

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-SECOND LEGISLATURE

OF THE
STATE OF MAINE

1905.

Published by the Secretary of State, agreeably to Resolves of
June 28, 1820, February 18, 1840, and March 16, 1842.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1905.

CHAP. 105

Section 9. Section six of chapter one hundred and thirty-eight of the revised statutes is hereby amended, so as to read as follows:

Section 6, chapter 138, R. S., amended.

'Section 6. Insane persons transferred from the insane department of the state prison to either of the insane hospitals, upon satisfactory proof that such detention in such hospital will have a deleterious influence on the other patients, may be returned by the order of the governor and council setting forth the circumstances under which they have been detained in said hospital to the insane department of the state prison, to be there detained until discharged as hereinbefore provided for.'

Insane persons may be returned from insane hospital to insane department of state prison.

Section 10. A friend of any person adjudged insane and committed to the insane department of the state prison under the foregoing proceedings, thinking such person is unreasonably detained, may apply in writing to any justice of the supreme judicial court, who shall inquire into the case and summon before him such witnesses as in his judgment may be necessary and upon such application vacate such commitment, and if the original sentence has expired discharge such person. He shall tax legal costs and shall decide whether they shall be borne by the petitioner or by the state. If such application is unsuccessful, it shall not be made again until the expiration of one year.

Any judge of supreme judicial court being applied to in writing shall inquire into cases of alleged unreasonable detention in insane department of state prison.

Section 11. The judge of the municipal court of the city of Rockland is hereby authorized for the purposes provided in this act, if he shall see fit, to hold his court in the town of Thomaston in the county of Knox, and the judge of any municipal court to which application is made by any jailer, and which court is located in a town other than that in which the jail is situated, may hold his court for the purposes herein provided in the town where such jail is located.

Municipal judges authorized to hold court in towns where prison or jails are located.

Approved March 21, 1905.

Chapter 105.

An Act to amend Chapter one hundred and twenty-six of the Revised Statutes, relating to Gambling.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Section 1. Section one of chapter one hundred and twenty-six of the revised statutes, is hereby stricken out and the following section is hereby inserted in its stead:

Section 1, chapter 126, R. S., stricken out.

'Section 1. Whoever keeps or assists in keeping a gambling house, or tenement or other place occupied, used, kept or

Punishment for keeping a gambling

CHAP. 105

house or
permitting
gambling
in house
or shop.

resorted to for the purposes described in section eleven of chapter one hundred and twenty-six of the revised statutes as amended by section two of this act, or is found gambling or present as described in said section eleven so amended as aforesaid, or permits any person to gamble in any way in any tenement or other place under his care or control, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than four months; and the municipal officers, constables and police officers of towns and cities, and the assessors of plantations, are required promptly to enforce the laws against gambling rooms, and to make complaint against any person in their respective municipalities when there is probable cause to believe such person to be guilty of a violation of this section. Trial justices and judges of municipal or police courts, shall have jurisdiction in all prosecutions for violations of this section.'

Section 11,
chapter 126,
stricken out.

Section 2. Section eleven of chapter one hundred and twenty-six of the revised statutes is hereby stricken out and the following section is hereby inserted in its stead:

Magistrates
shall issue
warrants to
search for
implements
of gambling,
etc.

'Section 11. When a person makes oath before a trial justice or judge of a municipal or police 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 the 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, 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, door keeper, 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 pool tickets, 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, furniture and fixtures, so that they may be forthcoming before some court or magistrate, to be dealt with

—proceed-
ings.

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; and the finding in any tenement or other place of any lottery, policy or pool tickets, 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.'

Section 3. Section twelve of chapter one hundred and twenty-six of the revised statutes is hereby amended by striking out in the fourth, fifth and sixth lines thereof the words "all lottery tickets or materials for a lottery or procured for the purpose of a lottery; all gambling apparatus or implements used, procured or kept to be used in gambling," and by striking out in the eighth and ninth line of said section the words "selling lottery tickets or gambling," so that said section as amended, shall read as follows:

Section 12,
chapter 126,
R. S.,
amended.

'Section 12. All tools, machines, dies, plates or materials provided for making counterfeit or spurious coin, or for forging bank notes or other instruments; all burglar's tools or implements prepared or designed for burglary, 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, or burglary, 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, and as soon as may be afterward, they shall be burned or otherwise destroyed by order of such court or magistrate, or of a justice of the supreme judicial or superior court.'

Tools and
implements
for gambling
counterfeit-
ing, and
burglars
tools, how
disposed of.

Section 4. This act shall take effect when approved.

Approved March 21, 1905.