

MAINE STATE LEGISLATURE

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FIFTH REVISION.

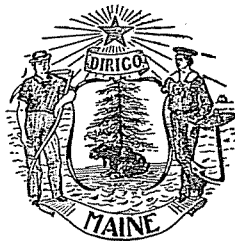
THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED SEPTEMBER 1, 1903, AND TAKING EFFECT JANUARY 1, 1904.

BY THE AUTHORITY OF THE LEGISLATURE.



AUGUSTA :
KENNEBEC JOURNAL PRINT,
1904.

expenses thereof; the amount to be determined by the court hearing the libel.

SEC. 7. Logs or other timber carried by freshets, or otherwise lodged, upon lands adjoining any waters, are forfeited to the owner or occupant thereof, after they have so remained for two years, if such lands, during that time were improved; otherwise after six years; *provided*, that such owner or occupant, within one year after the same were found so lodged, advertises, as nearly as practicable, the number of pieces of timber, the time when lodged, together with the marks thereon, and the place where found, three weeks successively in some newspaper in the county, if any, otherwise in the state paper.

SEC. 8. The owner of said timber may enter on said land and remove it at any time before forfeiture, having previously tendered to the owner or occupant thereof, a reasonable compensation for all damages occasioned by the lodging, remaining or removal of said timber, and the expense of advertising it; but if the timber is removed by the owner, or otherwise, without such tender, the owner of the land may recover, in an action of trespass, the damages aforesaid.

SEC. 9. Whoever wilfully and fraudulently takes, carries away or otherwise converts to his own use, any railroad sleeper, knee or other ship timber, or cedar for shingles or other purposes, the property of another, whether known or not, without his consent, lying in any river, stream, pond, bay or inlet, or on or near the shore thereof; or cuts out, alters or destroys any mark thereon, forfeits ten dollars for each offense, to be recovered and appropriated as in section one; and is liable to the owner in double the amount thereof in an action of debt; and such owner has all the rights and is subject to all the liabilities provided for the owner of logs, masts and spars, in the six preceding sections.

Note. Maliciously driving nails into logs intended for manufacture, penalty, c. 128, § 9
Letting loose rafts or logs, c. 128, § 10.

When logs or timber, lodged on banks, shall be forfeited, if advertised.
R. S., c. 42, § 7.

Owner may remove timber, on tender of damages; otherwise, damages for owner.
R. S., c. 42, § 8.
31 Me., 24.
57 Me., 276.
62 Me., 44.
76 Me., 386.

Penalty for unlawful conversion of railroad sleepers, ship knees or other lumber on ponds or streams.
R. S., c. 42, § 9.
57 Me., 9.

—double damages.

CHAPTER 44.

STANDARD WEIGHTS AND MEASURES, MERIDIAN LINES AND STANDARDS OF LENGTH.

STANDARD WEIGHTS AND MEASURES.

SEC. 1. The standard of weights and measures furnished by the United States and adopted by this state continues the standard of weights and measures for the state; and the state sealer of weights and measures shall cause all such weights and measures of a smaller denomination than those furnished by the United States, as are necessary to make a complete set, to be compared and regulated by the standards aforesaid; and keep, at the expense of the state, a suitable standard balance for gold, and for avoirdupois weights, to be kept with the weights and measures at the state house, and used only for regulating other weights and measures.

SEC. 2. Until otherwise provided, the treasurer of state, shall, at the state's expense, in the manner provided in the preceding section, procure and preserve as public standards, to be used only as such, the following measures, beams and weights, to wit: one bushel, one-half bushel, one peck, one-half peck, one ale quart, one wine gallon, one wine half gallon,

Standard of weights and measures.
R. S., c. 43, § 1.

—official tests.

Standard beams, weights and measures to be kept by the treasurer of state.
R. S., c. 43, § 2.

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one wine quart, one wine pint, one wine half pint, and one wine gill; said measures shall be made of copper or pewter, conformable in contents to said standard measures; and the diameter of the bushel shall not be less than eighteen inches and a half, containing thirty-two Winchester quarts; of the half bushel, not less than thirteen inches and three-quarters, containing sixteen Winchester quarts; of the peck, not less than ten inches and three-quarters, containing eight Winchester quarts; and of the half peck, not less than nine inches, containing four Winchester quarts; the admeasurement to be made in each instance in the inside; also one ell, and one yard; one set of brass weights, to four pounds, computed at sixteen ounces to the pound, with fit scales and steel beam; also a good beam and scales, and a nest of troy weights, from one hundred and twenty-eight ounces, down to the least denomination, with the weight of each weight, and the length of each measure, marked or stamped thereon, and sealed with a seal, to be procured and kept by said treasurer; also one fifty-six pound weight, one twenty-eight pound weight, one fourteen pound weight, and one seven pound weight, of iron.

Also by county treasurers, to be sealed once in ten years by state standards.
R. S., c. 43, § 3.

—penalty.

Town seal, and standard of beams, weights and measures to be kept by treasurers, and sealed once in ten years.
R. S., c. 43, § 4.

—penalty.

Appointment of sealers by town officers and penalties.
R. S., c. 43, § 5.
68 Me., 470.

—of weighers, by cities.

Penalty for sealer or weigher not accepting office.
R. S., c. 43, § 6.
68 Me., 470.

—to receive and receipt for standards and seal.

Sealers shall give notice of times and places for sealing

SEC. 3. The treasurer of each county, at the expense thereof, shall have one complete set of beams, and of brass, copper, pewter and iron weights, and of the measures before mentioned, except the bushel measure, proved and sealed by the state standards, and conformable thereto in breadth and contents; and preserve them for the use of such county only as standards; and once in every ten years, from July one, eighteen hundred and thirty-nine, he shall have them compared, proved and sealed by the state standards; for each neglect of said duty, he forfeits two hundred dollars to the state, to be recovered in an action of debt.

SEC. 4. The treasurers of towns, at the expense thereof, shall constantly keep a town seal, and, as town standards, a complete set of beams, weights, and copper and pewter measures, conformable to the state standards, except that the bushel measure, and the half bushel, peck and half peck measures may be of wood instead of copper or pewter, but of the same dimensions, and except also a nest of troy weights other than those from the lowest denomination to eight ounces; they shall cause all beams, weights and measures, belonging to their towns, to be proved and sealed by the state or county standards once in ten years, from July one, eighteen hundred and forty; and for every neglect of said duty they forfeit one hundred dollars, half to the town, and half to the prosecutor.

SEC. 5. The municipal officers of each town shall annually appoint a sealer of weights and measures therein, removable at pleasure, and may fill vacancies; for each month's neglect of this duty, they severally forfeit ten dollars, to be appropriated as in the preceding section. Any city may purchase and keep for use scales for weighing hay and other articles, appoint weighers, and fix their fees, to be paid by the purchaser.

SEC. 6. Whoever, so appointed and notified thereof, refuses for seven days to accept the office and be sworn, forfeits five dollars, half to the town, and half to the prosecutor; when sworn, he shall receive the standards and seal from the treasurer, giving a receipt therefor, describing them and their condition, and therein engaging to re-deliver them at the expiration of his office in like good order; and he shall be accountable for their due preservation while in his possession.

SEC. 7. The sealers of weights and measures in the several cities and towns shall annually give public notice by advertisement, or by posting in one or more public places in their respective cities and towns notices to all inhabitants or persons having usual places of business therein and

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who use weights, measures or balances for the purpose of selling any goods, wares, merchandise or other commodities or for public weighing to bring in their weights, measures and balances to be adjusted and sealed. Such sealers shall attend in one or more convenient places and shall adjust, seal and record all weights, measures and balances so brought in.

SEC. 8. After giving said notice the said sealers shall go to the houses, stores and shops of persons who neglect to comply therewith, and having entered the same with the assent of the occupants thereof, shall adjust and seal their weights, measures and balances.

SEC. 9. Said sealers shall go once a year and oftener if necessary, to every hay and coal scale, to every platform balance within their respective cities and towns that cannot be easily or conveniently removed, and shall test the accuracy of and adjust and seal the same.

SEC. 10. All persons using any scales, weights or measures for the purpose of buying or selling any commodity, may, when they desire it, have the same tested and sealed by the sealers of weights and measures at the office of any of said sealers.

SEC. 11. In case a sealer of weights and measures cannot seal any weights, measures and balances in the manner before provided, he may mark them with a stencil, or by other suitable means so as to show that they have been inspected; but he shall in no case seal or mark as correct any weights, measures or balances which do not conform to the standards. If such weights, measures or balances can be readily adjusted by such means as he has at hand, he may adjust and seal them; but if they cannot be readily adjusted, he shall affix to such weights, measures or balances a notice, forbidding their use until he is satisfied that they have been so adjusted as to conform to the standards; and whoever removes said notice without consent of the officer affixing the same, shall for each offense forfeit a sum not exceeding fifty dollars, one-half to the use of the city or town and one-half to the use of the complainant.

SEC. 12. A sealer when visiting the place of business of any person for the purpose of testing any weights, measures or balances, may use for that purpose such weights, measures or balances as he can conveniently carry with him, and each city and town shall furnish its sealer with one or more duplicate sets of weights, measures and balances, which shall at all times be kept to conform to the standards furnished by the state, and all weights, measures and balances so sealed shall be deemed to be legally sealed the same as if tested and sealed with the standard weights, measures and balances.

SEC. 13. A sealer of weights and measures may seize without a warrant such weights, measures or balances as may be necessary to be used as evidence in cases of violation of the law relating to the sealing of weights and measures, such weights, measures or balances to be returned to the owners, or forfeited as the court may direct.

SEC. 14. When a complaint is made to a sealer of weights and measures by any person that he has reasonable cause to believe or when such sealer himself has reasonable cause to believe that a weight, measure or balance used in the sale of any commodity within his city or town is incorrect, the said sealer shall go to the place where such weight, measure or balance is and shall test the same, and mark it according to the result of the test applied thereto; and if the same is incorrect and cannot be adjusted, the said sealer shall attach a notice thereto, certifying that fact, and forbidding the use thereof until it has been made to conform to the authorized

weights and measures. 1899, c. 58, § 1.

Sealers shall visit persons who neglect to comply. 1899, c. 58, § 2.

Shall visit once a year, all having scales and test same. 1899, c. 58, § 3.

All scales, weights and measures may be tested any time. 1899, c. 58, § 4.

If sealer cannot seal any weights, etc., he may mark to show inspection. 1899, c. 58, § 5.

—use of weights, etc., that cannot be adjusted by sealers, forbidden.

Sealer shall be furnished with appliances for testing weights, etc., by towns and cities. 1899, c. 58, § 6.

False weights and measures may be seized. 1899, c. 58, § 7.

Proceedings, when complaint is made, that incorrect weights, etc., are being used. 1899, c. 58, § 8.

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—penalty for using weight, etc., after refusal of permission to test.

How incorrect weights, etc., shall be stamped.
1899, c. 58, § 9.

Scales shall be sealed before sale or use.
R. S., c. 43, § 8.
68 Me., 470.

Measures for articles sold by heaped measure, to conform to standard.
R. S., c. 43, § 9.
—twenty-five pounds shall be a quarter, and so on.
R.S., c. 43, § 10.

Penalty for using any false weights, etc.
R. S., c. 43, § 10.

Penalty for using weights, etc., which have not been sealed.
1899, c. 58, § 11.
See c. 39, § 11.

Sealer may be paid salary and fees paid into treasury.
1899, c. 58, § 13.

County commissioners shall erect and maintain meridian line.
1908, c. 197.

—record to be kept by clerk of courts.

Clerk of courts shall have care and

standard. Any person using a weight, measure or balance after a sealer has demanded permission to test the same, and has been refused such permission shall be liable to a penalty of not less than ten, nor more than one hundred dollars.

SEC. 15. All weights, measures and balances that cannot be made to conform to the standard shall be stamped "condemned" or "CD" by the sealer, and no person shall thereafter use the same under the penalties provided in the case of the use of false weights and measures.

SEC. 16. Before any weights, measures, scales, steelyards, beams or balances are offered for sale or used, they shall be sealed by a public sealer of weights and measures.

SEC. 17. All measures, by which fruit and other things, usually sold by heaped measure, are sold, shall be conformable in capacity and breadth, to the public standard. Such articles as are sold or exchanged in any market or town in the state by gross or avoirdupois weight, shall be sold or exchanged as follows: twenty-five avoirdupois pounds constitute one quarter; four quarters, one hundred; and twenty hundreds, one ton; and all other articles, usually sold by tale, shall be sold by decimal hundred.

SEC. 18. Whoever knowingly uses a false weight, measure, scale, balance or beam, or after a weight, measure, scale, balance or beam has been adjusted and sealed, alters it so that it does not conform to the public standard and fraudulently makes use of it, shall forfeit for each offense fifty dollars, one-half to the use of the city or town and one-half to the use of the complainant; and every sealer who has reasonable cause to believe that a weight, measure, scale, balance or beam has been altered since it was last adjusted and sealed shall enter the premises in which it is kept or used and shall examine the same.

SEC. 19. Whoever sells by any other weights, measures, scales, beams or balances than those which have been sealed as before provided, shall forfeit a sum not exceeding twenty dollars for each offense, and when by the custom of trade such weights, measures, scales, beams or balances are provided by the buyer, he shall, if he purchases by any other, be subject to a like penalty to be recovered by an action of tort to the use of the complainant.

SEC. 20. The city council of a city may by ordinance, and a town may by by-law, provide that the sealer of weights and measures for their city or town shall be paid by a salary, and that he shall account for and pay into the treasury of the city or town the fees received by him by virtue of his office; and where such salary is paid no fees shall be charged for services rendered under section seven.

MERIDIAN LINES AND STANDARDS OF LENGTH.

SEC. 21. The county commissioners, at the expense of their several counties, shall erect and forever maintain therein, at such place or places remote from electrical disturbances as the public convenience requires, a true meridian line to be perpetuated by stone pillars with brass or copper points firmly fixed on the tops thereof, indicating the true range of such meridian; and shall protect the same and provide a book of records to be kept by the clerk of courts, or by a person appointed by them nearer to such structure, and accessible to all persons wishing to refer thereto.

SEC. 22. Such structures shall be under the care and custody of such clerks; and any surveyor residing in said county or engaged in surveying

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therein, shall have free access thereto for the purpose of testing the variation of the magnetic needle.

SEC. 23. When such meridian lines have been established and completed every land surveyor shall, at least annually, before making any survey, test and verify his compass, or other instrument using the magnetic needle, by the meridian line so established in the county where his surveys are to be made, and shall enter the declination of such needle from the true meridian in the book mentioned in section twenty-one, together with the style and make of such instrument and its number, if any, and the date and hour of observation, and subscribe his name thereto for future reference; and shall insert corresponding entries as to date and declination, in his field note books, which field note books shall also show dates at which his surveys are made. Neglect or refusal to comply with this section shall render such surveyor liable to a penalty of twenty-five dollars for each neglect, to be recovered on complaint in the county where any survey is made, half to the complainant and half to the county. The provisions of this section shall not apply to such surveys as are made by angles from some fixed, permanent line, or by a solar instrument and independent of the magnetic needle.

SEC. 24. The county commissioners at the expense of the several counties shall also erect and forever maintain therein, at such place or places as the public convenience may require, a standard of length of not less than one hundred feet, with suitable subdivisions marked thereon. Such standard may consist of stone monuments permanently fixed with metal plates on the tops thereof, properly marked and protected; or of a steel bar of the necessary length properly marked and suitably placed and protected. All such standards shall be made to correspond with the standard of the United States Bureau of Weights and Measures, and shall be provided with proper means for determining the tension of tapes or chains during comparison. They shall be under the care and custody of the clerk of courts, who shall keep a suitable book for the record of comparisons, and they shall be accessible to any person for comparing any tape, chain, or other linear measure. Every surveyor shall before making surveys in this state, and at least annually, compare his tape or chain used in such surveys with the standard in the county in which he resides or in which surveys are to be made; and shall record the result in the book provided for that purpose, giving description of such tape or chain, with the difference, if any, between the same and such standard, together with the date and temperature and the tension on such tape or chain at the time of comparison. When such standard shall have been completed in any county, any surveyor residing or making surveys in such county who shall neglect or refuse to comply with the terms of this section, shall be liable to the penalties and disability set forth in section twenty-three.

SEC. 25. Whoever wilfully displaces, alters, defaces, breaks or otherwise injures any of the pillars or points, plates, enclosures, bars, locks, bolts, or any part of the structure of any meridian line or standard of length shall forfeit not exceeding one hundred dollars, to be recovered by indictment, half to the prosecutor and half to the county, and shall also be liable in an action of debt for the amount necessarily expended in repairing damages caused by his act.

SEC. 26. When such meridian line or standard of length is established, repaired or rebuilt in any county, the governor with the advice and consent of the council shall appoint a competent commissioner, not neces-

custody of.
1903, c. 197.

Surveyors shall annually verify compass.
1903, c. 197.

—shall record declination of needle, etc.

—shall enter same in field note book.

—penalty for neglect.

—exception.

County commissioners shall erect and maintain standard of length.
1903, c. 197.

—monuments to be stone or steel.

—clerk of courts shall have care and custody of standards.

—surveyor shall annually compare tape or chain with standard.

—shall record result.

—penalty for neglect.

Penalty for injuring meridian lines.
1903, c. 197.

Governor to appoint commissioner to verify

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meridians.
1893, c. 197.

—compensation of commissioner.

sarily a resident of this state, to inspect and verify the same. Such commissioner shall in case of a meridian line verify the same by astronomical observation, and in his report shall give an accurate description of such structures, its latitude and longitude, and the declination of the needle at the time; and in case of a standard of length shall give a description of the structure, its location and exact length as determined by comparison with some authentic standard from the United States Bureau of Weights and Measures. All such reports shall be full and accurate and be deposited in the office of the secretary of state, and a certified copy shall be filed and recorded in the office of the clerk of courts in the county where such structure is situated. Such commissioner shall receive from the state such just compensation as the governor and council shall allow.

Note. Sealers of weights and measures shall annually seal all measures used for sale of milk, c. 39, § 11; duties of, as to charcoal baskets, c. 42, § 7; fees of, c. 117, § 21.

CHAPTER 45.

ITINERANT VENDORS.

Itinerant vendors not to sell without licenses.
1893, c. 259, § 1.

Penalty for advertising sale, before proper licenses shall be issued.
1893, c. 259, § 2.

Vendors shall take out state and local licenses.
1893, c. 259, § 3.

—rights of municipal officers unaffected.

Vendors shall deposit \$500 with secretary of state, before procuring license.
1893, c. 259, § 4.
1895, c. 97, § 1.

—upon payment of \$25, license to be issued.

—shall not be transferable.

—licensee may have assistants.

SEC. 1. Every itinerant vendor who shall sell or expose for sale, at public or private sale, any goods, wares and merchandise without state and local licenses therefor, issued as hereinafter provided, shall be punished for each offense by fine not exceeding fifty dollars or by imprisonment not exceeding sixty days, or by both such fine and imprisonment.

SEC. 2. All persons, both principals and agents, who shall by circular, handbill, newspaper or in any other manner, advertise any such sales as those referred to in the preceding section, before proper licenses shall be issued to the vendor, shall be punished by fine not exceeding fifty dollars or imprisonment not exceeding sixty days, or by both such fine and imprisonment.

SEC. 3. Every itinerant vendor, whether principal or agent, before commencing business, shall take out a state license and local licenses in the manner hereinafter set forth, but nothing herein contained shall affect the right of any municipal officers to make such regulations relative to itinerant vendors as may be permissible under the general law or under any municipal charter.

SEC. 4. Every itinerant vendor desiring to do business in this state shall deposit with the secretary of state the sum of five hundred dollars as a special deposit, and after such deposit, upon application in proper form and the payment of a further sum of twenty-five dollars as a state license fee, the secretary of state shall issue to him an itinerant vendor's license, authorizing him to do business in the state in conformity with the provisions of this chapter for the term of one year from the date thereof. Every license shall set forth a copy of the application upon which it is granted. Such license shall not be transferable nor give authority to more than one person to sell goods as an itinerant vendor, either by agent or clerk or in any other way than in his own proper person, but any licensee may have the assistance of one or more persons in conducting his business, who may aid that principal but shall not act for or without him. No person shall be entitled to hold, or directly or indirectly receive the benefit of