

# MAINE STATE LEGISLATURE

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# Acts and Resolves

As Passed by the

## Seventy-Eighth Legislature

OF THE

# STATE OF MAINE

1917

Including Acts and Resolves of the Special Session of the  
Seventy-Seventh Legislature held in 1916.

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

As Passed by the Seventy-Eighth Legislature

**1917**

[supplied from page 1 of volume]

## Chapter 155.

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:*

**Sec. 1. R. S., c. 23, § 1, relating to jurisdiction in abatement of common nuisances, amended.** Section one of chapter twenty-three of the revised 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 petition of not less than seven legal voters of his county, setting forth any of the facts contained herein, to restrain, enjoin or abate the same, and an injunction for such purpose may be issued by said court or any justice thereof. Such injunction shall be recorded within thirty days in the registry of deeds in the county where said nuisance is located and shall forever run against the building or other place or structure in which said nuisance is committed. No dismissal of such information or complaint shall prevent action upon any information or complaint subsequently filed covering the same subject matter,' so that said section as amended shall read as follows:

**'Sec. 1. Seven legal voters may petition supreme judicial court. Injunction may be issued to run forever against place where nuisance is alleged. Dismissal not to affect action on subsequent complaint.** All places used as houses of ill-fame, or for the illegal sale or keeping of intoxicating liquors, or resorted to for lewdness or gambling; all houses, shops or places where intoxicating liquors are sold for tipping purposes, and all places of resort where intoxicating liquors are kept, sold, given away, drunk or dispensed in any manner not provided for by law, are common nuisances. The supreme judicial court shall have jurisdiction in equity, upon information filed by the county attorney or upon petition of not less than seven legal voters of his county, setting forth any of the facts contained herein, to restrain, enjoin or abate the same, and an injunction for such purpose may be issued by said court or any justice thereof. Such injunction shall be recorded within thirty days in the registry of deeds in the county where said nuisance is located and shall forever run against the building or other place or structure in which said nuisance is committed. No dismissal of such information or complaint shall prevent action upon any information or complaint subsequently filed covering the same subject matter.'

**Sec. 2. R. S., c. 23, § 2, relating to punishment, amended.** Section two of said chapter twenty-three is hereby amended by striking out the whole of said section and substituting therefor the following:

**'Sec. 2. Penalty for violation increased.** 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.'

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**Sec. 3. R. S., c. 23, § 4, relating to liability of owner, amended.** 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 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 nor more than one year', so that said section as amended shall read as follows:

**'Sec. 4. Responsibility of owner more clearly defined; liability increased.** Whoever knowingly lets any building or tenement owned by him, or under his control, for any purpose named in section one, or knowingly permits the same or part thereof to be so used, 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 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 nor more than one year.'

Approved April 3, 1917.

## Chapter 156.

An Act to Repeal Section Forty-two of Chapter One Hundred Twenty-seven and to Amend Section Twenty-seven of Chapter One Hundred Thirty-six and Section One of Chapter One Hundred Thirty-seven of the Revised Statutes, Relating to Imposing Sentences.

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

**Sec. 1. R. S., c. 127, § 42, relating to county attorney causing speedy sentence.** Section forty-two of chapter one hundred twenty-seven of the revised statutes is hereby repealed.

**Sec 2. R. S., c. 137, § 1, relating to punishment for offenses, amended.** Section one of chapter one hundred thirty-seven of the revised statutes is hereby amended by striking out the third sentence of said section, so that said section as amended shall read as follows:

**'Sec. 1. Provisions as to punishment by imprisonment and fine, imprisonment or fine, etc., eliminated.** No person shall be punished for an offense until convicted thereof in a court having jurisdiction of the person and case. When no punishment is provided by statute, a person convicted of an offense shall be imprisoned for less than one year or fined not exceed-