

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-SIXTH LEGISLATURE

HOUSE

NO. 518

House of Representatives, March 14, 1913.

*Reported by Mr. Maxwell from Committee on Public Health,
and ordered printed under joint rules.*

W. R. ROIX, Clerk.

STATE OF MAINE

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

AN ACT limiting and defining the liabilities of Keepers of
Hotels, Inns and Boarding Houses.

Be it enacted by the People of the State of Maine, as follows:

Section 1. No innkeeper, hotelkeeper or boarding house
2 keeper whether individual, partnership or corporation, who
3 constantly has in his inn or hotel or boarding house a metal
4 safe or suitable vault in good order, and fit for the custody
5 of money, bank notes, jewelry, articles of gold and silver
6 manufacture, precious stones, personal ornaments, railroad
7 mileage books or tickets, negotiable or valuable papers, and
8 bullion, and who keeps on the doors of the sleeping rooms
9 used by guests suitable locks or bolts, and on the transoms
10 and windows of said rooms suitable fastenings, and who

11 keeps a copy of this section printed in distinct type constantly
12 and conspicuously posted in not less than ten conspicuous
13 places in all in said hotel or inn, shall be liable for the loss
14 or injury suffered by any guest, unless such guest has
15 offered to deliver the same to such innkeeper, hotelkeeper
16 or boarding house for custody in such metal safe or vault,
17 and such innkeeper, hotelkeeper or boarding house keeper
18 has omitted or refused to take it and deposit it in such safe
19 or vault for custody and to give such guest a receipt there-
20 for. Provided, however, that the keeper of any inn, hotel
21 or boarding house shall not be obliged to receive from any
22 one guest for deposit in such safe or vault any property
23 hereinbefore described exceeding a total value of three hun-
24 dred dollars, and shall not be liable for any excess of such
25 property, whether received or not.

Sect. 2. But such innkeeper, hotelkeeper or boarding house
2 keeper may by special arrangement with a guest receive for
3 deposit in such safe or vault any property upon such terms
4 as they may agree to in writing, but every innkeeper, hotel-
5 keeper or boarding house keeper shall be liable for any loss
6 of the above enumerated articles of a guest in his inn, hotel
7 or boarding house after said articles have been accepted
8 for deposit if caused by the theft or negligence of the inn-
9 keeper, hotelkeeper or boarding house keeper or any of his
10 servants.

Sect. 3. It shall be the duty of every guest and of every
2 one intending to be a guest of any hotel or inn in this state,

3 upon delivering to the proprietor of such hotel or inn or to
4 his servants, any baggage or other articles of property of
5 such guest for safe keeping (elsewhere than to the room
6 assigned to such guest), to demand, and of such hotel pro-
7 prietor to give, a check or receipt therefor in such case, to
8 evidence the fact of such delivery; and no such proprietor
9 shall be liable for the loss of or injury to such baggage
10 or other article of property of this guest, unless the same
11 shall have been actually delivered by such guest to such
12 proprietor or to his servants for safe keeping, or unless
13 such loss or injury shall have occurred through the negli-
14 gence of such proprietor, or by his servants or employees
15 in such hotel.

Sect. 4. The liability of the keeper of any inn or hotel,
2 whether individual, partnership, or corporation, for loss
3 of or injury to personal property placed by his guests under
4 his care, other than that described in the preceding sections,
5 shall be that of a depository for hire, except that in case
6 such loss or injury is caused by fire not intentionally pro-
7 duced by the innkeeper or his servants, such keeper shall not
8 be liable. Provided, however, that in no case shall such
9 liability exceed the sum of one hundred and fifty dollars
10 for each trunk and its contents, fifty dollars for each valise
11 and its contents, and ten dollars for each box, bundle, or
12 package, and contents, so placed under his care, and all
13 other miscellaneous effects including wearing apparel and
14 personal belongings, fifty dollars, unless he shall have con-

15 sented in writing with such guest to assume a greater
16 liability.

And provided, further, whenever any person shall suffer
18 his baggage or property to remain in any inn, hotel or
19 boarding house after leaving the same as a guest, and after
20 the relation of keeper and guest between such guest and the
21 proprietors of such inn or boarding house or hotel has
22 ceased, or shall forward the same to such inn, hotel or
23 boarding house before becoming a guest thereof and the
24 same shall be received into such inn or boarding house or
25 hotel, such innkeeper may at his option hold such baggage
26 or property at the risk of such owner.

Sect. 5. The keeper of any inn or hotel, whether indi-
2 vidual, partnership or corporation, shall have a lien on the
3 baggage and other property in and about such hotel or inn
4 belonging to or under the control of his guests or boarders
5 for the proper charges due him from such guests or boarders
6 for the accommodation, board and lodging, and for all
7 money paid for or advanced to them, and for such other
8 extras as are furnished at their request, and said innkeeper
9 or boarding house keeper shall have the right to detain such
10 baggage and other property until the amount of such charges
11 is paid, and such baggage and other property shall be ex-
12 empt from attachment or execution until such keeper's lien
13 and the cost of satisfying it are satisfied.

Section 6. The innkeeper, boarding house keeper or hotel-
2 keeper shall retain such baggage and other property upon

3 which he has a lien for a period of ninety days, at the ex-
4 piration of which time, if such lien is not satisfied, he may
5 sell such baggage and other property at public auction, after
6 giving ten days' notice of the time and place of sale in a
7 newspaper of circulation in the county where the inn, board-
8 ing house or hotel is situated, and also by mailing a copy of
9 such notice addressed to said guest or boarder at the place
10 of residence registered by him in the register of such inn,
11 hotel or boarding house.

Sect. 7. And after satisfying the lien and any costs that
2 may accrue, any residue remaining shall, on demand within
3 six months, be paid to such guest or boarder, and if not so
4 demanded within six months from date of such sale, such
5 residue shall be deposited by such inkeeper, boarding house
6 keeper or hotelkeeper with the treasurer of the county in
7 which the inn, hotel or boarding house is situated, together
8 with a statement of such keeper's claim and the cost of en-
9 forcing same, a copy of the published notice, and of the
10 amounts received for the goods sold at said sale; said resi-
11 due shall by said county treasurer be credited to the general
12 revenue fund of said county, subject to a right of said
13 guest or boarder, or his representative, to reclaim at any
14 time within three years of date of deposit with said treas-
15 urer.

Sect. 8. Any person who shall obtain food, lodging or
2 other accommodations at any hotel, inn, boarding house or
3 eating house with intent to defraud the owner or keeper

4 thereof, shall be fined not exceeding one hundred dollars, or
5 be imprisoned in the county jail not exceeding three months.

Sect. 9. Proof that lodging, food or other accommodations
2 were obtained by false pretense, or by false or fictitious
3 show or pretense of any baggage or other property, or that
4 the person refused or neglected to pay for such food, lodg-
5 ing or other accommodation on demand, or that he gave in
6 payment for such food, lodging or other accommodation
7 negotiable paper on which payment was refused, or that he
8 absconded without paying or offering to pay for such food,
9 lodging or other accommodation, or that he surreptitiously
10 removed or attempted to remove his baggage, shall be prima
11 facie proof of the fraudulent intent mentioned in section
12 8; but this act shall not apply where there has been an
13 agreement in writing for delay in payment for a period to
14 exceed ten days.

Sect. 10. It shall be the duty of every hotel, inn, or board-
2 ing house keeper within this state, to keep a copy of section
3 8, and of section 9 printed in distinct type posted in not less
4 than ten conspicuous places in said hotel, inn, boarding or
5 eating house.

Sect. 11. All acts or parts of acts inconsistent with this
2 act are hereby repealed.