

MAINE STATE LEGISLATURE

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N I N E T I E T H L E G I S L A T U R E

Legislative Document

No. 1070

H. P. 1857

House of Representatives, March 28, 1941.

Reported by Mr. Dwinal from Committee on Legal Affairs and laid on table to be printed under Joint Rules.

HARVEY R. PEASE, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

AN ACT Relating to Gambling.

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

Sec. 1. R. S., c. 136, § 11, amended. The 1st sentence of section 11 of chapter 136 of the revised statutes is hereby amended to read as follows :

‘No person shall travel from town to town, or from place to place, in any city, town, or plantation, on foot or by private or public conveyance, either by land or water, carrying ~~for sale, offering for sale, or offering to obtain for sale, ,~~ **or having in possession, or storing,** any punch board, seal card, slot gambling machine, or other implements, apparatus, or materials of any form of gambling, and no person shall solicit, obtain, or offer to obtain orders for the sale or delivery of any punch board, seal card, slot gambling machine, or other implements, apparatus, or material of gambling.’

Sec. 2. R. S., c. 136, § 12, amended. Section 12 of chapter 136 of the revised statutes, as amended, is hereby further amended to read as follows :

‘**Sec. 12. Search warrants for implements of gambling, etc.** When a person makes oath before a trial justice, or judge of a municipal court that he has reason to suspect and does suspect that any tenement or other place is unlawfully used as and for a common gambling house, for the purpose of gambling for money or other property, or is kept, used or occupied

for promoting a lottery, or for the sale of lottery tickets, or for promoting the game known as policy lottery, or policy, or for buying or selling of pools or registering of bets upon any race, game, contest, act or event, and that persons resort to the same for any such purpose, or that implements, apparatus, or materials intended to be used in any form of gambling are there kept or deposited, such magistrate, whether the names of the persons last mentioned are known to the complainant or not, shall issue a warrant, commanding the sheriff or any of his deputies or any constable or police officer to enter such tenement or other place, and to arrest the keepers thereof, all persons in any way assisting in keeping the same, whether as janitor, doorkeeper, watchman, or otherwise, all persons who are there found participating in any form of gambling and all persons present whether so participating or not, if any lottery, policy, or poolticket, slips, checks, manifold books or sheets, memoranda of any bet, or other implements, apparatus, or materials of any form of gambling are found in said place, and to take into their custody all the implements, apparatus, or materials of gambling, as aforesaid, and all the personal property, **prizes**, furniture, and fixtures, so that they may be forthcoming before some court or magistrate, to be dealt with according to law. All articles and property seized under the provisions of this section, or found in the possession or under the control of any person arrested for keeping or assisting in keeping a gambling-house or for gambling, shall be disposed of in the manner provided in the following section for the disposal of counterfeiting and burglars' tools, **except prizes, furniture and fixtures, which shall be turned over to an officer to be sold as provided in section 18 following**, and the finding in any tenement or other place of any lottery, policy, or pooltickets, slips, checks, manifold books or sheets, memoranda of any bet, or other implements, apparatus, or materials of any form of gambling shall be prima facie evidence that said tenement or other place is occupied, used, kept, and resorted to for the purpose of gambling.'

Sec. 3. R. S., c. 136, § 13, amended. Section 13 of chapter 136 of the revised statutes is hereby amended to read as follows:

'Sec. 13. Tools and implements for gambling, counterfeiting, and burglars' tools, forfeited. All tools, machines, dies, plates, or materials provided for making counterfeit or spurious coin, or for forging banknotes or other instruments; all burglars' tools or implements prepared or designed for burglary; all lottery tickets or materials for a lottery or procured for the purpose of a lottery; all gambling apparatus or implements for gambling, and all moneys therein contained, **and prizes, furniture and fixtures**, shall, when the same are found and taken by virtue of a search

warrant, or are found in the possession or under the control of any person arrested for forgery, counterfeiting, burglary, selling lottery tickets, or gambling, be safely kept by the direction of the court or magistrate having cognizance of the case so long as may be necessary for their being used as evidence on any trial. All such articles, devices, tools, and materials, **except prizes, furniture and fixtures**, shall thereupon be declared forfeited by said court, and ordered destroyed, and shall by order of the court rendering final judgment be turned over to the sheriff of the county where the seizure was made, or to such of his deputies as the court shall order, by any officer competent to serve the process on which they were seized, who shall forthwith make return accordingly to said court; and said sheriff, or his said deputy, shall receipt to said officer therefor. As soon thereafter as may be said sheriff, or his said deputy, receiving said forfeited articles, shall burn or otherwise destroy them, and make return to said court as to how he executed its order; provided, however, that all moneys, **prizes, furniture and fixtures**, so seized shall be declared forfeited to the county in which they were seized **and turned over to an officer to be sold as provided in section 18 following**, and in all cases where an officer may seize tools, machines, dies, plates, or materials provided for making counterfeit or spurious coin, or for forging bank-notes or other instruments; burglars' tools or implements prepared or designed for burglary; lottery tickets or materials for a lottery or procured for the purpose of a lottery; gambling apparatus or implements for gambling and all moneys therein contained, **prizes, furniture and fixtures**, upon a warrant, he may seize the same without a warrant and keep them in some safe place for a reasonable time until he can procure such warrant.'