

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE

1913

Including Acts and Resolves of the Special Session held
in 1912.

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

As Passed by the Seventy-Sixth
Legislature

1913

day of December next preceding, and at the time of filing such statement will pay into the treasury of state a sum equal to two per cent of such gross premiums, less such returned premiums so reported.'

Approved March 25, 1913.

Chapter 101.

An Act Limiting and Defining the Liabilities of Keepers of Hotels, Inns and Boarding Houses.

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

Section 1. No innkeeper, hotel keeper or boarding house keeper whether individual, partnership or corporation, who constantly has in his inn or hotel or boarding house a metal safe or suitable vault in good order, and fit for the custody of money, bank notes, jewelry, articles of gold and silver manufacture, precious stones, personal ornaments, railroad mileage books or tickets, negotiable or valuable papers, and bullion, and who keeps on the doors of the sleeping rooms used by guests suitable locks or bolts, and on the transoms and windows of said rooms suitable fastenings, and who keeps a copy of this section printed in distinct type, constantly and conspicuously posted in not less than ten conspicuous places in all in said hotel or inn, shall be liable for the loss or injury suffered by any guest, unless such guest has offered to deliver the same to such innkeeper, hotelkeeper or boarding house for custody in such metal safe or vault, and such innkeeper, hotelkeeper or boarding house keeper has omitted or refused to take it and deposit it in such safe or vault for custody and to give such guest a receipt therefor. Provided, however, that the keeper of any inn, hotel or boarding house shall not be obliged to receive from any one guest for deposit in such safe or vault any property hereinbefore described exceeding a total value of three hundred dollars, and shall not be liable for any excess of such property, whether received or not.

Section 2. But such innkeeper, hotelkeeper or boarding house keeper may by special arrangement with a guest receive for deposit in such safe or vault any property upon such terms as they may agree to in writing, but every innkeeper, hotelkeeper or boarding house keeper shall be liable for any loss of the above enumerated articles of a guest in his inn, hotel or boarding house after said articles have been accepted for deposit if caused by the theft or negligence of the innkeeper, ho-

CHAP. 101

Liability of hotelkeepers, etc., defined.

Limit of liability fixed.

Special arrangement may be made to receive deposits.

CHAP. 101 telkeeper or boarding house keeper or any of his servants.

Check or receipt shall be given for property delivered for safe keeping.

Section 3. It shall be the duty of every guest and of every one intending to be a guest of any hotel or inn in this state, upon delivering to the proprietor of such hotel or inn or to his servants, any baggage or other articles of property of such guest for safe keeping (elsewhere than to the room assigned to such guest), to demand, and of such hotel proprietor to give, a check or receipt therefor in such case, to evidence the fact of such delivery; and no such proprietor shall be liable for the loss of or injury to such baggage or other article of property of this guest, unless the same shall have been actually delivered by such guest to such proprietor or to his servants for safe keeping, or unless such loss or injury shall have occurred through the negligence of such proprietor, or by his servants or employees in such hotel.

Liability shall be that of a depository for hire.

Section 4. The liability of the keeper of any inn or hotel, whether individual, partnership, or corporation, for loss of or injury to personal property placed by his guests under his care, other than that described in the preceding sections, shall be that of a depository for hire, except that in case such loss or injury is caused by fire not intentionally produced by the innkeeper or his servants, such keeper shall not be liable. Provided, however, that in no case shall such liability exceed the sum of one hundred and fifty dollars for each trunk and its contents, fifty dollars for each valise and its contents, and ten dollars for each box, bundle, or package, and contents, so placed under his care, and all other miscellaneous effects including wearing apparel and personal belongings, fifty dollars, unless he shall have consented in writing with such guest to assume a greater liability.

—exception.

—limit of liability.

And provided, further, whenever any person shall suffer his baggage or property to remain in any inn, hotel or boarding house after leaving the same as a guest, and after the relation of keeper and guest between such guest and the proprietors of such inn or boarding house or hotel has ceased, or shall forward the same to such inn, hotel or boarding house before becoming a guest thereof and the same shall be received into such inn or boarding house or hotel, such innkeeper may at his option hold such baggage or property at the risk of such owner.

—further proviso.

Lien on baggage or other property deposited for safe keeping.

Section 5. The keeper of any inn or hotel, whether individual, partnership or corporation shall have a lien on the baggage and other property in and about such hotel or inn belonging to or under the control of his guests or boarders for the proper charges due him from such guests or boarders for the

accommodation, board and lodging, and for all money paid for or advanced to them, and for such other extras as are furnished at their request, and said innkeeper or boarding house keeper shall have the right to detain such baggage and other property until the amount of such charges is paid, and such baggage and other property shall be exempt from attachment or execution until such keeper's lien and the cost of satisfying it are satisfied.

Section 6. The innkeeper, boarding house keeper or hotel-keeper shall retain such baggage and other property upon which he has a lien for a period of ninety days, at the expiration of which time, if such lien is not satisfied, he may sell such baggage and other property at public auction, after giving ten days' notice of the time and place of sale in a newspaper of circulation in the county where the inn, boarding house or hotel is situated, and also by mailing a copy of such notice addressed to said guest or boarder at the place of residence registered by him in the register of such inn, hotel or boarding house.

Section 7. And after satisfying the lien and any costs that may accrue, any residue remaining shall, on demand within six months, be paid to such guest or boarder, and if not so demanded within six months from date of such sale, such residue shall be deposited by such innkeeper, boarding house keeper or hotel keeper with the treasurer of the county in which the inn, hotel or boarding house is situated, together with a statement of such keeper's claim and the cost of enforcing same, a copy of the published notice, and of the amounts received for the goods sold at said sale; said residue shall by said county treasurer be credited to the general revenue fund of said county, subject to a right of said guest or boarder, or his representative, to reclaim at any time within three years of date of deposit with said treasurer.

Section 8. Any person who shall obtain food, lodging or other accommodations at any hotel, inn, boarding house or eating house with intent to defraud the owner or keeper thereof, shall be fined not exceeding one hundred dollars, or be imprisoned in the county jail not exceeding three months.

Section 9. Proof that lodging, food or other accommodations were obtained by false pretense, or by false or fictitious show or pretense of any baggage or other property, or that the person refused or neglected to pay for such food, lodging or other accommodation on demand, or that he gave in payment for such food, lodging or other accommodation negotiable paper on which payment was refused, or that he absconded without

CHAP. 101

Baggage may be sold after 90 days if lien is not satisfied.

—ten days' notice of sale shall be given.

After lien and costs are satisfied, residue shall be deposited in county treasury.

—statement of keeper's claim shall be filed.

Penalty for fraud in obtaining food, etc.

False show of baggage, etc., shall be proof of fraudulent intent.

CHAP. 102 paying or offering to pay for such food, lodging or other accommodation, or that he surreptitiously removed or attempted to remove his baggage, shall be prima facie proof of the fraudulent intent mentioned in section eight; but this act shall not apply where there has been an agreement in writing for delay in payment for a period to exceed ten days.

Copies of sections 8 and 9 of this act shall be posted in ten conspicuous places.

Inconsistent acts repealed.

Section 10. It shall be the duty of every hotel, inn, or boarding house keeper within this state, to keep a copy of section eight and of section nine, printed in distinct type posted in not less than ten conspicuous places in said hotel, inn, boarding or eating house.

Section 11. All acts or parts of acts inconsistent with this act are hereby repealed.

Approved March 25, 1913.

Chapter 102.

An Act to Amend Section One of Chapter Ninety-three of the Revised Statutes, as Amended by Chapter Eighty-six of the Public Laws of Nineteen Hundred Eleven Relating to the Recording of Personal Property Mortgages and Sales.

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

Section 1 of of Chap. 93, R. S. as amended by Chap. 86, P. L. of 1911, further amended.

Mortgages of personal property not valid except between the parties, unless recorded.

—place of record.

The last sentence of section one of chapter ninety-three of the revised statutes as amended by chapter eighty-six of the public laws of nineteen hundred eleven is hereby amended so that said last sentence of said section shall read as follows:

'If any mortgagor resides in an unorganized place the mortgage shall be recorded in the oldest adjoining town or plantation organized as aforesaid, in the county, provided there be a town or plantation in the county organized as aforesaid adjoining such unorganized place, and if there be no such adjoining town or plantation organized as aforesaid in the county, such mortgage shall be recorded in the office of the register of deeds for the registry district in which such unincorporated place is located.'

Approved March 25, 1913.