

# MAINE STATE LEGISLATURE

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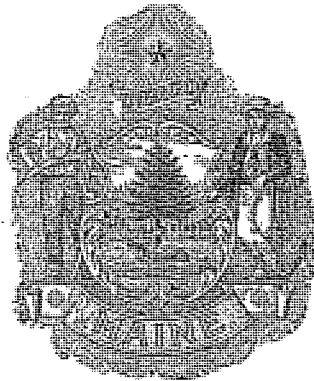
SIXTH REVISION

THE  
REVISED STATUTES

OF THE

STATE OF MAINE

PASSED SEPTEMBER 29, 1916, AND TAKING  
EFFECT JANUARY 1, 1917



By the Authority of the Legislature

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AUGUSTA  
KENNEBEC JOURNAL PRINT  
1916

ance brokers and twenty-five per cent of the tax on unauthorized insurance in any year, and all bills and expenses incurred shall be audited by the state auditor.

**Sec. 56. Municipal officers shall keep record of returns.** R. S. c. 28, § 52. Municipal officers shall record or cause to be recorded, in a book provided by the insurance commissioner, all returns made under the provisions of the six preceding sections.

**Sec. 57. Penalty for neglect.** R. S. c. 28, § 53. Any city or town officer, or any insurance company neglecting or refusing to perform any duty required by the provisions of the seven preceding sections shall be punished by a fine of not less than ten, nor more than one hundred dollars for each offense.

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## CHAPTER 31.

### Innkeepers and Victualers. Lunch Wagons.

**Sec. 1. Licenses to innkeepers and victualers; may be revoked.** R. S. c. 29, § 1. The municipal officers, treasurer and clerk of every town shall meet annually on the first Monday of May, or on the day succeeding, or both, and at such time and place in said town as they appoint, by posting notices in two or more public places therein, at least seven days previously, stating the purpose of the meeting; and at such meeting they may license under their hands as many persons of good moral character, and under such restrictions and regulations as they deem necessary, to be innkeepers and victualers in said town, until the day succeeding the first Monday in May of the next year, in such house or other building, as the license specifies. And at any meeting so notified and held, they may revoke licenses so granted, if in their opinion there is sufficient cause.

24 Me. 442; 93 Me. 485.

**Sec. 2. Bond.** R. S. c. 29, § 2. No person shall receive his license until he has given his bond to the treasurer, to the acceptance of the board granting it, with one or more sureties in the penal sum of three hundred dollars, in substance as follows, namely:

"Know all men that we — —, as principal, and — —, and — —, as sureties, are held and stand firmly bound to — —, treasurer of the town" (or city) "of — —, in the sum of three hundred dollars, to be paid to him, or his successor in said office; to the payment whereof we bind ourselves, our heirs, executors and administrators, jointly and severally by these presents. Sealed with our seals. Dated the — day of —, in the year nineteen hundred and —.

"The condition of this obligation is such that, whereas the above bounden — — has been duly licensed as a — within said town" (or city) "until the day succeeding the first Monday of May next; now if in all respects he shall conform to the provisions of law relating to the business for which he is licensed, and to the rules and regulations as provided by the licensing board in reference thereto, and shall not violate any law of

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the state relating to intoxicating liquors, then this obligation shall be void, otherwise shall remain in full force."

93 Me. 483.

**Sec. 3. Licenses may be granted for a part of the year.** R. S. c. 29, § 3. The licensing board may, at any other time, at a meeting specially called, and notified as aforesaid for the consideration of any application therefor to them made, grant such license on like conditions; but all such licenses expire on the day aforesaid.

**Sec. 4. License fee and record.** R. S. c. 29, § 4. Every person licensed shall pay to the treasurer, for the use of such board, one dollar; and the clerk shall make a record of all licenses granted.

**Sec. 5. Duty of innkeepers to provide entertainment.** R. S. c. 29, § 5. Every innkeeper shall, at all times, be furnished with suitable provisions and lodging for strangers and travelers, and with stable room, hay and provender for their horses and cattle; and with pasturing, if it is required by the terms of his license; and he shall grant such reasonable accommodations as occasion requires, to strangers, travelers and others.

71 Me. 19, 316; 76 Me. 542.

**Sec. 6. Duties of victualers.** R. S. c. 29, § 9. Every victualer has all the rights and privileges and is subject to all the duties and obligations of an innkeeper, except furnishing lodging for travelers, and stable room, hay or provender for cattle.

10 Me. 439; 16 Me. 122.

**Sec. 7. Innkeepers and victualers to allow no gambling on their premises.** R. S. c. 29, § 10. No innkeeper or victualer shall have or keep for gambling purposes about his house, shop or other buildings, yards, gardens or dependencies, any dice, cards, bowls, billiards, quoits or other implements used in gambling; or suffer any person resorting thither to use or exercise for gambling purposes any of said games, or any other unlawful game or sport therein; and every person who uses or exercises any such game or sport for gambling purposes in any place herein prohibited, forfeits five dollars.

See c. 126, § 36.

**Sec. 8. Nor reveling, drunkenness, etc.** R. S. c. 29, § 11. No innkeeper or victualer shall suffer any reveling, or riotous or disorderly conduct in his house, shop or other dependencies; nor any drunkenness or excess therein.

**Sec. 9. Penalty for neglecting a license.** R. S. c. 29, § 12. No person shall be a common innkeeper or victualer without a license, under a penalty of not more than fifty dollars.

65 Me. 363; 76 Me. 543; 89 Me. 445.

**Sec. 10. Prosecutions.** R. S. c. 29, § 13. The licensing board shall prosecute for any violation of the foregoing sections that come to their knowledge, by complaint, indictment or action of debt; and all penalties recovered shall inure to the town where the offense is committed. Any citizen of the state may prosecute for any violation of the preceding sections in the same manner as the licensing board may prosecute.

12 Me. 204; 65 Me. 363; 93 Me. 484.

**Sec. 11. Liability of hotel keepers, etc., defined.** 1913, c. 101, § 1. No innkeeper, hotel keeper or boarding-house keeper, who constantly has in his inn, 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 of or injury to any articles or property of the kind above specified suffered by any guest, unless such guest has offered to deliver the same to the innkeeper, hotel keeper or boarding-house keeper for custody in such metal safe or vault, and the innkeeper, hotel keeper or boarding-house keeper has omitted or refused to take said property 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.

72 Me. 274; 74 Me. 229, 262; 77 Me. 360; 91 Me. 279.

**Sec. 12. Special arrangement may be made to receive deposits.** 1913, c. 101, § 2. Any such innkeeper, hotel keeper 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 in writing agree to; and every innkeeper, hotel keeper 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, hotel keeper or boarding-house keeper or any of his servants.

**Sec. 13. Check or receipt shall be given for property delivered for safe keeping.** 1913, c. 101, § 3. Every guest and every person 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 in the room assigned to such guest, shall demand, and such hotel proprietor shall 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 of his servants or employees in such hotel.

**Sec. 14. Liability shall be that of a depository for hire; limit of liability.** 1913, c. 101, § 4. The liability of the keeper of any inn or hotel, for loss of or injury to personal property placed by his guests under his care, other than that described in the three preceding sections, shall be that of a depository for hire, except that in case such loss or injury is caused by fire not

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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 for 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; 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.

74 Me. 229, 262.

**Sec. 15. Lien on baggage or other property deposited for safe keeping.** R. S. c. 93, § 65. 1913, c. 101, § 5. The keeper of any inn, boarding-house or hotel, shall have a lien on the baggage and other property in and about said premises 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, boarding-house keeper or hotel keeper may 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.

35 Me. 154; 38 Me. 192; 42 Me. 51.

**Sec. 16. Enforcement of lien; notice of sale; disposal of proceeds.** 1913, c. 101, §§ 6, 7. 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; 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.

**Sec. 17. Penalty for fraud in obtaining food, etc.** 1913, c. 101, § 8. Whoever obtains 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 punished by fine of not exceeding one hundred dollars, or by imprisonment not exceeding three months.

**Sec. 18. False show of baggage, etc., shall be proof of fraudulent intent.** 1913, c. 101, § 9. Evidence that lodging, food or other accommodations were obtained by false pretense, or by false or fictitious show or pretense of 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 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 seventeen; but this section and the preceding section shall not apply where there has been an agreement in writing for delay in payment for a period to exceed ten days.

**Sec. 19. Copies of law shall be posted.** 1913, c. 101, § 10. R. S. c. 127, § 6. Every hotel keeper, innkeeper, or boarding-house keeper within this state, shall keep a copy of sections seventeen, eighteen and nineteen, printed in distinct type posted in not less than ten conspicuous places in his hotel, inn, boarding-house or eating-house. Judges of municipal and police courts and trial justices shall have jurisdiction of all offenses arising under sections seventeen and eighteen, where the amount of which any such keeper of a hotel, inn, boarding-house or eating-house has been thus defrauded, does not exceed the sum of twenty dollars.

### Lunch Wagons.

**Sec. 20. Lunch wagons may be licensed; license may be revoked; objection of abutters.** 1909, c. 262. The mayor and aldermen of any city, or selectmen of any town, may, if in their opinion public convenience so requires, license any reputable person, upon the payment of an annual license fee, to be fixed by said licensing authority, to maintain a vehicle for the sale of food in such part of any public way and during such hours as the licensing authority may designate, provided that public travel is not incommoded thereby; and no other or further license shall be required for this purpose. Any such license may be revoked, for reasonable cause, at any time, by the licensing authority. No such license, however, shall be granted to use any part of any public way the fee in which is not owned by the city or town, against the objection of the owners of the land abutting on that part of the way.