

# MAINE STATE LEGISLATURE

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August 5, 1941

Harry M. Putnam, Assistant Attorney General

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Specific authority for activity by the State Police appears in Section 3 of Chapter 267, Public Laws of 1941, which I quote:

"Sec. 26-A. Law enforcement at agricultural fairs.  
The chief of the state police shall assign members of the state police to special duty at all agricultural fairs for the purpose of enforcing the laws of the state.

All local and county law enforcement officers are hereby directed to cooperate with the state police.

In case the said chief of police discovers that any agricultural club, society, or fair association permits illegal sale of liquor, gambling or exhibitions of immoral shows at any such fair, he shall report the fact to the commissioner of agriculture who may on such report refuse to pay the stipend provided for in this chapter.

I do not find any specific list of crimes of gambling applicable to agricultural fairs alone, but the following are the statutes applying to gambling in general and would be likewise prohibited at fairs:

#### CHAPTER 136

#### GAMBLING

Sec. 1. Keeping a gambling-house or permitting gambling in house or shop; penalty. R.S. c. 127, s. 1.  
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 twelve of this chapter, or is found gambling or present as described in said section twelve, 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 one hundred dollars or by imprisonment for not more than four 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 this section. Trial justices and judges of municipal or police courts, shall have jurisdiction in all prosecutions for violations of this section.

15 Me. 237; 23 Me. 44; 85 Me. 237; \*99 Me. 498; 125 Me. 458.

Sec. 2. Gambling; penalty. R.S. c. 127, s. 2.

Whoever gambles, or bets on any person gambling, shall be punished by a fine of not less than one dollar, nor more than twenty dollars, to be recovered by complaint or indictment to the use of the prosecutor.

Sec. 3. Winning more than three dollars at one time by gambling; penalty. R.S. c. 127, s. 3. Whoever is convicted, by indictment found within six months of winning, at one time or sitting, by gambling, or by betting on persons gambling, money or goods of the value of three dollars or more, and of receiving or taking security therefor, forfeits to the town where the offense is committed, double the value of the property so won and received.

63 Me. 11.

Sec. 4. Pool selling; penalty. R.S. c. 127, s. 4.

Whoever engages or participates in pool selling, or aids or abets the same by his presence, shall be punished by a fine of not more than two thousand dollars, and by imprisonment for not more than two years.

Sec. 11. Sale of, offering for sale, soliciting orders for punch boards, seal cards, slot gambling machines, and other gambling apparatus, prohibited; penalty; enforcement of law, jurisdiction of offenses. 1926, c. 114.

No person shall travel from town to town, or from place to place, in any city, town, or plantation, on foot or by private or public conveyance, either by land or water, carrying or having in possession, or storing any punch board, seal card, slot gambling machine, or other implements, apparatus, or materials of any form of gambling, and no person shall solicit, obtain, or offer to obtain orders for the sale or delivery of any punch board, seal card, slot gambling machine, or other implements, apparatus, or material of gambling. Any person violating the provisions of this section shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than four months; and the municipal officers, constables, and police officers of towns and cities, the assessors of plantations, and licensed private detectives are required

promptly to enforce the provisions of this section and to make complaint against any person in their respective municipalities where there is probable cause to believe such person to be guilty of a violation of this section. Trial justices and judges of municipal or police courts shall have jurisdiction in all prosecutions for violation of this section.

### Search for Implements of Gambling

Sec. 12. Search warrants for implements of gambling, etc. R.S. c. 127, s. 11, 1923, c. 29. When a person makes oath before a trial justice, or judge of a municipal or police court that he has reason to suspect and does suspect that any tenement or other place is unlawfully used as and for a common gambling house, for the purpose of gambling for money or other property, or is kept, used or occupied for promoting a lottery, or for the sale of lottery tickets, or for promoting the game known as policy lottery, or policy, or for buying or selling of pools or registering of bets upon any race, game, contest, act or event, and that persons resort to the same for any such purpose, or that implements, apparatus, or materials intended to be used in any form of gambling are there kept or deposited, such magistrate, whether the names of the persons last mentioned are known to the complainant or not, shall issue a warrant, commanding the sheriff or any of his deputies or any constable or police officer to enter such tenement or other place, and to arrest the keepers thereof, all persons in any way assisting in keeping the same, whether as janitor, doorkeeper, watchman, or otherwise, all persons who are there found participating in any form of gambling and all persons present whether so participating or not, if any lottery, policy, or pool-tickets, slips, checks, manifold books or sheets, memoranda of any bet, or other implements, apparatus, or materials of any form of gambling are found in said place, and to take into their custody all the implements, apparatus, or materials of gambling, as aforesaid, and all the personal property, prizes, furniture, and fixtures, so that they may be forthcoming before some court or magistrate, to be dealt with according to law. All articles and property seized under the provisions of this section, or found in the possession or under the control of any person arrested for keeping or assisting in keeping a gambling-house or for gambling, shall be disposed of in the manner provided in the following section for the disposal of counterfeiting and burglars' tools; except prizes, furniture and fixtures, which shall be turned over to an officer to be sold as provided in section 18 following; and the finding in any tenement or other place of any lottery, policy, or pool-

tickets, slips, checks, manifold books or sheets, memoranda of any bet, or other implements, apparatus, or materials of any form of gambling shall be prima facie evidence that said tenement or other place is occupied, used, kept, and resorted to for the purpose of gambling.

Sec. 13. Tools and implements for gambling, counterfeiting, and burglars' tools, forfeited. R.S. c. 127, s. 12. 1919, c. 101. All tools, machines, dies, plates, or materials provided for making counterfeit or spurious coin, or for forging bank-notes or other instruments; all burglars' tools or implements prepared or designed for burglary; all lottery tickets or materials for a lottery or procured for the purpose of a lottery; all gambling apparatus or implements for gambling, and all moneys therein contained, and prizes, furniture and fixtures, shall, when the same are found and taken by virtue of a search warrant, or are found in the possession or under the control of any person arrested for forgery, counterfeiting, burglary, selling lottery tickets, or gambling, be safely kept by the direction of the court or magistrate having cognizance of the case so long as may be necessary for their being used as evidence on any trial. All such articles, devices, tools, and materials, except prizes, furniture and fixtures, shall thereupon be declared forfeited by said court, and ordered destroyed, and shall by order of the court rendering final judgment be turned over to the sheriff of the county where the seizure was made, or to such of his deputies as the court shall order, by any officer competent to serve the process on which they were seized, who shall forthwith make return accordingly to said court; and said sheriff, or his said deputy, shall receipt to said officer therefor. As soon thereafter as may be said sheriff, or his said deputy receiving said forfeited articles, shall burn or otherwise destroy them, and make return to said court as to how he executed its order; provided, however, that all moneys, prizes, furniture and fixtures, so seized shall be declared forfeited to the county in which they were seized, and turned over to an officer to be sold as provided in section 13 following, and in all cases where an officer may seize tools, machines, dies, plates, or materials provided for making counterfeit or spurious coin, or for forging bank-notes or other instruments; burglars' tools or implements prepared or designed for burglary; lottery tickets or materials for a lottery or procured for the purpose of a lottery;

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gambling apparatus or implements for gambling and all moneys therein contained, prizes, furniture and fixtures, upon a warrant, he may seize the same without a warrant and keep them in some safe place for a reasonable time until he can procure such warrant.

See 18; c. 130, s. 6; c. 132, s. 6; 79 Me. 549;  
\*95 Me. 5181

*Above statute contains amendments through the 1941 Laws.*

Assistant Attorney General