

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
AS PASSED BY THE
Eighty-ninth and Ninetieth
Legislatures

OF THE
STATE OF MAINE

From April 21, 1939 to April 26, 1941
AND MISCELLANEOUS STATE PAPERS

Published by the Revisor of Statutes in accordance
with the Resolves of the Legislature approved June
28, 1820, March 18, 1840, March 16, 1842, and Acts
approved August 6, 1930 and April 2, 1931.

KENNEBEC JOURNAL
AUGUSTA, MAINE
1941

PROPERTY OF THE
STATE OF MAINE
NOT TO BE SOLD

PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Ninetieth Legislature

1941

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which said package with the check lists sealed in the same manner as the ballots shall forthwith be returned to the city, town or plantation clerk. When the ballots have been so sorted and counted and the result so declared and recorded, each lot of ballots together with the sworn statement of the count of that lot thereof shall in open meeting be sealed in a package by the election official or officials who counted the same. The package so sealed shall be placed in the container in which ballots had been delivered at the polling place together with all unused ballots and said container sealed before removal from the polling place to the office of the city, town or plantation clerk. The check lists which have been used at such polling place shall likewise be sealed and forthwith returned to the city, town or plantation clerk. In case 2 or more kinds of official ballots are used in any election each kind shall be sealed in a separate package. All ballots and check lists and sworn statements of said officials, shall be so sealed that the packages and check lists cannot be opened or examined without first breaking the seal; and the sealed packages of ballots cast at any state election or at any election of the electors of president and vice-president of the United States shall have an indorsement of substantially the following tenor indorsed thereon or securely affixed thereon: "This package contains the ballots cast at an election for _____ held in the _____ of _____ (or in ward _____ of the city of _____) on the _____ day of _____ 19____; said ballots were sorted, counted, result declared and recorded, and this package sealed in open meeting in accordance with section 18 of chapter 8 of the revised statutes." Such indorsement shall be signed by the town, plantation, or ward clerk and by a majority of the selectmen of towns and the assessors of plantations, or by the wardens in cities or voting precincts. The ballots and check lists and sworn statements of said officials returned to the city clerk after any city election and all other ballots returned to him, which he is not required to forward to the secretary of state according to the provisions of section 47, shall be preserved by him as a public record for 6 months. This section is hereby made applicable to primary elections, and all elections and referendum questions.'

Approved April 9, 1941

Chapter 208

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

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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 bank notes 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.'

Approved April 11, 1941