

MAINE STATE LEGISLATURE

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SEVENTY-SECOND LEGISLATURE

HOUSE.

No. 472

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND FIVE.

AN ACT to amend chapter one hundred and twenty-six of the
Revised Statutes relating to gambling.

*Be it enacted by the Senate and House of Representatives in
Legislature assembled, as follows:*

Section 1. Section 1 of chapter one hundred and twenty-
2 six of the Revised Statutes is hereby stricken out and the
3 following section is hereby inserted in its stead:

‘Section 1. Whoever keeps or assists in keeping a gamb-
5 ling house, or tenement or other place occupied, used, kept
6 or resorted to for the purposes described in section eleven
7 of chapter one hundred and twenty-six of the Revised Stat-
8 utes as amended by section two of this act, or is found gamb-
9 ling or present as described in said section eleven so amended
10 as aforesaid, or permits any person to gamble in any way
11 in any tenement or other place under his care or control, shall

12 be punished by a fine of not more than one hundred dollars
13 or by imprisonment for not more than four months; and the
14 municipal officers, constables and police officers of towns and
15 cities, and the assessors of plantations, are required promptly
16 to enforce the laws against gambling rooms, and to make
17 complaint against any person in their respective municipali-
18 ties when there is probable cause to believe such person to
19 be guilty of a violation of this section. Trial justices and
20 judges of municipal or police courts, shall have jurisdiction
21 in all prosecutions for violations of this section.'

Sect. 2. Section eleven of chapter one hundred and twenty-
2 six of the Revised Statutes is hereby stricken out and the
3 following section is hereby inserted in its stead:

'Section 11. When a person makes oath before a trial jus-
5 tice or judge of a municipal or police court that he has
6 reason to suspect and does suspect that any tenement or other
7 place is unlawfully used as and for a common gambling
8 house, for the purpose of gambling for money or other prop-
9 erty, or is kept, used or occupied for promoting a lottery,
10 or for the sale of lottery tickets, or for promoting the game
11 known as policy lottery or policy, or for the buying or selling
12 of pools or registering of bets upon any race, game, contest,
13 act or event, and that persons resort to the same for any such
14 purpose, such magistrate, whether the names of the persons
15 last mentioned are known to the complainant or not, shall
16 issue a warrant commanding the sheriff or any of his depu-
17 ties or any constable or police officer to enter such tenement
18 or other place, and to arrest the keepers thereof, all persons
19 in any way assisting in keeping the same, whether as janitor,

20 door keeper, watchman, or otherwise, all persons who are
21 there found participating in any form of gambling and all
22 persons present whether so participating or not, if any lot-
23 tery, policy or pool tickets, slips, checks, manifold books or
24 sheets, memoranda of any bet, or other implements, apparatus
25 or materials of any form of gambling are found in said
26 place, and to take into their custody all the implements,
27 apparatus or materials of gambling, as aforesaid, and all the
28 personal property, furniture and fixtures, so that they may
29 be forthcoming before some court or magistrate to be dealt
30 with according to law. All articles and property seized
31 under the provisions of this section, or found in the posses-
32 sion or under the control of any person arrested for keeping
33 or assisting in keeping a gambling house or for gambling,
34 shall be disposed of in the manner provided in the following
35 section for the disposal of counterfeiting and burglars' tools;
36 and the finding in any tenement or other place of any lottery,
37 policy or pool tickets, slips, checks, manifold books or sheets,
38 memoranda of any bet, or other implements, apparatus or
39 materials of any form of gambling shall be prima facie evi-
40 dence that said tenement or other place is occupied, used,
41 kept and resorted to for the purpose of gambling.'

Sect. 3. Section twelve of chapter one hundred and twenty-
2 six of the Revised Statutes is hereby amended by striking
3 out in the fourth, fifth and sixth lines thereof the words "all
4 lottery tickets or materials for a lottery or procured for the
5 purpose of a lottery; all gambling apparatus or implements
6 used, procured or kept to be used in gambling," and by strik-
7 ing out in the eighth and ninth lines of said section the

8 words "selling lottery tickets or gambling" so that said sec-
9 tion as amended shall read as follows:

'Section 12. All tools, machines, dies, plates or materials
11 provided for making counterfeit or spurious coin, or for forg-
12 ing bank notes or other instruments; all burglar's tools or
13 implements prepared or designed for burglary, shall, when
14 the same are found and taken by virtue of a search warrant,
15 or are found in the possession or under the control of any
16 person arrested for forgery, counterfeiting, or burglary, be
17 safely kept by the direction of the court or magistrate hav-
18 ing cognizance of the case, so long as may be necessary for
19 their being used as evidence on any trial, and as soon as may
20 be afterward, they shall be burned or otherwise destroyed by
21 order of such court or magistrate, or of a justice of the
22 supreme judicial or superior court.'

Sect. 4. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,
Augusta, March 9, 1905.

Reported by Mr. NEWCOMB from Committee on Judiciary and
ordered printed under joint rules.

E. M. THOMPSON, *Clerk*.