

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

SENATE

NO. 307

In Senate, Feb. 14, 1913.

*Reported by Senator Hersey from Committee on Judiciary,
and ordered printed.*

W. E. LAWRY, Secretary.

STATE OF MAINE

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

AN ACT amendatory of and additional to Chapter twenty-
two of the Revised Statutes relating to Nuisances.

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

Section 1. Section one of chapter twenty-two of the Re-
vised Statutes is hereby amended by striking out all thereof
after the words "county attorney" in the seventh line, and
inserting in place thereof the following: 'or by any citizen,
setting forth any of the facts contained herein, to restrain,
enjoin or abate the same, and an injunction for such pur-
pose may be issued by said court or any justice thereof.
Such injunction shall be recorded within thirty days in the
registry of deeds in the county where said nuisance is lo-
cated and shall forever run against the building or other

11 place or structure in which said nuisance is committed and
12 the land upon which it is located. Said injunction shall
13 also forever restrain all persons against whom it runs from
14 committing any of the nuisances therein specified in any
15 place or places within the state. If said court finds that
16 any such information filed by a citizen other than the county
17 attorney is filed without reasonable ground or cause for the
18 same, costs may be taxed against the informant for the
19 benefit of the respondents. If the information is sustained,
20 costs shall be taxed for the informant, including reasonable
21 attorney's fees when the information is filed by a citizen
22 other than the county attorney. No dismissal of such in-
23 formation or complaint shall prevent action upon any infor-
24 mation or complaint subsequently filed covering the same
25 subject matter,' so that said section as amended shall read
26 as follows:

'Section 1. All places used as houses of ill-fame, or for
28 the illegal sale or keeping of intoxicating liquors, or resorted
29 to for lewdness or gambling; all houses, shops or places
30 where intoxicating liquors are sold for tippling purposes,
31 and all places of resort where intoxicating liquors are kept,
32 sold, given away, drank or dispensed in any manner not
33 provided for by law, are common nuisances. The supreme
34 judicial court shall have jurisdiction in equity, upon infor-
35 mation filed by the county attorney or by any citizen, set-
36 ting forth any of the facts contained herein, to restrain,
37 enjoin or abate the same, and an injunction for such pur-

38 pose may be issued by said court or any justice thereof.
39 Such injunction shall be recorded within thirty days in the
40 registry of deeds in the county where said nuisance is lo-
41 cated and shall forever run against the building or other
42 place or structure in which said nuisance is committed and
43 the land upon which it is located. Said injunction shall
44 also forever restrain all persons against whom it runs from
45 committing any of the nuisances therein specified in any
46 place or places within the state. If said court finds that
47 any such information filed by a citizen other than the county
48 attorney is filed without reasonable ground or cause for the
49 same, costs may be taxed against the informant for the
50 benefit of the respondents. If the information is sustained,
51 costs shall be taxed for the informant, including reasonable
52 attorney's fees when the information is filed by a citizen
53 other than the county attorney. No dismissal of such in-
54 formation or complaint shall prevent action upon any in-
55 formation or complaint subsequently filed covering the same
56 subject matter.'

Chapter twenty-two of the Revised Statutes is hereby fur-
58 ther amended by the addition of the following sections:

'Sect. 2. In case of the violation of any injunction granted
60 under the provisions of this act, the court, or in vacation,
61 a justice thereof, may summarily try and punish the of-
62 fender. The proceedings shall be commenced by filing
63 with a clerk of the supreme judicial court an information
64 under oath, setting out the alleged facts constituting such

65 violation, upon which the court or justice thereof shall cause
66 a warrant to issue, under which the defendant shall be
67 arrested. The trial may be had upon affidavits, or either
68 party may demand the production and oral examination of
69 the witnesses. A party found guilty of contempt under the
70 provisions of this section, shall be punished by a fine of
71 not less than two hundred nor more than one thousand dol-
72 lars, or by imprisonment in the county jail not less than
73 three nor more than six months, or by both fine and im-
74 prisonment.

‘Sect. 3. If the existence of the nuisance be established
76 by proceedings as provided for in this act, an order of
77 abatement shall be entered as a part of the judgment in
78 the case, which order shall direct the removal from the
79 building or place of all fixtures, furniture, musical instru-
80 ments, gambling implements, all intoxicating liquors, bot-
81 tles, glasses, kegs, pumps, bars and other movable property
82 kept in and used in maintaining the nuisance, and shall
83 direct the sale of all said property, except the intoxicating
84 liquors, which shall be disposed of as provided in chapter
85 29, section 53, Revised Statutes, in the manner provided
86 for the sale of chattels under execution, and the effectual
87 closing of the building or place against its use for any pur-
88 pose, and so keeping it closed for a period of one year,
89 unless sooner released. If any person shall break and enter
90 or use a building, erection or place so directed to be closed,
91 he shall be punished as for contempt as provided in the pre-

92 ceding section. For removing and selling the movable prop-
93 erty, the officer shall be entitled to charge and receive the
94 same fees as he would for levying upon and selling like
95 property on execution, and for closing the premises and
96 keeping them closed, a reasonable sum shall be allowed by
97 the court.

‘Sect. 4. The proceeds of the sale of the personal prop-
99 erty, as provided in the preceding section, shall be applied
100 in payment of the costs of the action and abatement, and
101 the balance, if any, shall be forfeited to the county.

‘Sect. 5. If the owner appears and pays all costs of the
103 proceeding, and files a bond with sureties to be approved
104 by the court in the full value of the property, to be ascer-
105 tained by the court, conditioned that he will immediately
106 abate said nuisance and prevent the same from being es-
107 tablished or kept therein within a period of one year there-
108 after, the court, or, in vacation, a justice thereof, may, if
109 satisfied of his good faith, order the premises closed under
110 the order of abatement to be delivered to said owner, and
111 said order of abatement cancelled so far as the same may
112 relate to said property; and if the proceeding be an action
113 in equity and said bond be given and costs therein paid
114 before judgment and order of abatement, the action shall
115 be thereby abated as to said building only. The release
116 of the property under the provisions of this section shall
117 not release it from judgment, lien, penalty or liability to
118 which it may be subject by law.’