building used for human habitation heretofore recognized as not subject to search without warrant, and make examination and conduct any recognized test of the existence of any contagious or infectious disease or condition, and may quarantine such place, kennel or shelter in person or by registered mail and maintain such quarantine as long as the commissioner, his authorized agent, or duly authorized and appointed state humane agents, may deem necessary. Any kennel, shelter or place where dogs are housed or confined shall be maintained in a sanitary and humane manner and any records required by law shall be properly kept and available to the commissioner, his authorized agent, or duly authorized and appointed state humane agents, upon request.

Any person, firm or corporation violating any quarantine or maintaining dogs in an insanitary or inhumane condition, or not keeping records required by law shall be punished by a fine of not more than \$100 for each offense. (1949, c. 314. 1955, c. 234. 1957, c. 10.)

Effect of amendments. — The 1955 amendment rewrote this section.

applicable to duly authorized and appointed state humane agents.

The 1957 amendment made this section

Sec. 14. Unlicensed dogs; warrants; disposal.—The municipal officers of each city, town or plantation shall annually within 10 days from the 1st day of June issue a warrant, returnable in the 1st day of July following, to one or more police officers or constables, directing him or them to proceed forthwith to enter complaint and summons to court the owner or keeper of any unlicensed dog. The said police officer or constable shall, before entering such complaint and obtaining said summons, call on the owner or keeper of said dog and demand that he conform with the law and pay the license fees due, and if the owner pays such license fees, he shall pay in addition thereto the officer’s fee of \$2, which the officer shall retain and make return and pay over to the city or town clerk the license fees received by him.

(1955, c. 274. 1957, c. 189.)

Effect of amendments. — The 1955 amendment added the second sentence of the first paragraph; however, the 1957 amendment deleted the word “may” which formerly appeared as the seventh

word of such sentence and inserted the word “shall” in lieu thereof.

As the second paragraph was not changed by the amendments, it is not set out.

Sec. 18. Payment of damages done by dogs and wild animals; recovery from owner; keeping dogs that kill livestock and poultry.—Whenever any livestock, poultry or domestic rabbits, properly enclosed, owned by a resident of this state is killed or injured by dogs or wild animals, the owner, after locating such animal, animals or poultry or a sufficient part of each to identify the same, may make complaint thereof to the mayor of a city, or to one of the municipal officers of the town or plantation where such damage was done within 24 hours after he has knowledge of same. Thereupon, the municipal officers shall investigate the complaint and if satisfied such damage was committed by dogs or wild animals within the limit of their municipality, after viewing the evidence estimate the actual value of such animals or poultry according to the purposes for which they were kept, whether as breeders or other purposes, together with the dam-

age to any other animals or poultry being bitten, torn or chased or exhausted, and make returns on blanks furnished by the department of agriculture. Such returns shall be made in triplicate, the original and duplicate copies together with a bill from the claimant shall be mailed to the commissioner of agriculture or his duly authorized agent within 15 days from the date of investigation, and the triplicate shall be kept by the municipal clerk as his record.

A full description of all evidence seen by the investigator shall be plainly printed or written in triplicate on all reports and recommendations giving the number of animals or poultry, properly enclosed, with the estimated value and the number of each giving their ages, average live weight and any other information that will assist in making a fair adjustment.

When livestock, poultry or domestic rabbits, properly enclosed, are kept in an unincorporated place, the owner may make complaint to the municipal officers of the nearest municipality adjoining, or the nearest municipality when there is none adjoining who shall investigate the complaint.

Each report and recommendation must be signed by the investigator in the place provided for his or her signature. Such signature shall be construed to mean that the investigator has seen evidence legally establishing the liability of the state. All reports and recommendations must be signed by a majority of the municipal officials.

The commissioner of agriculture or his duly authorized agent shall approve the bill or, if it seems advisable, investigate and adjust the claim.

When the claim is approved by the commissioner of agriculture or his duly authorized agent, the same shall be paid by the state to the person sustaining such damage.

All dogs doing such damage and found without leather or metal collar and tag as required by law shall be deemed to be unlicensed. If investigation shows such dog or dogs to have been legally licensed, the state shall accept liability and adjust the damage.

The state may maintain an action on the case against the owner or keeper of the dogs to recover the amount paid unless, before the final disposition of the case, the said owner or keeper of the said dog produces satisfactory evidence that the dog has been killed.

Any person who keeps a dog that kills or injures any livestock, poultry or domestic rabbits shall be punished by a fine of not more than \$100 and costs unless, before the final disposition of the case, the said owner or keeper of the dog produces satisfactory evidence that the dog has been killed. (R. S. c. 88, § 16. 1945, c. 378, § 72. 1949, c. 118, §§ 1, 2. 1957, c. 186, § 1.)

Effect of amendment.—The 1957 amendment rewrote this section. Prior to the amendment the section applied to “sheep, lambs, domestic rabbits properly enclosed or other domestic animals”.

Sec. 19. Repealed by Public Laws 1957, c. 186, § 2.

Cross reference.—See now § 18 of this chapter for provisions relative to damages to poultry by dogs or wild animals.

Editor's note.—The act repealing this section, which section related to damages to poultry by dogs or wild animals, also rewrote § 18 of this chapter, making said § 18 applicable also to damages to poultry. However, P. L. 1957, c. 397, § 51, amended the last sentence of the first paragraph of repealed § 19 to read as follows: “The original shall be signed

by the investigator, and this and the duplicate, together with a bill from the claimant, shall be mailed to the commissioner of agriculture or his duly authorized agent within 15 days from the date of investigation, and the triplicate shall be kept by the town clerk as his record.” Since both the repealing act and the amending act of 1957 cannot be given effect in this section, the provisions of the amending act have been set out in this note.

Sec. 23. Stealing or killing dog.—Whoever steals or confines and secludes any dog, or willfully or negligently injures or willfully or negligently kills

any such dog, except as provided in section 24 and unless such killing be justifiable in the protection of persons, property or game, shall be liable to the owner in a civil action for the full value of the dog. (R. S. c. 88, § 21. 1953, c. 98. 1957, c. 5.)

Effect of amendment.—Prior to the 1957 amendment this section applied to registered dogs only. The amendment also cited § 24 in lieu of referring to “the following section.”

Sec. 24. Killing dogs chasing game or livestock or poultry.— Any inland fish and game warden, sheriff, deputy sheriff or constable may at any time lawfully kill any dog he may find in the act of hunting or chasing moose, caribou or deer, or he may find worrying, wounding or killing any livestock or poultry, when said dog is outside of the enclosure or immediate care of its owner or keeper. Any owner of livestock or poultry or any member of his family or any person to whom is entrusted the custody of any livestock or poultry shall have a right to kill any dog attacking any of said livestock or poultry. Any person having any evidence of any dog hunting or chasing moose, caribou or deer, or of any dog kept and used for that purpose, or of any dog worrying, wounding or killing any livestock or poultry, when said dog is outside of the enclosure or immediate care of his owner or keeper, may present said evidence to any trial justice or judge or recorder of any municipal court, which said trial justice, judge or recorder shall have power to issue a warrant against the owner of said dog, ordering him to appear before him and show cause why said dog should not be killed. Upon hearing the evidence in said case said court may order said dog killed. Any person may lawfully kill a dog which suddenly assaults him or another person when peaceably walking or riding. (R. S. c. 88, § 22. 1953, c. 223. 1957, c. 220.)

Effect of amendment.— The 1957 amendment substituted “livestock or poultry” for “domestic animal or fowl” in the first and third sentences, substituted “livestock or poultry” for “sheep or fowl” in three places in the second sentence, and made the last clause of the third sentence into a separate sentence.

Sec. 27. Persons buying or selling dogs to keep record.—All persons or kennels engaged in buying or selling dogs must keep record of from whom bought and to whom sold, which record shall be open to inspection by local police officers, humane agents, or the commissioner of agriculture or his agent. (1949, c. 279. 1955, c. 235.)

Effect of amendment.—The 1955 amendment made this section applicable to the commissioner of agriculture or his agent.

Pin Ball Machines.

Sec. 68-A. Unlawful without license.—It shall be unlawful for any person, firm, corporation or association to keep for public patronage, or to permit or allow the operation of, any pin ball machine, in or on any premises or location under his or its charge, control or custody without having first obtained a license therefor from the clerk of the municipality where located. (1957, c. 230.)

Sec. 68-B. Definition.—The term “pin ball machine” shall be only those machines nominally denominated as such which, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally for use as game, entertainment or amusement, whether or not registering a score, and which is operated for amusement only and does not dispense any form of pay off, prize or reward except free replays. (1957, c. 230.)

Sec. 68-C. License requirements.— The license required shall be obtained from said clerk upon the payment of an annual fee of \$5 for each prem-

ise on which such machine or machines shall be located and shall expire on June 30th of each year. The application for such license shall be made to the clerk upon a form supplied by him for that purpose and shall contain such information as he may require. No such license shall be granted to any person under the age of 21 nor to any firm, corporation or association whose officers are under said age. (1957, c. 230.)

Sec. 68-D. License posted. — The license required shall be posted securely and conspicuously on the premises for which it is granted. (1957, c. 230.)

Sec. 68-E. Nontransferable. — The license required shall not be transferable to any other person, firm, corporation or association, or from location to location, and shall be valid only at the location and for the person, firm, corporation or association designated therein. (1957, c. 230.)

Sec. 68-F. Minors under 16.—No person, firm, corporation or association holding a license under sections 68-A to 68-J, inclusive, shall permit or allow any person under the age of 16 to play or operate any such machine in or on the licensed premises except when accompanied by parent or guardian. (1957, c. 230.)

Sec. 68-G. Application.—Nothing in sections 68-A to 68-J, inclusive, shall in any way be construed to authorize, license or permit any gambling devices whatsoever or any mechanism that has been by the courts determined to be a gambling device or in any way contrary to law. (1957, c. 230.)

Sec. 68-H. Copy of license.—A copy of this license shall be forwarded to the local police department. (1957, c. 230.)

Sec. 68-I. Revocation; appeal.—Any such license may be revoked by the clerk:

I. When it has been made to appear to the clerk that there has been a violation of the terms of sections 68-A to 68-H, inclusive, or

II. When it has been made to appear to the clerk that the licensee himself or any of the officers of the firm, corporation or association are not proper persons to hold such a license, or

III. When it has been made to appear to the clerk that the premises for which the license was granted is not a proper location.

The licensee shall have the right to appeal in writing such revocation to the municipal officers within 10 days. Said municipal officers may, after hearing, affirm, modify or repeal the decision of said clerk, and failure of the licensee to appeal within the time designated shall be deemed to constitute a waiver of the right of appeal and shall constitute an affirmation of the revocation. (1957, c. 230.)

Sec. 68-J. Violation.—Any person, firm, or, in the case of a corporation or association, any official thereof, violating any of the provisions of 68-A to 68-I, inclusive, shall upon conviction be punished by a fine not exceeding \$25 for each offense, and each day such violation exists shall constitute a separate offense. (1957, c. 230.)

Drive-In Theaters.

Sec. 71-A. Traffic officer at drive-in theaters.—Anyone operating a drive-in theater, being an owner, lessee or tenant, shall employ a uniformed police officer or constable to direct traffic to any main highway from the theater. Said police officer or constable shall be stationed at the point where the theater exit or driveway connects with the main highway at the time the theater program shall be concluded and shall remain at that point for such time as motor vehicles are leaving the theater. Any person violating the provisions of this section shall be

punished by a fine of not more than \$100, or by imprisonment for not more than 90 days, or by both such fine and imprisonment. (1955, c. 388.)

Closing-Out Sales.

Sec. 79-A. License required to conduct closing-out sales, and requirements for obtaining.—No person or persons shall offer for sale a stock of goods, wares or merchandise under the designation of “closing-out sale,” “going out of business sale,” “discontinuance of business sale,” “entire stock must go,” “must sell to the bare walls,” or other designation which states, directly or by implication, an intent by such person or persons to dispose of the entire stock of goods with a view to permanently terminating further business after such disposal is complete, unless such person or persons shall have first complied with the following requirements:

I. That such person or persons shall, before the beginning of such disposal sale, obtain, from the municipal officers of the city or town in which such sale shall be conducted, a license to conduct such sale. To obtain such license the applicant shall pay to the said municipal officers a fee of \$25 and shall file with said municipal officers, in writing and under oath, a complete inventory of all items to be included in such sale. Such license shall be valid and effective for a period of 60 days from date of issuance, unless revoked as hereinafter provided, and the validity of such license may be extended for a period of 60 additional days if the licensee shall furnish to the said municipal officers an affidavit to the effect that all goods, wares or merchandise listed in the above-mentioned inventory have not been disposed of within the original 60-day period.

II. That such person or persons shall affirm, in writing and under oath, to the said municipal officers that no merchandise shall be included in the stock offered for sale unless said merchandise shall have been in or at the place of business wherein or whereat such sale is to be conducted at the time of the opening of the sale.

III. Upon compliance with the requirements of this section, the municipal officers shall issue the license forthwith. (1955, c. 207, § 1.)

Sec. 79-B. Violations and penalties therefor.—Any licensee under the foregoing conditions, who shall in any way fail to comply with those conditions, or any person or persons who shall conduct such a disposal sale without first having obtained such license, shall 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, and each day on which a sale is conducted in violation of any of these provisions shall constitute a separate offense. (1955, c. 207, § 1.)

Sec. 79-C. Powers of municipal officers to revoke license.—The aforesaid municipal officers shall revoke any license issued in accordance with these regulations if the licensee shall be convicted of violating any of the foregoing provisions, and the municipal officers shall have the right to refuse to issue another license to any applicant who has, prior to application therefore, been convicted of violating any of the foregoing provisions. If any person convicted of any violation of the provisions of section 79-A shall appeal from the decision or sentence of the trial court, his license issued in accordance with these regulations shall be suspended during the time his appeal is pending in the appellate court. (1955, c. 207, § 1.)

Sec. 79-D. Limitations.—The foregoing provisions shall not apply to liquidation sales by public auction of not more than 3 days duration conducted by a licensed auctioneer, or sales conducted or made by sheriffs, deputy sheriffs, constables, collectors of taxes, executors, administrators, guardians, conservators, receivers, assignees under voluntary assignments for the benefit of creditors or in-

surers, or by any other person required by law to sell personal property. (1955, c. 207, § 1.)

Secs. 80-83. Repealed by Public Laws 1955, c. 207, § 2.

Auctions and Auctioneers.

Sec. 84. Resident licenses.—Every resident person, firm or corporation, desiring to do business in this state as an auctioneer, upon application in proper form and the payment of a sum of \$10 as a state license fee, shall receive and the secretary of state shall issue to such applicant a license to conduct auctions in any city, town, plantation or unorganized territory in the state; provided, however, any municipality may require a local license to hold auctions therein. (R. S. c. 88, § 73. 1953, c. 239. 1955, c. 378, § 1.)

Effect of amendment.—The 1955 amendment added the proviso at the end of the section.

Sec. 87. Application for local license; fee.

If such auction sale is to be conducted in an unorganized township or in a plantation, the application to conduct such sale shall be directed to the secretary of state, and the same information required to be furnished to the clerk of a city or town for a local license shall be furnished the secretary of state, together with the same fee of \$5, who thereupon may issue such license for such auction sale; provided, however, any municipality requiring a local license of resident auctioneers under section 84 may require the same local license of nonresident auctioneers. (R. S. c. 88, § 76. 1953, c. 239. 1955, c. 378, § 2.)

Effect of amendment.—The 1955 amendment added the proviso at the end of the second paragraph. As the first paragraph was not changed, it is not set out.

Employment Offices.

Sec. 145. Employment agencies; license.—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. Such license shall be granted upon the payment to the city or town treasurer, annually, of a fee of \$100 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 1st to May 1st 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 in a building or upon premises where intoxicating liquors are sold or dispensed contrary to law, or which or part of which is used as an inn, lodging house or boardinghouse; nor shall any license be issued to any person directly or indirectly interested in the sale of intoxicating liquors. The application for such license shall be filed with the municipal officers at least 1 week prior to the date of hearing thereon, and the municipal officers shall act upon any application within 30 days after the filing thereof. Each application shall be accompanied by the affidavits of 2 persons who have known the applicant, or the chief officers thereof if a corporation, for 2 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 5 years prior to the date of such application. (R. S. c. 88, § 114. 1957, c. 139, § 1.)

Effect of amendment. — The 1957 amendment deleted the former second sentence relative to fine and imprisonment and increased the fee in the present second sentence from \$25 to \$100.

Sec. 148. Receipt given to applicants for employment.—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 50% of the first full week's wages, a receipt, 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. The person 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. (R. S. c. 88, § 117. 1957, c. 139, § 2.)

Effect of amendment. — The 1957 amendment changed the maximum fee from "\$1.00 if paid in advance, or \$1.25 if charged" to "50% of the first full week's wages" in the first sentence, and deleted the former third sentence which provided for the return of the fee if no employment was obtained.

Sec. 148-A. Method of payment of fee for placement.—If placement fee is paid weekly, 1/6 of such fee shall be paid each week for the first 6 weeks of employment; if paid semi-monthly, 1/3 of the fee shall be paid for the first 3 paydays; if paid monthly, 1/2 of the fee shall be paid for the first 2 paydays. (1957, c. 139, § 2-A.)

Sec. 149. No person sent to place of bad repute; questionable characters not permitted to frequent agency.—No licensee under the provisions of section 145 shall send, or cause any applicant 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, 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 made by or on behalf of any child for, or shall place or assist in placing any child in, any employment in violation of law. (R. S. c. 88, § 118. 1957, c. 139, § 3.)

Effect of amendment. — The 1957 amendment deleted the words "female help or servant, or inmate or performer" and substituted the word "applicant" in lieu thereof in the first sentence of this section.

Sec. 151. Penalty and jurisdiction.—Whoever violates any provision of sections 145 to 152, inclusive, shall be punished by a fine of not more than \$500, or by imprisonment for not more than 11 months, or by both. 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 of not more than 30 days. Any municipal officer may institute criminal proceedings to enforce the provisions of said sections. (R. S. c. 88, § 120. 1957, c. 139, § 4.)

Effect of amendment. — The 1957 amendment deleted from the first sentence a former clause which read "except as otherwise provided", and substituted "\$500, or by imprisonment for not more than 11 months, or by both" in lieu of "\$25 with costs of prosecution" in such sentence.

Wood and Bark.

Secs. 165-171. Repealed by Public Laws 1957, c. 260, § 4.

Cross reference.—For Maine weights and measures law, see c. 32-A, § 37. sale of wood by the load, see c. 32-A, § 37.

Coal and Coke.

Secs. 172, 173. Repealed by Public Laws 1957, c. 260, § 4.

Cross reference.—For Maine weights and measures law, see c. 32-A. See in particular c. 32-A, § 36 re coal, coke and charcoal.

Oils.

Sec. 200. Deception as to price prohibited.

Retail sale of gasoline not per se affected with public interest.—The retail sale of gasoline per se is not a business so affected with the public interest that it warrants exercise of police power without evidence of particular evil. *State v. Union Oil Co.*, 151 Me. 438, 120 A. (2d) 708, holding former section 200-A of this chapter, which pertained to signs stating price of motor fuel unconstitutional.

Sec. 200-A. Repealed by Public Laws 1957, c. 43.

Local Sealers of Weights and Measures.

Secs. 202-224. Repealed by Public Laws 1957, c. 260, § 5.

Cross reference.—For present provisions as to local sealers of weights and measures, see c. 32-A.

Measurers of Salt, Corn and Grain.

Sec. 225. Repealed by Public Laws 1957, c. 260, § 5.

Standard Weights and Measures.

Secs. 226, 227. Repealed by Public Laws 1957, c. 260, § 5.

Ice.

Sec. 228. Repealed by Public Laws 1957, c. 260, § 5.

Chapter 101.**Plantations.**

Sec. 5-A. Perambulation of boundary lines.—Sections 9 and 10 of chapter 90-A, which contain perambulation provisions for town lines, apply equally to plantations. (1957, c. 405, § 17.)

Sec. 10-A. Decoration of veterans' graves on Memorial Day.—Section 11 of chapter 90-A, which requires municipalities to decorate the graves of veterans of the armed forces of the United States of America on Memorial Day, applies equally to plantations. (1957, c. 405, § 19.)

Sec. 11-A. Accounting and postaudit provisions.—Sections 24 to 28 of chapter 90-A, which contain accounting and postaudit provisions for towns, apply equally to plantations. (1957, c. 405, § 16.)