

# MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

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HOUSE NO. 468

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*In House of Representatives, March 2, 1915.*

*Reported by Mr. St. Clair from Special Committee on Revision of Statutes and ordered printed under joint rules.*

*C. C. HARVEY, Clerk.*

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND FIFTEEN

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AN ACT to Consolidate Sections fourteen and thirty-eight of Chapter forty of the Revised Statutes Relating to the Penalty for Unlawful Use of Containers Marked with Registered Devices, and to Amend Section thirty-nine of said Chapter Relating to Search Warrants Therefor.

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

Section 1. Section thirty-eight of chapter forty of the  
2 revised statutes is hereby amended by inserting after the  
3 word "vessel" in the fourth line the words 'or any such can  
4 of a capacity of not less than five gallons used in the sale of  
5 kerosene, refined petroleum, gasoline or other burning or  
6 illuminating oils or fluids,' so that said section as amended  
7 shall read as follows:

'Sect. 38. Whoever knowingly and wilfully without the  
9 written consent of an owner who has complied with the  
10 provisions of the preceding section, uses, buys, sells, fills or  
11 traffics in any such syphon, box, can, bottle, keg or other  
12 vessel, or any such can of a capacity of not less than five  
13 gallons, used in the sale of kerosene, refined petroleum,  
14 gasoline or other burning or illuminating oils or fluids, so  
15 marked as aforesaid, or defaces, covers up or obliterates the  
16 names, marks or devices thereon, with intent to use, fill,  
17 buy, sell, dispose of or traffic therein, or to convert the same  
18 to his own use, shall on complaint be punished by imprison-  
19 ment for not more than thirty days or by fine of not more  
20 than twenty dollars, and fifty cents additional for each such  
21 siphon, box, can, bottle, keg or other vessel or such can  
22 of a capacity of not less than five gallons, so used, bought,  
23 sold, filled, trafficked in or disposed of, or by both such im-  
24 prisonment and fine in the discretion of the magistrate hear-  
25 ing the complaint; and the said magistrate on finding such  
26 person or persons guilty shall impose the punishment here-  
27 in prescribed and shall award possession of the property  
28 taken to the owner thereof.'

Sect. 2. Section fourteen of chapter forty of the revised  
2 statutes is hereby repealed.

Sect. 3. Section thirty-nine of chapter forty is hereby  
2 amended by inserting after the word "vessels" in the fifth  
3 line of said section the words 'or any of his or said corpo-  
4 ration's cans of a capacity of not less than five gallons, used  
5 in the sale of kerosene, refined petroleum, gasoline or other

6 burning or illuminating oils or fluids,' so that said section  
7 as amended shall read as follows:

'Sect. 39. Whenever any person in his own behalf or in  
9 behalf of any corporation shall make complaint on oath to  
10 any magistrate or court authorized to issue warrants in crim-  
11 inal cases, that he has reason to believe and does believe that  
12 any of his or said corporation's syphons, boxes, cans, bot-  
13 tles, kegs or other vessels, or any of his or said corporation's  
14 cans of a capacity of not less than five gallons used in the  
15 sale of kerosene, refined petroleum, gasoline or other burn-  
16 ing or illuminating oils or fluids, a description of the names,  
17 marks or devices whereon has been so filed and published  
18 as aforesaid, are being unlawfully used, filled, bought, sold,  
19 disposed of or trafficked in, or unlawfully had by any per-  
20 son or corporation manufacturing or selling said beverages,  
21 oils, fluids, or liquids, or by any junk dealer or dealer in  
22 second-hand articles, or by any vendor for such syphons,  
23 boxes, cans, bottles, kegs or other vessels, or cans of a  
24 capacity of not less than five gallons used for the purposes  
25 aforesaid, the said magistrate shall thereupon issue a search  
26 warrant to search therefor.'