

MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE

STATE OF MAINE

1954

1961 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 4

Discard Previous Pocket Part Supplement

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
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to keep any of such buildings, equipment, machinery or fixtures from deteriorating or being damaged by fire, freeze up or other casualties, or the harvesting, the storing, the transportation to storage and market of a perishable food product. For the purpose of this section, "person" means any individual, corporation or unincorporated association, including partnerships and labor organizations. Whoever violates this section shall be punished by a fine of not more than \$250 or by imprisonment for not more than 30 days, or by both. (1961, c. 298.)

Chapter 137.

Crimes against Public Health, Safety and Policy.

- Section 18-A. Electric Fences.
 Section 20-A. Dangerous Knives.
 Section 20-B. X-ray Shoe-fitting Machines.
 Section 32-A. Abandonment of Airtight Containers.
 Sections 32-B to 32-C. Unprotected Wells.
 Section 49-A. Settlements or Releases from Injured Persons.
 Sections 51-53. Budget Planning Commission.
 Section 54. Blind Persons with Guide Dogs.

Expectoration in Public Places.

Sec. 17. Spitting in public places. — 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 courthouse or courtroom, in any factory, in any public library or museum, in any church or theatre, in any lecture or music hall, in any ferry boat or steamboat, in any railroad car except a smoking car, in any interurban railroad car, in any public conveyance, 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 \$20. (R. S. c. 124, § 17. 1961, c. 395, § 51.)

Effect of amendment.—The 1961 amendment, effective on its approval, June 17, 1961, deleted "street or" preceding "interurban railroad car" in the first sentence.

Electric Fences.

Sec. 18-A. Use of electrical fences.—No person or individual shall sell, utilize, install or have installed within this state, equipment, devices or methods whereby fence wires may be energized with electricity unless a standard type of controller is used, which has the approval of the underwriter's laboratories and carries such label thereon or has the approved listing of the department of industrial cooperation at the university of Maine.

Any violation of 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. 263.)

Editor's note. — The act inserting this section became effective on approval, April 25, 1955.

Dangerous Knives.

Sec. 20-A. Dangerous knives.—It is unlawful for any person, firm or corporation to manufacture, or cause to be manufactured, possess, display, offer, sell, lend, give away or purchase any knife which has a blade which opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife; or any knife having a blade which opens or falls or is ejected into position by the force of gravity, or by an outward, downward or centrifugal thrust or move-

ment. Violation of this section shall, upon conviction, be a misdemeanor punishable by a fine of \$500 or by imprisonment not to exceed 90 days, or by both. (1959, c. 43, § 1.)

Editor's note.—P. L. 1959, c. 43, § 1, adding this section, provided in section 2 thereof as follows:

"Sec. 2. Application. Within 30 days

after the effective date of this act such knives are to be surrendered to any police officer." The act became effective on September 12, 1959.

X-ray Shoe-Fitting Machines.

Sec. 20-B. X-ray shoe-fitting machines.—No shoe-fitting device or machine which uses fluoroscopic, X-ray or radiation principles shall be operated or maintained. Whoever violates the provisions of this section shall be punished by a fine of not more than \$100. (1959, c. 78; c. 363, § 47.)

Fireworks.

Sec. 21. Sale of fireworks.

IX. To the sale to, and use of fireworks by, agricultural growers for the protection of crops, provided a permit has been obtained for this purpose from the insurance commissioner. The commissioner shall promulgate regulations for the protection of the public governing the purchase, use and storage of fireworks by agricultural growers. The regulations shall include the size, type and explosive content of the fireworks; areas in which they may be used; and the season of the year during which a permit is valid. The commissioner may charge a fee of not more than \$2 for the permit, which fee shall be used to enforce this section. The fees shall be credited to the division of state fire prevention and shall not lapse but shall remain a continuing, carrying balance. (R. S. c. 124, §§ 19, 20. 1949, c. 372. 1959, c. 301.)

Effect of amendment.—The 1959 amendment added subsection IX to this section.

Since the rest of the section was not affected by the amendment, it is not set out.

Sec. 27. Appeal. — Any person aggrieved by any decision of the insurance commissioner under sections 22 to 24, within 30 days after such decision may appeal therefrom to the superior court who shall forthwith, after notice and hearing, affirm or reverse such decision, and the finding of the court shall be final. (1949, c. 372. 1961, c. 317, § 467.)

Effect of amendment.—Prior to the 1961 amendment the appeal provided in this section was "to a justice of the superior court

in term time or vacation" and the finding was of "such justice".

Dangerous Use of and Deposits on Ways.

Sec. 28-A. Throwing, depositing and dumping of refuse; penalty; enforcement.—If any person shall put or place, or cause to be put or placed, in or upon any square, lane, alley, public bathing place or the approaches thereto, or into or on the ice over any public waters, streams or watercourse or other public place, except a public town dump, in any municipality any bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, old automobiles or parts thereof or similar refuse, he shall be punished by a fine of not more than \$50. Nothing in this section shall be construed as affecting authorized collections of such articles as garbage or refuse.

State and local enforcement officials are authorized to enforce this section. (1961, c. 177.)

Sec. 30. Dumping of rubbish in highways. — No person, firm or corporation shall throw, place or cause to be placed any waste material, bottles, rubbish or garbage of any nature within the limits of the right-of-way of any public highway; provided, however, that this section shall not apply to the proper

use of the right-of-way for highway purposes. If such throwing or placing was done from a motor vehicle, it shall be prima facie evidence that the throwing or placing was by the driver of such motor vehicle.

(1955, c. 206, § 1.)

Effect of amendment.—The 1955 amendment added the second sentence of the first paragraph. As the second and third paragraphs were not changed by the amendment, they are not set out.

Sec. 31. Throwing of bottles, etc., on highways. — Whoever throws or deposits on any public way or on land within the bounds of such way or property adjacent thereto any bottles or metal cans, except in proper containers placed for rubbish collection and removal, shall be punished by a fine of not more than \$50. If such throwing or depositing was done from a motor vehicle, it shall be prima facie evidence that the throwing or depositing was by the driver of the motor vehicle. (1953, c. 308, § 100. 1955, c. 206, § 2. 1957, c. 163.)

Effect of amendments. — The 1955 amendment substituted "\$50" for "\$10" at the end of the first sentence and added the second sentence. The 1957 amendment inserted the words "or property adjacent thereto" in the first sentence.

Abandonment of Airtight Containers.

Sec. 32-A. Abandonment of airtight containers.—Any person, firm or corporation abandoning or discarding in any public or private place accessible to children any chest, closet, piece of furniture, refrigerator, icebox or other article having a compartment of a capacity of 1½ cubic feet or more and having a door or lid which when closed cannot be opened easily from the inside, or who being the owner, lessee or manager of such place, knowingly permits such abandoned or discarded article to remain in such condition, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$50 or by imprisonment of not more than 30 days, or by both such fine and imprisonment. (1955, c. 138.)

Unprotected Wells.

Sec. 32-B. Definition.—The term "well" as used in this section and section 32-C shall mean a deep, narrow pit in the earth, usually walled, used for the purpose of obtaining a supply of water. (1961, c. 350.)

Sec. 32-C. Unprotected wells prohibited. — No person who owns or occupies land shall knowingly allow any well to remain open upon such land unless there is a substantial fence or other substantial enclosing barrier around such well or unless it is protected by a substantial covering which shall be securely fastened. Whoever violates this section shall be punished by a fine of not more than \$50 or by imprisonment of not more than 30 days, or by both. (1961, c. 350.)

Monopolies and Profiteering.

Sec. 44-A. Immunity of witnesses from prosecution. — If any person shall give testimony or evidence required of him in any court of this state or any federal court, with respect to contracts, combinations or conspiracies in restraint of trade or commerce or to monopolize or attempt to monopolize any part of the trade or commerce of this state, he shall not thereafter be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter or thing concerning such contracts, combinations or conspiracies about which he may testify or produce evidence, and no testimony or evidence produced shall be received against him upon any criminal action, investigation or proceeding instituted under the laws of this state. No person so testifying or producing evidence shall be

exempt from prosecution or punishment for perjury committed in so testifying. (1961, c. 280.)

Effective date.—P. L. 1961, c. 280, adding this section, became effective on its approval, May 10, 1961.

Sec. 45. Damages. — Whoever shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by sections 43 and 44 may sue therefor in a civil action and shall recover 3 times the damages by him sustained. (R. S. c. 124, § 39. 1961, c. 317, § 468.)

Effect of amendment.—The 1961 amendment substituted “sections 43 and 44” for “the 2 preceding sections” and “a civil ac-

tion” for “an action on the case” in this section.

Settlements or Releases from Injured Persons.

Sec. 49-A. Settlements or releases from injured persons confined in hospitals.—Except as provided in this section, no settlement or general release or statement in writing signed by any person confined in a hospital or sanitarium as a patient with reference to any personal injuries for which said person is confined in said hospital or sanitarium shall be admissible in evidence, used or referred to in any manner at the trial of any action to recover damages for personal injuries or consequential damages, so called, resulting therefrom, which statement, settlement or general release was obtained within 10 days after the injuries were sustained and such settlement or release shall be null and void. This section shall not apply to statements or releases obtained by police officers or inspectors of motor vehicles in the performance of their duty, members of the family of such person or by or on behalf of his attorney. This section shall not apply to chapter 31. (1959, c. 284.)

Notices Discriminating Against Persons.

Sec. 50. Discrimination by reason of race, color, religious creed, ancestry or national origin at places of public accommodation.—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, refuse, withhold from or deny to any person any of the accommodations, advantages, facilities or privileges thereof, or directly or indirectly, by himself or another, publish, issue, circulate, distribute or display in any way, any advertisement, circular, folder, letter, 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 race, color, religious sect, creed, class, denomination, ancestry or national origin, 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. The production of any such advertisement, circular, folder, letter, book, pamphlet, written or painted or printed notice or sign, purporting to relate to any such place and to be made by any person being the owner, or operator or an agent or employee of said owner or operator shall be presumptive evidence in any action that the same was authorized by such person.

A place of public accommodation, resort or amusement within the meaning of this section shall be deemed to include any establishment which caters or offers its services, facilities or goods to, or solicits patronage from the members of the general public, including but not limited to 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, bathhouse, barber shop, theater, music hall and any retail store.

Any person who shall violate any of this section or who shall aid in or incite, cause or bring about, in whole or in part, the violation of this section shall, for the first such offense, be punished by a fine of not more than \$100, or by imprisonment for not more than 30 days, or by both; and for each and every additional violation be punished by a fine of \$500, or imprisonment for not more than 30 days, or by both. (R. S. c. 124, § 44, 1959, c. 282.)

Effect of amendment.—The 1959 amendment rewrote this section.

Budget Planning Business.

Sec. 51. Budget planning business prohibited.—No person, firm, association or corporation shall engage in the business of budget planning. The provisions of sections 51 to 53, inclusive, shall not apply to those admitted to the practice of law. (1955, c. 408.)

Sec. 52. Definition.—“Budget planning” means the making of a contract with a particular debtor, whereby the debtor agrees to pay a certain amount periodically to the person engaged in the budget planning, who shall distribute the same among certain specified creditors in accordance with a plan agreed upon. (1955, c. 408.)

Sec. 53. Penalty.—Whoever, either individually or as the officer or employee of any person, corporation or association, violates any of the provisions of section 51 shall be punished by a fine of not more than \$500, or by imprisonment for not more than 6 months, or by both such fine and imprisonment. (1955, c. 408.)

Blind Persons with Guide Dogs.

Sec. 54. Blind persons with guide dogs.—Notwithstanding any provision of the law, any blind person accompanied by a trained guide dog, which is used as a leader or guide, shall be entitled to any and all accommodations, advantages, facilities and privileges of all public conveyances, public amusements and places of public accommodations, within this state to which persons not accompanied by dogs are entitled, subject only to the conditions and limitations applicable to all persons not accompanied by dogs, and no blind person shall be required to pay any charge or fare on account of the transportation on any public conveyance of himself and such dog so accompanying him, in addition to the charge or fare lawfully chargeable for his own transportation. The management of any such public conveyances, public amusements and places of public accommodations may require a blind owner of a guide dog to show written evidence that his dog has been educated, trained and intended, in fact, to perform such guide service for him; and the foregoing management may also require the owner to muzzle his guide dog while on their respective premises. Whoever deprives any blind person of any right conferred by this section shall be punished by a fine of not less than \$100 nor more than \$300. (1959, c. 127.)

Chapter 138.

Crimes against Marital or Family Status and Children.

Desertion and Nonsupport.

Sec. 1. Desertion of wife or children in destitute circumstances or willful nonsupport, when a felony; court may direct fine paid to wife; or may order respondent to make weekly payments; condition of recognition.

Courts having jurisdiction in the places of residence of any of the dependents