

MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

HOUSE

NO. 306

House of Representatives, Feb. 14, 1917.

Referred to Committee on Temperance and one thousand copies ordered printed. Sent up for concurrence.

W. R. ROIX, Clerk.

Presented by Mr. Bragdon of Westbrook.

STATE OF MAINE

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

AN ACT to Amend Sections One, Two and Four of Chapter
Twenty-three 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-three of the Re-
vised Statutes is hereby amended by striking out all thereof
after the words "county attorney" in the seventh line, and
substituting in place therefor the following: 'or upon peti-
tion of not less than seven legal voters of his county, set-
ting 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

10 registry of deeds in the county where said nuisance is lo-
11 cated and shall forever run against the building or other
12 place or structure in which said nuisance is committed. No
13 dismissal of such information or complaint shall prevent
14 action upon any information or complaint subsequently filed
15 covering the same subject matter,' so that said section as
16 amended shall read as follows:

'Sect. 1. All places used as houses of ill-fame, or for the
2 illegal sale or keeping of intoxicating liquors, or resorted
3 to for lewdness or gambling; all houses, shops or places
4 where intoxicating liquors are sold for tippling purposes,
5 and all places of resort where intoxicating liquors are kept,
6 sold, given away, drank or dispensed in any manner not
7 provided for by law, are common nuisances. The supreme
8 judicial court shall have jurisdiction in equity, upon infor-
9 mation filed by the county attorney or upon petition of not
10 less than seven legal voters of his county, setting forth any
11 of the facts contained herein, to restrain, enjoin or abate
12 the same, and an injunction for such purpose may be issued
13 by said court or any justice thereof. Such injunction shall
14 be recorded within thirty days in the registry of deeds in
15 the county where said nuisance is located and shall forever
16 run against the building or other place of structure in which
17 said nuisance is committed. No dismissal of such infor-
18 mation or complaint shall prevent action upon any infor-
19 mation or complaint subsequently filed covering the same
20 subject matter.'

Sect. 2. Section two of said chapter twenty-three is hereby amended by striking out the whole of said section and substituting therefor the following: 'Whoever keeps or maintains such nuisance shall be fined not less than two hundred nor more than one thousand dollars, and in addition thereto be imprisoned not less than sixty days nor more than one year, and in default of payment of said fine shall be imprisoned for an additional term of not less than sixty days and not more than one year,' so that said section as amended shall read as follows:

'Sect. 2. Whoever keeps or maintains such nuisance shall be fined not less than two hundred nor more than one thousand dollars and in addition thereto be imprisoned not less than sixty days nor more than one year, and in default of payment of said fine shall be imprisoned for an additional term of not less than sixty days and not more than one year.'

Sect. 3. Section four of said chapter twenty-three is hereby amended by striking out all of said section after the words "to be so used" in the fourth line thereof and substituting therefor the following: 'or who, after being notified in writing of such illegal use by an officer or citizen of the county in which the building or tenement is located, omits to take all proper measures either to abate said nuisance, or failing therein, to eject therefrom the person or persons maintaining such nuisance is guilty of aiding in the maintenance of a nuisance and shall be fined not less

11 than two hundred nor more than one thousand dollars and
12 in addition thereto be imprisoned not less than sixty days
13 nor more than one year, and in default of payment of said
14 fine shall be imprisoned for an additional term of not less
15 than sixty days nor more than one year,' so that said section
16 as amended shall read as follows:

'Sect. 4. Whoever knowingly lets any building or tene-
2 ment owned by him, or under his control, for any purpose
3 named in section one, or knowingly permits the same or
4 part thereof to be so used, or who, after being notified in
5 writing of such illegal use by an officer or citizen of the
6 county in which the building or tenement is located, omits
7 to take all proper measures either to abate said nuisance,
8 or failing therein, to eject therefrom the person or persons
9 maintaining such nuisance is guilty of aiding in the main-
10 tenance of a nuisance and shall be fined not less than two
11 hundred nor more than one thousand dollars and in addition
12 thereto be imprisoned not less than sixty days nor more than
13 one year, and in default of payment of said fine shall be
14 imprisoned for an additional term of not less than sixty
15 days nor more than one year.'