

MAINE STATE LEGISLATURE

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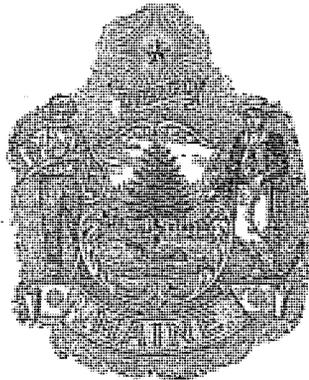
SIXTH REVISION

THE
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OF THE

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By the Authority of the Legislature

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property is situated shall indemnify the owner thereof for three-fourths of the value of such injury, to be recovered in an action on the case, if he uses all reasonable diligence to prevent such injuries, and to procure the conviction of the offenders; and the town paying such sum may recover it in an action on the case against the persons doing the injury.

63 Me. 48; 65 Me. 429, 438.

Insurrection and Invasion.

Sec. 17. Governor may call out the militia to suppress insurrection. R. S. c. 124, § 16. When an insurrection exists to obstruct the course of justice, or the due execution of the laws, the governor is empowered to detach and call into actual service such part of the militia, as in his opinion is adequate to suppress the same.

Sec. 18. Governor and council may employ armed vessels to protect the coast of the state. R. S. c. 124, § 17. When the governor and council deem it necessary to protect the coast of the state from invasion, they may procure, equip, officer and man, such armed vessels as they think expedient, to cruise along the coast of the state, for the purpose of protecting the inhabitants thereof; and fix the relative rank and compensation of the officers, and the number and compensation of seamen employed.

CHAPTER 126.

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Offenses Against Chastity, Morality and Decency.

Sec. 1. Adultery; cohabitation after a divorce. R. S. c. 125, § 1. Whoever commits adultery shall be punished by imprisonment for not more than five years, or by fine not exceeding one thousand dollars; and when only one of the parties is married, or when they have been legally divorced from the bonds of matrimony, and afterwards cohabit, each shall be deemed guilty of adultery.

8 Me. 76; 11 Me. 394; 19 Me. 156; 35 Me. 206; 36 Me. 263; 43 Me. 261; 44 Me. 478; 65 Me. 30.

Sec. 2. Incest. R. S. c. 125, § 2. When persons within the degrees of consanguinity or affinity in which marriages are declared incestuous and

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void, intermarry or commit fornication or adultery with each other, they shall be punished by imprisonment for not less than one, nor more than ten years.

Sec. 3. Crime against nature. R. S. c. 125, § 3. Whoever commits the crime against nature, with mankind or with a beast, shall be punished by imprisonment for not less than one, nor more than ten years.

Sec. 4. Polygamy, its punishment; place of trial. R. S. c. 125, § 4. If any person, except one legally divorced, or one whose husband or wife has been continually absent for seven years and not known to him or her to be living within that time, having a husband or wife living, marries another married or single person; or if any unmarried person knowingly marries the husband or wife of another, when such husband or wife is thereby guilty of polygamy, he or she shall be deemed guilty of polygamy and punished by imprisonment for not more than five years, or by fine not exceeding five hundred dollars; and the indictment for such offense may be found and tried in the county where the offender resides, or where he or she is apprehended.

6 Me. 149; 53 Me. 440; 91 Me. 207; 97 Me. 324, 325.

Sec. 5. Lascivious cohabitation and lewdness; indecent exposure. R. S. c. 125, § 5. If any man and woman, one or both being at the time married to another person, lewdly and lasciviously cohabit; or, married or unmarried, are guilty of open, gross lewdness and lascivious behavior, they shall each be punished by imprisonment for not more than five years, or by fine not exceeding three hundred dollars; and whoever wantonly and indecently exposes his person shall be punished by imprisonment for not more than thirty days, and by fine not exceeding ten dollars.

7 Me. 58; 112 Me. 56.

Sec. 6. Indecent liberties; punishment. 1913, c. 62. Whoever, being twenty-one years or more of age, takes any indecent liberty or liberties, or indulges in any indecent or immoral practice or practices, with the sexual parts or organs of any other person, male or female, under the age of sixteen years, either with or without the consent of such male or female person, shall, upon conviction thereof, be punished by imprisonment at hard labor, for not less than one, nor more than ten years.

Sec. 7. Fornication. R. S. c. 125, § 6. If an unmarried man commits fornication with an unmarried woman, they shall be punished by imprisonment for not more than sixty days, and by fine not exceeding one hundred dollars.

Concealment of Births and Procuring Abortions.

Sec. 8. Concealment by the mother of the death of illegitimate issue. R. S. c. 125, § 7. If a woman is willingly delivered in secret of the issue of her body, which would be a bastard if born alive, and conceals the death thereof, so that it is not known whether it was born dead, or alive and was murdered, she shall be punished by imprisonment for not more than three years, or by fine not exceeding one hundred dollars; and she may be charged with such offense, and also with the murder of such child, in the same indictment, and convicted and punished for either, according to the verdict.

57 Me. 31.

Sec. 9. Punishment for procuring or attempting to procure abortion. R. S. c. 125, § 8. Whoever administers to any woman pregnant with child, whether such child is quick or not, any medicine, drug or other substance, or uses any instrument or other means, unless the same was done as necessary for the preservation of the mother's life, shall be punished, if done with intent to destroy such child and thereby it was destroyed before birth, by imprisonment for not more than five years, or by fine not exceeding one thousand dollars; but if done with intent to procure the miscarriage of such woman, by imprisonment for less than one year, and by fine not exceeding one thousand dollars.

32 Me. 374; 33 Me. 54.

Sec. 10. Publication or sale of certain circulars prohibited. 1907, c. 189, § 1. 1909, c. 192, § 1. Whoever publishes, sells or distributes by hand or otherwise any circular, pamphlet, or book containing recipes or prescriptions for the cure of chronic female complaints or private diseases, or recipes or prescriptions for drops, pills, tinctures, or other compound designed to prevent conception, or tending to produce miscarriage or abortion, shall be deemed guilty of a misdemeanor and shall be punished by fine of not less than fifty, nor more than one hundred dollars, or by imprisonment for not more than three months.

Sec. 11. Throwing or leaving samples of patent medicines upon door steps, prohibited. 1907, c. 189, § 2. 1909, c. 192, § 2. Any person, firm or corporation who, by himself, his servant or agent, or as the servant or agent of any other person or firm, shall leave, throw, or deposit, or have in his possession with intent to leave, throw or deposit upon the doorstep, hall, porch, doorway, vestibule, or premises owned or occupied by another, any patent or proprietary medicine or any preparation, pill, tablet, or drug, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty, nor more than one thousand dollars, or by imprisonment for not less than thirty days nor more than one year.

Houses of Ill Fame. Prostitution.

Sec. 12. Keeping houses of ill fame. R. S. c. 125, § 9. Whoever keeps a house of ill fame, resorted to for prostitution or lewdness, shall be punished by imprisonment for less than one year, and by fine not exceeding five hundred dollars; and if after conviction he is again convicted, he shall be punished by imprisonment for not less than one, nor more than three years. The municipal officers and constables of towns and cities, and assessors of plantations, are required promptly to enforce the laws against such houses, and to make complaint against any person within their respective municipalities, where there is probable cause to believe such person guilty of a violation of this section. A person, convicted of keeping such a house, before a municipal or police court or trial justice, may be sentenced to the house of correction or jail not exceeding one month. And such person shall not be allowed to keep boarders or lodgers without a license from the overseers of the poor of the town, who shall prosecute for such offense, all whom they have good reason to suspect to be guilty.

40 Me. 561; 75 Me. 592; 113 Me. 43. See c. 127, § 49.

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Sec. 13. Enticing unmarried females for purposes of prostitution. R. S. c. 125, § 10. Whoever fraudulently and deceitfully entices or takes away an unmarried female from her father's house, or wherever else she may be found, for the purpose of prostitution at a house of ill fame, assignation or elsewhere, and whoever aids therein, or secretes such female for such purposes; or whoever inveigles or entices any female, before reputed virtuous, to a house of ill fame, or knowingly conceals or aids in concealing any such female, so enticed, for the purpose of prostitution or lewdness, shall be punished by imprisonment for not less than one, nor more than ten years.

54 Me. 26; 113 Me. 43.

Sec. 14. Procuration constituted a felony. 1913, c. 97, § 1. Whoever shall procure a female inmate for a house of prostitution; or shall induce, persuade, encourage, inveigle, or entice a female person to become a prostitute; or whoever by promises, threats, violence or by any device or scheme, shall cause, induce, persuade, inveigle, take, place, harbor, encourage or entice a female person to become an inmate of a house of prostitution, or assignation place, or any place where prostitution is practiced, encouraged, or allowed; or whoever by promises, threats, violence, or by any device or scheme, shall cause, induce, persuade, encourage, inveigle or entice an inmate of a house of prostitution or place of assignation to remain therein as such inmate; or whoever by promises, threats, violence, by any device or scheme, by fraud or artifice, or by duress of person, of goods, or by abuse of any position of confidence or authority, or having legal charge, shall take, place, harbor, inveigle, entice, persuade, encourage or procure any female person to enter any place within this state in which prostitution is practiced, encouraged or allowed, for the purpose of prostitution or for any other immoral purpose; or whoever shall inveigle, entice, persuade, encourage or procure any female person to come into this state or leave this state for the purpose of prostitution or for any other immoral purpose; or whoever takes or detains a female with the intent to compel her by force, threats, menace, or duress to marry him or to marry any other person or to be defiled; or upon the pretense of marriage takes or detains a female person for the purpose of sexual intercourse; or whoever shall receive or give or agree to receive or give any money or thing of value for procuring or attempting to procure any female person to become a prostitute or to come into this state or leave this state for the purpose of prostitution or for any other immoral purpose shall be guilty of a felony, and on conviction thereof, shall be punished by imprisonment for not less than two, nor more than twenty years.

Sec. 15. Placing of a wife in house of prostitution, a felony. 1913, c. 97, § 2. Whoever by force, fraud, intimidation or threats, places or leaves, or procures any other person or persons to place or leave, his wife in a house of prostitution or to lead a life of prostitution shall be guilty of a felony, and on conviction thereof, shall be punished by imprisonment for not less than two, nor more than twenty years.

Sec. 16. Acceptance of money from woman engaged in prostitution, a felony; evidence. 1913, c. 97, § 3. Whoever shall knowingly accept, receive, levy or appropriate any money or other valuable thing, without con-

sideration, from the proceeds of the earnings of any woman engaged in prostitution, shall be guilty of a felony, and on conviction thereof, shall be punished by imprisonment for not less than two, nor more than twenty years. Any such acceptance, receipt, levy or appropriation of such money or valuable thing, shall, upon any proceeding or trial for violation of this section, be presumptive evidence of lack of consideration.

113 Me. 41.

Sec. 17. Detention of female in house of prostitution on account of debt, a felony. 1913, c. 97, § 4. Whoever attempts to detain any female person in a house of prostitution, assignation place, or any place where prostitution is practiced, encouraged or allowed, because of any debt or debts she has contracted, or is said to have contracted, shall be guilty of a felony and on conviction thereof shall be punished by imprisonment for not less than two, nor more than twenty years.

Sec. 18. Transportation of female persons for purpose of prostitution, a felony; place of prosecution. 1913, c. 97, § 5. Whoever shall knowingly transport or cause to be transported, or aid or assist in obtaining transportation for, by any means of conveyance into, through or across the state, any female person for the purpose of prostitution or for any other immoral purpose, or with the intent and purpose to induce, entice or compel such female person to become a prostitute, shall be guilty of a felony, and on conviction thereof, shall be punished by imprisonment for not less than two, nor more than twenty years. Whoever commits the crime mentioned in this section may be prosecuted, indicted, tried and convicted in any county or city in or through which he shall have transported or attempted to transport any female person as aforesaid.

Sec. 19. No defense if prohibited acts were committed outside this state. 1913, c. 97, § 6. It shall not be a defense to a prosecution for any of the acts prohibited in the five preceding sections that any part of such act or acts shall have been committed outside this state, and the offense in such case shall be deemed and alleged to have been committed and the offender tried and punished in any county in which the prostitution was intended to be practiced or in which the offense was consummated, or any overt act in furtherance of the offense shall have been committed.

Sec. 20. Females referred to shall be competent witnesses; evidence of general reputation of house admissible. 1913, c. 97, §§ 7, 8. Any such female person referred to in the six preceding sections shall be a competent witness in any prosecution thereunder to testify for or against the accused as to any transaction, or as to any conversation with the accused, or by him with another person or persons in her presence, notwithstanding her having married the accused before or after the violation of any provision of said sections, whether called as a witness during the existence of the marriage or after its dissolution. In any prosecution under the six preceding sections evidence of the general reputation or common fame of a house or place shall be admissible for the purpose of proving that the house or place is one of ill fame, prostitution or assignation.

See 64 Me. 523.

Sec. 21. Warrants to search for females supposed to be so enticed. R. S. c. 125, § 11. When an overseer of the poor, police officer, constable, parent, or guardian, has reason to believe that a female has been inveigled or enticed to a house of ill fame as aforesaid, he may complain on oath to a competent magistrate who may issue his search warrant as in other cases, to enter such house by day or night, search for such female, and bring her and the person in whose keeping she is found, before him, and may order her to be delivered to the complainant or to be discharged, as law and justice require.

Sec. 22. Lease of tenant of house of ill fame is void, at the option of the landlord. R. S. c. 125, § 12. When the tenant of a dwelling-house is convicted of keeping it as a house of ill fame, the lease or contract by which he occupies it may, at the option of the landlord, be deemed void, and the landlord shall have the same remedy to recover possession as against a tenant holding over after his term expires.

See c. 23, § 3.

Immoral Literature, Pictures and Exhibitions.

Sec. 23. Punishment for making or circulating obscene books and pictures. R. S. c. 125, § 13. Whoever imports, prints, publishes, sells or distributes any book, pamphlet, ballad, printed paper or other thing containing obscene, indecent or impure language, or manifestly tending to the corruption of the morals of youth, or an obscene, indecent or impure print, picture, figure or description, manifestly tending to the corruption of the morals of youth, or introduces into a family, school or place of education, or buys, procures, receives or has in his possession any such book, pamphlet, ballad, printed paper or other thing, either for the purpose of sale, exhibition, loan or circulation, or with intent to introduce the same into a family, school or place of education, shall be punished by imprisonment in the state prison not exceeding five years, or by imprisonment in the jail not exceeding two years, and by fine not exceeding one thousand, nor less than one hundred dollars.

See c. 16, § 151.

Sec. 24. Warrants to search for such articles. R. S. c. 125, § 14. A warrant to search for such articles may be issued by any trial justice like other search warrants, and when any of them are found by the officer serving it, they shall be brought before the justice, and kept by him or the officer, to be used as evidence in any case that may arise concerning them or any person connected therewith; and on conviction of such offender, said articles shall be destroyed by order of the court trying the case.

Sec. 25. Circulation among minors of criminal news and obscene pictures. R. S. c. 125, § 15. Whoever knowingly sells, lends, gives away or shows to any minor, any book, pamphlet, magazine, newspaper or other printed paper devoted to the publication, or principally made up of criminal news, police reports or accounts of criminal deeds, or pictures and stories of lust or crime; or circulates, posts or causes to be circulated or posted in any conspicuous or public place, any picture, handbill or poster containing obscene, indecent or immoral representations; or in any manner hires, uses or employs any minor to sell or give away, or in any manner to distribute,

or who, having the care, custody or control of any minor, permits such minor to sell or give away, or in any manner to distribute any book, magazine, pamphlet or newspaper coming within the first paragraph of this section, shall be punished by imprisonment in the county jail not more than six months, or by fine of not less than twenty-five, nor more than one hundred dollars, or by both imprisonment and fine.

Sec. 26. Jurisdiction of offenses. R. S. c. 125, § 16. Judges of municipal and police courts and trial justices shall have by complaint, jurisdiction of the offenses mentioned in the preceding section, original and concurrent with the supreme judicial and superior courts.

Sec. 27. Reproduction of prize-fights prohibited. R. S. c. 125, § 17. Whoever publicly exhibits any photographic or other reproduction of a prize-fight shall be punished by a fine not exceeding five hundred dollars.

Sec. 28. Use of a phonograph which utters profane or obscene language, prohibited. R. S. c. 125, § 18. Whoever in connection with any show or entertainment, whether public or private, either as owner, manager or director, or in any other capacity, uses, or causes or permits to be used, a phonograph or other contrivance, instrument or device, which utters or gives forth any profane, obscene or impure language, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment.

Sec. 29. Punishment for giving any obscene or impure show. R. S. c. 125, § 19. Whoever as owner, manager, director, agent or in any other capacity, prepares, advertises, gives, presents or participates in any obscene, indecent, immoral or impure show or entertainment, or in any show or entertainment manifestly tending to corrupt the morals of youth, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment.

Blasphemy and Profanity.

Sec. 30. Blasphemy. R. S. c. 125, § 20. Whoever blasphemes the holy name of God by cursing, or contumeliously reproaching God, His creation, government, final judgment of the world, Jesus Christ, the Holy Ghost or the Holy Scriptures as contained in the canonical books of the Old or New Testament, or by exposing them to contempt and ridicule, shall be punished by imprisonment for not more than two years, or by fine not exceeding two hundred dollars.

Sec. 31. Profanity. R. S. c. 125, § 21. Whoever, being of years of discretion, profanely curses or swears, shall, on complaint made within twenty days thereafter, be punished by fine not exceeding two dollars; and if, after conviction, he is again guilty, by fine not exceeding five dollars.

Disturbance of Religious Meetings and Observance of the Lord's Day.

Sec. 32. Rude behavior in a house of worship or religious assembly. R. S. c. 125, § 22. Whoever, on the Lord's Day or at any other time, behaves rudely or indecently within the walls of any house of public worship; willfully interrupts or disturbs any assembly for religious worship within the

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place of such assembly or out of it; sells or exposes for sale within one mile thereof and during the time of their meeting, refreshments or merchandise, except in his usual course and place of business; exhibits any show or play; engages or aids in any horse-race, gambling or other sport, to the disturbance of such assembly; or, coming within their neighborhood, refuses, on request, either immediately and peaceably to retire beyond their hearing, or to conform to their established regulations, shall be punished by imprisonment for not more than thirty days, and by fine not exceeding ten dollars.

Sec. 33. Special police at camp-meetings, appointment; appointment of persons to keep boarders and sell refreshments. R. S. c. 125, § 23. 1911, c. 76. On application of the presiding elder, officers or preachers in charge, or tent masters, of a religious or temperance camp-meeting in any town, the municipal officers thereof or a majority of them, shall in writing, appoint one or more police officers to preserve the peace during such meeting, who may arrest any violator of the preceding section, detain him until a warrant can be issued, and execute such warrant when directed to them; and the presiding officer or committee of arrangements of such religious assembly or meeting may appoint some suitable persons to keep boarders and sell refreshments at such meetings, and to sell tickets for admission to such meetings, who shall conform therein to such regulations as the officers appointing them prescribe.

Sec. 34. Arrest of offenders; penalty for refusing to aid officers. R. S. c. 125, § 24. Every justice of the peace, sheriff, deputy sheriff, constable and grand juror, present at any such religious assembly disturbed as aforesaid, shall arrest or cause to be arrested every such offender, and detain him until the close of such assembly, or until he can be taken before a magistrate; and all persons present at such assembly, shall, on request, assist said officers in the execution of their duty, under the same penalties for neglect or refusal that are provided for neglecting or refusing to aid officers in other cases.

Sec. 35. Business, traveling and recreation, prohibited on Lord's Day. R. S. c. 125, § 25. Whoever, on the Lord's Day, keeps open his shop, work-house, warehouse or place of business, travels, or does any work, labor or business on that day, except works of necessity or charity; uses any sport, game or recreation; or is present at any dancing, public diversion, show or entertainment, encouraging the same, shall be punished by fine not exceeding ten dollars.

See c. 87, § 137; 26 Me. 466; 28 Me. 334; 33 Me. 540; 34 Me. 392; 35 Me. 144; 36 Me. 475; 39 Me. 197; 42 Me. 92; 44 Me. 26; 46 Me. 521; 48 Me. 202; 49 Me. 432; 50 Me. 84; 55 Me. 557; 56 Me. 101; 57 Me. 424; 63 Me. 576; 65 Me. 37; 66 Me. 92; 69 Me. 117; 71 Me. 239; 82 Me. 108, 433; 84 Me. 115; 87 Me. 266; 89 Me. 573; 93 Me. 562; 96 Me. 172; 101 Me. 457; 108 Me. 305.

Sec. 36. Innholders and victualers shall not allow gambling, diversion, or business, on the Lord's Day. R. S. c. 125, § 26. If an innholder or victualer, on the Lord's Day, suffers any persons, except travelers, strangers or lodgers, to abide in his house, yard or field, drinking or spending their time idly, at play or doing any secular business, except works of charity or necessity, he shall be punished by fine not exceeding four dollars for each person thus suffered to abide; and if after conviction he is again

guilty, by fine not exceeding ten dollars for each offense; and upon a third conviction, he shall also be incapable of holding any license; and every person so abiding shall be fined not exceeding four dollars for each offense.

65 Me. 38.

Sec. 37. Duration of Lord's Day. R. S. c. 125, § 27. The Lord's Day includes the time between twelve o'clock on Saturday night and twelve o'clock on Sunday night.

Sec. 38. Persons conscientiously observing the seventh day, excepted. R. S. c. 125, § 28. No person conscientiously believing that the seventh day of the week ought to be observed as the Sabbath, and actually refraining from secular business and labor on that day, is liable to said penalties for doing such business or labor on the first day of the week, if he does not disturb other persons.

Sec. 39. Prosecutions under §§ 32, 35 and 36. R. S. c. 125, § 29. Any person may prosecute for all offenses described in sections thirty-two, thirty-five and thirty-six, at any time within six months after the commission thereof.

Disturbance of Public Meetings and Lawful Assemblies.

Sec. 40. Disturbance of public meetings and lawful assemblies. R. S. c. 125, § 30. Whoever by rude and indecent behavior, or in any way wilfully and unlawfully, disturbs or interrupts any public meeting, or any assembly lawfully gathered in a hall or other place of meeting, or creates a disturbance in any hall, walk or corridor adjacent or leading to the room where such meeting or assembly is held, shall be punished by imprisonment for not more than thirty days, or by fine of not less than five, nor more than ten dollars.

Protection of Dead Bodies and Graves.

Sec. 41. Arrest of dead body forbidden. R. S. c. 125, § 31. If an officer takes the body of a deceased person by writ or execution, he shall be punished by fine not exceeding five hundred dollars, and by imprisonment for not more than six months.

Sec. 42. Disinterment, concealment, exposure or abandonment of dead bodies; physicians, surgeons and students of anatomy. R. S. c. 125, § 32. Whoever, without permission of the clerk of a town, therein wilfully digs up or removes any human body or its remains from its place of burial, or aids in so doing; knowingly receives, conceals, or disposes of the same, or unnecessarily and indecently exposes, throws away or abandons a human body or its remains in any public place, river, stream or elsewhere, shall be punished by imprisonment for not less than one, nor more than five years, or by fine not exceeding three thousand dollars; but any physician, surgeon or medical student, may have in his possession or use human bodies or parts thereof lawfully obtained, for anatomical or physiological investigation and instruction.

See c. 18, §§ 1-6; c. 64, § 29.

Sec. 43. Injury to monuments and places of burial. R. S. c. 125, § 33. Whoever wilfully destroys or injures any tomb, gravestone, monument or other object placed or designed as a memorial of the dead, or any fence,

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railing or other thing placed about or enclosing a burial place; or wilfully injures, removes, or destroys, any tree, shrub or plant, within such enclosure, shall be punished by imprisonment for less than one year, or by fine not exceeding five hundred dollars.

Cruelty to Animals.

Sec. 44. Cruelty to animals, how punished. R. S. c. 125, § 34. Every person who cruelly overdrives, overloads or overworks, who torments, tortures, maims, wounds or deprives of necessary sustenance, or who cruelly beats, mutilates or kills any horse or other animal, or causes the same to be done, or having the charge or custody thereof, as owner or otherwise, unnecessarily fails to provide such animal with proper food, drink, shelter and protection from the weather; every person, owning or having the charge or custody of any animal, who knowingly and wilfully authorizes or permits the same to suffer tortures or cruelty; and every owner, driver, possessor or person having the custody of an old, maimed, disabled or diseased animal, who cruelly works the same when unfit for labor, or who cruelly abandons such animal; and every person who carries or causes to be carried, or has the care of, in or upon a car or other vehicle or otherwise, any animal in a cruel or inhuman manner, shall for every such offense be punished by imprisonment in jail not exceeding one year, or by fine of not less than five, and not exceeding two hundred dollars.

76 Me. 400; 86 Me. 195.

Sec. 45. Shooting of pigeons and other birds for amusement; not applicable to wild game. R. S. c. 125, § 35. Whoever keeps or uses any live pigeon, fowl or other bird for a target, or to be shot at either for amusement or as a test of skill in marksmanship, and whoever shoots at any bird as aforesaid, or is present as a party, umpire or judge at such shooting, and whoever rents any building, shed, room, yard, field or premises, or knowingly suffers the use of the same for such purpose, shall be punished by imprisonment in jail not exceeding thirty days, or by fine not exceeding fifty dollars. Nothing in this section prohibits the shooting of wild game in its wild state.

Sec. 46. Premeditated fights between animals. R. S. c. 125, § 36. Whoever instigates, or aids in getting up or acts as umpire or judge, or is connected with or participates in, any fight between game birds or game cocks, dogs or bulls, or between dogs and rats or other animals, premeditated by any person having custody thereof, shall be imprisoned for not less than ten days nor more than six months, or be fined not more than two hundred dollars. Section six of chapter one hundred and twenty-five applies to this section.

See c. 125, § 6.

Sec. 47. Places for fighting or baiting dogs, cocks or other creatures. R. S. c. 125, § 37. Whoever keeps, or uses, or is in any way connected with, or interested in the management of, or receives money for the admission of any person to any place kept or used for the purpose of fighting or baiting any dog, cock or other creature, and whoever aids or assists therein, or suffers any place to be so kept or used, shall be punished by imprisonment not exceeding two months, or by fine not exceeding fifty dollars.

Sec. 48. Owning, or training, any bird or animal, to fight. R. S. c. 125, § 38. Whoever owns, possesses, keeps or trains any bird or animal with intent that the same shall be engaged in an exhibition of fighting, shall be punished by imprisonment not exceeding thirty days, or by fine not exceeding fifty dollars.

Sec. 49. Officers may enter buildings where birds or animals are kept for unlawful training; dwelling protected. R. S. c. 125, § 39. Any sheriff, deputy sheriff, constable, police officer, officer of any society for the prevention of cruelty to animals, or any other person authorized to make arrests, may enter any building or enclosure where he has reason to believe that any bird or creature is kept for any unlawful purpose hereinbefore named; and whoever resists or interferes with such officer shall be punished by imprisonment in jail not exceeding one year, or by fine not exceeding one hundred dollars. But nothing in this section allows any officer to enter a dwelling-house without a warrant.

Sec. 50. Exhibition of bears, prohibited; menageries excepted. R. S. c. 125, § 40. Whoever shall go about from town to town, or from place to place in any town, exhibiting any bear, shall be punished by fine not exceeding twenty dollars, or by imprisonment not exceeding thirty days, and such bear, after such notice to the owner thereof as the court may order, and a hearing thereon, may be declared forfeited, and ordered to be killed; but this section shall not be construed to prohibit the transportation or exhibition of bears in any authorized menagerie.

Sec. 51. Railroads shall give cars containing animals continuous passage and preference to other freight. R. S. c. 125, § 41. Railroad companies within the state shall give cars containing cattle, sheep, swine or other animals a continuous passage in preference to other freight; and cars loaded with such animals at any station shall have precedence over all other freight. A greater number of animals shall not be loaded into any car than can stand comfortably therein. Animals of one kind only shall be loaded in the same apartment. Young animals shall not be loaded in the same apartment with those larger and mature, except in case of dams with their own and other sucklings, which shall in all cases be transported in the same apartment and separate from other animals. Calves shall have free access to their dams, and shall not be muzzled, except that calves, for a period not to exceed twenty-four hours may be transported in a separate compartment. During December, January, February and March, cars used for the transportation of animals shall be sufficiently boarded on the sides and ends to afford proper protection to such animals in case of storms or severely cold weather.

Sec. 52. Animals brought into the state, shall be allowed rest, shelter, food and water; animals in transit; liability of company for neglect. R. S. c. 125, § 42. 1909, c. 135, § 1. Animals coming into the state on the same or connecting roads or other transportation lines, shall, within twenty-eight hours after they were loaded, be unloaded, comfortably yarded, and in cold or inclement weather, comfortably sheltered, and shall be furnished with a sufficient quantity of proper food and good water; and they shall continue so yarded or sheltered, fed and watered for a reasonable time. And all animals in transit within the state shall be so unloaded, yarded or sheltered, fed and watered every twenty-eight hours, unless delayed by accident

or other unavoidable circumstances. Animals arriving at their destination within the state, or for embarkation on steamers between the hours of three in the forenoon and six in the afternoon, shall be so unloaded, yarded or sheltered, fed and watered within six hours thereafter and before embarkation. And animals arriving between the hours of six in the afternoon and three in the forenoon, shall be so unloaded, yarded or sheltered, fed and watered before nine o'clock in the forenoon following, and before embarkation, if remaining in the state. The railroad company or transportation line having animals in charge within the state at the expiration of the limit of time herein specified for unloading, feeding and watering, is liable to the penalties herein specified, for such neglect.

Sec. 53. Time of confinement may be extended upon request; in the case of sheep. 1909, c. 135, § 2. Upon the written request of the owner or person in custody of any particular shipment of animals, which written request shall be separate and apart from any printed bill of lading or any railroad form, the time of confinement of any particular shipment of animals may be extended to thirty-six hours; a railroad company or transportation line shall not be required to unload sheep in the night time, but where the time expires in the night time, in case of sheep, the same may continue in transit to a suitable place for unloading, not exceeding, however, the limitation of thirty-six hours during which they may be confined.

Sec. 54. Penalty. R. S. c. 125, § 43. A railroad company or other transportation line violating any provision of the three preceding sections, forfeits not less than fifty, nor more than five hundred dollars for every such offense.

Sec. 55. Application to owners, shippers, etc. R. S. c. 125, § 44. Sections fifty-one and fifty-two shall apply to the owners, shippers, charterer of cars or other person having the care, custody or charge of animals loaded into any car, or transported upon any railroad; and such owner, shipper, charterer of cars, or other person having the care, custody or charge of animals, loaded into cars or transported over any railroad, for a violation of any of the provisions of said sections fifty-one and fifty-two, shall be subject to the same penalties as are imposed upon railroad companies for a like violation, by section fifty-four.

Sec. 56. Railroad companies have a lien on such animals for penalties, and for care and protection. R. S. c. 125, § 45. Any railroad company or other transportation line shall have a lien on all animals in transit for reimbursement of penalties paid in consequence of the direction or orders of the owner or other person having such animals in charge, and for all extra expenses or damages incurred in the care and protection of animals according to this chapter, and is not liable for any detention of such animals for the purposes herein named.

Sec. 57. Officers may take possession of animals detained in violation of law; lien. R. S. c. 125, § 46. Any sheriff, deputy sheriff, police officer, constable, officer of any society for the prevention of cruelty to animals, or other person authorized to make arrests, may take possession of any animals detained in violation of this chapter, and may unload the same, comfortably yard or shelter, feed, water and care for them, and have a lien

thereon for a reasonable sum for such care, and is not liable for any damages for detention of the same.

Sec. 58. Enforcement of lien. R. S. c. 125, § 47. Persons or corporations having such lien, may sell such animals at public auction, in the town or city where they were found or are detained, after three days' written notice to the party claiming or owning the same; or if such party cannot be found, by publishing notice of the time and place of sale for three successive days in any daily, or once in any weekly newspaper printed in the county where such animals were found or are detained, and from the proceeds of such sale, may deduct all costs, charges and expenses, and a reasonable compensation for trouble, and shall hold the balance, if any, for, and pay over the same, on demand, to the parties owning said animals, or to the legal representatives of such parties.

Sec. 59. Abandoned animals may be destroyed. R. S. c. 125, § 48. 1905, c. 70. Any officer or agent of any society for the prevention of cruelty to animals may lawfully cause to be destroyed forthwith, any animal found abandoned or not properly cared for, appearing in the judgment of two reputable persons called by him to view the same in his presence, to be diseased or injured or in a condition from lack of food, water or shelter, past recovery for any useful purpose.

Sec. 60. Old, diseased or disabled animal may be destroyed; proceedings. R. S. c. 125, § 49. Such officer or agent may take possession of any old, maimed, disabled, diseased or injured animal, and apply to any municipal or police court or trial justice for process to cause the same to be destroyed. If the owner is known, a copy of such application shall be served upon him in hand with an order of court to appear at a time and place named, to show cause why such animal should not be destroyed, and its value fixed. If the owner is not known, then the court shall order notices to be posted in two public and conspicuous places in the town, stating the case in substance, and giving forty-eight hours' notice of a hearing thereon. At such hearing if it appears that such animal is old, maimed, disabled, diseased or injured, and is unfit for use, the court shall determine the value of such animal, and shall issue process directing the officer to destroy the same. The defendant may appeal as in a civil action, but before such appeal shall be allowed, the defendant shall give sufficient security to said officer, to be approved by the court, to pay all the expenses for the care and support of such animal pending such appeal.

80 Me. 206.

Sec. 61. Officers may interfere to prevent cruelty. R. S. c. 125, § 50. Such officer or agent may lawfully interfere to prevent the perpetration of any act of cruelty upon an animal in his presence, and whoever interferes with or obstructs such officer or agent in the discharge of his duty is guilty of a misdemeanor.

See c. 124, § 23.

Sec. 62. Care of abandoned or neglected animals at the owner's expense; sheep abandoned on islands. R. S. c. 125, § 51. 1905, c. 113. Any person may take charge of an animal whose owner has cruelly abandoned it, or cruelly fails to take care of and provide for it, and may furnish the same with proper shelter, nourishment and care at the owner's expense, and have

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a lien thereon for the same, and the keeping or leaving sheep on any of the uninhabited and barren islands, lying off the coast of Maine, within said state, during the months of December, January, February and March of any year, without providing sufficient food and proper shelter therefor, shall be deemed prima facie evidence that the owner or person having the custody and control of such sheep has violated the provisions of this section.

Sec. 63. Penalty for docking horses' tails; disposal of fines. R. S. c. 125, § 52. Whoever cuts the solid part of the tail of any horse in the operation known as docking, or by any other operation performed for the purpose of shortening the tail, and whoever shall cause the same to be done, or assist in doing such cutting, unless the same is proved to be a benefit to the horse, shall be punished by fine not exceeding one hundred dollars. All fines collected under this section upon, or resulting from, the complaint or information of an officer or agent of the Maine State Society for the Protection of Animals, shall be paid over to said society in aid of the benevolent objects for which it was incorporated.

Sec. 64. Duty of officers to prosecute for violations; payment for services. R. S. c. 125, § 53. 1905, c. 107. Sheriffs, deputy sheriffs, police officers, constables and agents appointed under the provisions of the following section, shall investigate all cases of cruelty to animals coming to their knowledge, and shall cause offenders to be prosecuted in all cases in which the offense may appear to be of a sufficiently aggravated nature to require prosecution; all fines imposed for the punishment of such offenses, shall be paid over to the county treasurer of the county in which the offense may have been committed. For services and expenses in conducting such investigations such agents shall be paid a reasonable sum by the county in which such services are rendered and expenses incurred, and for their travel the same fees as are now allowed officers, by law for the service of a warrant for arrest; provided, however, that all claims of such agents for such travel and services shall first be audited and approved by the county commissioners of the county liable to pay the same.

See c. 114, § 10.

Sec. 65. Governor and council may appoint officers to enforce twenty-one preceding sections. R. S. c. 125, § 54. Upon application by the mayor and aldermen of any city, the selectmen of any town, or the president and three directors of any society for the prevention of cruelty to animals, the governor and council shall issue a badge and commission to any person designated, to arrest any person charged with violating any of the preceding twenty-one sections, the same as any sheriff, deputy sheriff or constable can do, and whose jurisdiction shall extend throughout the state.

Sec. 66. Jurisdiction of offenses. R. S. c. 125, § 55. Municipal and police courts and trial justices shall on complaint cause to be arrested any person charged with the commission in their counties of any of the offenses described in the twenty-two preceding sections; the offense may be deemed to have been committed in any county where such animal may be found; and when such offenses are not of a high and aggravated nature, they may try and punish by fine of not less than five, nor more than twenty dollars, and by imprisonment not exceeding thirty days; but when on examination the offense appears to be one not within their jurisdiction for trial, they

may cause the person or persons charged with the commission of the same to recognize with sureties to appear before the supreme judicial court or a superior court, and in default thereof to be committed to jail.

Sec. 67. Rules of construction of the twenty-three preceding sections. R. S. c. 125, § 56. In this chapter, and in every law relating to or affecting animals, the masculine includes the feminine, the singular includes the plural, the word "animal" includes every living brute creature, the words "torment," "torture" and "cruelty" include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted, and the words "owner" or "person" include corporations as well as individuals.

Note. Traps set in incorporated or organized places shall be visited at least once in every twenty-four hours, c. 33, § 52.

CHAPTER 127.

Gambling. Bucket-Shops. Sale of Intoxicating Liquors.

Gambling.

Sec. 1. Punishment for keeping a gambling-house or permitting gambling in house or shop. R. S. c. 126, § 1. 1905, c. 105, § 1. Whoever keeps or assists in keeping a gambling-house, or tenement or other place occupied, used, kept or resorted to for the purposes described in section eleven of this chapter, or is found gambling or present as described in said section eleven, or permits any person to gamble in any way in any tenement or other place under his care or control, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than four months; and the municipal officers, constables and police officers of towns and cities, and the assessors of plantations, are required promptly to enforce the laws against gambling rooms, and to make complaint against any person in their respective municipalities when there is probable cause to believe such person to be guilty of a violation of this section. Trial justices and judges of municipal or police courts, shall have jurisdiction in all prosecutions for violations of this section.

15 Me. 237; 23 Me. 44; 85 Me. 237; 99 Me. 488.

Sec. 2. Penalty for gambling. R. S. c. 126, § 2. Whoever gambles, or bets on any person gambling, shall be fined not less than one, nor more than twenty dollars, to be recovered by complaint or indictment to the use of the prosecutor.

Sec. 3. Penalty for winning more than three dollars at one time. R. S. c. 126, § 3. Whoever is convicted, by indictment found within six months, of winning, at one time or sitting, by gambling, or by betting on persons gambling, money or goods of the value of three dollars or more, and of receiving or taking security therefor, forfeits to the town where the offense is committed, double the value of the property so won and received.

63 Me. 11.