

MAINE STATE LEGISLATURE

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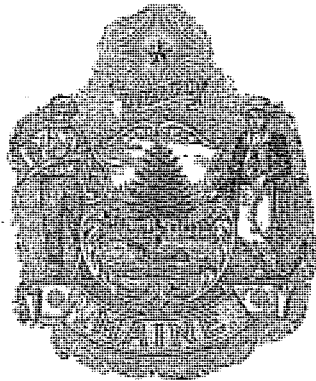
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THE
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OF THE

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By the Authority of the Legislature

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Sec. 37. Printed copies of §§ 35 to 38 must be posted in public places. R. S. c. 128, § 30. No person shall be convicted of any offense under section thirty-five unless a printed copy of sections thirty-five to thirty-eight inclusive shall have been posted in a conspicuous place in the public building, hotel, railroad station, railroad-car or steamboat where said offense is committed, for at least thirty days prior to the commission of said offense, and is also posted at the time of said offense.

Sec. 38. Penalty for destroying notices. R. S. c. 128, § 31. Whoever wilfully destroys, defaces or tears down any such printed copy posted under the preceding section, shall forfeit not less than one, nor more than ten dollars to be recovered on complaint.

Note. Malicious injury to the structure of meridian lines, c. 48, § 36; to toll-gate or toll-bridge, c. 27, § 19.

CHAPTER 130.

Offenses Against the Public Health, Safety and Policy.

- Sections 1-14 Unwholesome Provisions and Drinks.
- Section 15 Expectoration in Public Places.
- Sections 16-17 Fireworks.
- Sections 18-20 Lotteries.
- Sections 21-23 Candy and Cigarettes.
- Sections 24-33 Tramps.

Unwholesome Provisions and Drinks.

Sec. 1. Corrupting water used for domestic or other uses. R. S. c. 129, § 1. 1905, c. 97. 1907, c. 104. Whoever knowingly and wilfully poisons, defiles or in any way corrupts the waters of any well, spring, brook, lake, pond, river or reservoir, used for domestic purposes for man or beast, or knowingly corrupts the sources of any public water supply, or the tributaries of said sources of supply in such manner as to affect the purity of the water so supplied, or knowingly defiles such water in any manner, whether the same be frozen or not, or puts the carcass of any dead animal or other offensive material into said waters, or upon the ice thereof, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year.

See 1891, c. 82, § 3.

Sec. 2. Holding any diseased meat or milk, for human food. R. S. c. 129, § 2. Whoever, having charge of any animal, or meat or milk of any animal affected with tuberculosis or other contagious or infectious disease, knowing that the animal is thus affected, shall hold the animal, or its meat or milk, for human food, shall be punished by a fine of not less than five, nor more than fifty dollars.

Sec. 3. Sale of impure or adulterated milk or cream, forbidden; standard milk; skimmed milk excepted. R. S. c. 129, § 3. 1905, c. 40. 1909, c. 144. 1911, c. 96. Whoever by himself, clerk, servant or agent, sells, exchanges or

delivers, or has in his custody or possession with intent to sell, exchange or deliver, or exposes or offers for sale or exchange milk which is not of good standard quality, adulterated milk or milk to which water or any foreign substance has been added, or milk produced from sick or diseased cows, or milk in or from cans or other utensils that are not in a clean or sanitary condition, or as pure milk, milk from which the cream or a part thereof has been removed; and whoever by himself, clerk, servant or agent, sells, exchanges or delivers, or has in his custody with intent to sell, exchange or deliver, cream containing less than eighteen per cent of milk fat, shall for the first offense be punished by a fine not exceeding fifty dollars, for a second offense by a fine of not less than fifty, nor more than one hundred dollars and for a subsequent offense by a fine of one hundred dollars and by imprisonment for not less than thirty, nor more than sixty days. And in prosecutions hereunder milk, which upon analysis is shown to contain less than eleven and seventy-five hundredths per cent of milk solids or less than three and twenty-five hundredths per cent of fat shall not be considered milk of good standard quality. Nothing in this section shall be construed to prohibit the sale of skimmed milk as such.

Sec. 4. Sale of unwholesome provisions or drinks; killing for sale, or selling meat of calves killed when less than four weeks old. R. S. c. 129, § 4. Whoever sells diseased, corrupted or unwholesome provision for food or drink, knowing it to be such, or fraudulently adulterates for the purpose of sale, any substance intended for food, or any wine, spirits or other liquors intended for drink, so as to render them injurious to health, shall be punished by imprisonment for not more than five years, or by fine not exceeding one thousand dollars; and whoever kills or causes to be killed for the purpose of sale, any calf less than four weeks old, or knowingly sells, or has in possession with intent to sell for food, the meat of any calf killed when less than four weeks old, shall be punished by imprisonment in the jail or house of correction, not exceeding thirty days, or by fine not exceeding fifty dollars; and all such meat exposed for sale, or kept with intent to sell, may be seized and destroyed by any board of health or health officer, or any sheriff, deputy sheriff, constable or police officer.

Sec. 5. Warrants may be issued to search for such veal. R. S. c. 129, § 5. When complaint is made on oath to any court or justice authorized to issue warrants in criminal cases, that meat of calves killed when less than four weeks old, is kept or concealed with intent to sell the same for purposes of food, such magistrate, when satisfied that there is reasonable cause for such belief, may issue a warrant to search therefor.

Sec. 6. Imitations of butter or cheese not to be manufactured or sold. R. S. c. 129, § 6. 1905, c. 38, § 1. No person shall manufacture, sell, expose for sale or have in his possession with intent to sell, or take orders for the future delivery of any article, substance or compound made in imitation of yellow butter or cheese, and not made exclusively and wholly of cream or milk, or containing any fats, oil or grease not produced from milk or cream, whether said article, substance or compound be named oleomargarine, butterine, or otherwise named.

Sec. 7. Oleomargarine. 1905, c. 38, § 2. 1911, c. 107. No person shall by himself, his clerk, servant or agent, furnish oleomargarine in any hotel,

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restaurant or boarding-house, or at any lunch counter, to a guest or patron thereof, instead of butter, without notifying said guest or patron that the substance so furnished is not butter.

Sec. 8. Imitations not to be sold. 1905, c. 38, § 3. No person shall sell or offer for sale to any person who asks, sends or inquires for butter or cheese, any substance or compound made in imitation of butter or cheese.

Sec. 9. Renovated butter shall be labeled as such. 1905, c. 38, § 4. No person shall sell, offer or expose for sale any renovated butter, unless the words "renovated butter" shall be conspicuously and plainly stamped, labeled or marked, so that said words cannot be easily defaced, upon the top and side of every tub, firkin, box or package containing said article or compound. The seller at retail of said article or compound, which is not in the original package, shall attach to each package so sold and deliver therewith to the purchaser a label or wrapper bearing in a conspicuous place upon the outside of the package the words "renovated butter."

Sec. 10. Penalty for violation of four preceding sections. 1905, c. 38, § 5. 1907, c. 22, § 1. Whoever violates any provision of the four preceding sections shall be punished for the first offense by a fine not exceeding one hundred dollars and for the second offense by a fine not exceeding two hundred dollars.

See c. 37, § 24.

Sec. 11. Duty of officers to make complaints; suspected articles to be analyzed. R. S. c. 129, § 7. Every inspector of milk, sheriff, deputy sheriff or constable shall institute complaint for violations of sections six to nine, both inclusive, whenever he has reasonable cause for suspicion, and on the information of any person who shall lay before him satisfactory evidence of the same. Said inspector or officer shall take specimens of suspected butter or cheese and cause the same to be analyzed or otherwise satisfactorily tested. The expense of such analysis or test, not exceeding twenty dollars in any one case, may be included in the costs of prosecution, and taxed and allowed to the officer paying the same.

Sec. 12. Butter and cheese, defined. R. S. c. 129, § 8. 1905, c. 38, § 6. For the purposes of this chapter, the terms "butter" and "cheese," mean the products usually known by those names, and which are manufactured exclusively from milk or cream, or both, with salt and rennet, and with or without coloring matter.

Sec. 13. Selling preserved eggs, without notice to purchaser, prohibited. R. S. c. 129, § 9. Whoever, by himself or his agent, sells or offers for sale eggs that have been in cold storage or limed, or that have been preserved in any manner and are not what are usually denominated fresh eggs, without notice to the purchaser or purchasers, knowingly and with intent to deceive, shall be punished by imprisonment not exceeding thirty days, or by fine not exceeding one hundred dollars.

Sec. 14. Swelling of scallop meats prohibited. 1909, c. 89. No person shall swell, or expand scallop meats, by the use of fresh water, baking-soda, or by any other artificial means. Whoever violates this section shall be punished by a fine of five dollars for each gallon of scallops so treated. Municipal and police courts and trial justices shall have jurisdiction of prosecutions for offenses under this section.

Expectoration in Public Places.

Sec. 15. Spitting in public places, prohibited. 1909, c. 76. No person shall expectorate or spit on any public sidewalk, or public street crossing, or cross walk, or, except in receptacles provided for the purpose, upon the floor in any city or town hall, in any court-house or court-room, in any factory, in any public library or museum, in any church or theatre, in any lecture or music-hall, in any ferryboat or steamboat, in any railroad-car, except a smoking-car, in any street or interurban railroad-car, in any railroad station, or waiting-room or any sidewalk or platform connected therewith. Whoever violates this section shall be punished by a fine of not more than twenty dollars.

Fireworks.

Sec. 16. Sale of fireworks without license. R. S. c. 129, § 18. Whoever sells, or offers for sale, crackers, squibs, rockets or other fireworks, in any town, without the license of the municipal officers thereof, shall be fined not exceeding ten dollars, to the use of such town.

Sec. 17. Toy pistols, sale of, prohibited. R. S. c. 129, § 19. Whoever has in his possession a toy pistol for the explosion of percussion caps or blank cartridges, with intent to sell it, or sells or offers to sell or give it away, shall be fined not less than five, nor more than one hundred dollars, and shall be liable for all damages resulting from such selling, or giving away, to be recovered in an action on the case.

Lotteries.

Sec. 18. Lotteries and schemes of chance, of all kinds, prohibited; printing of tickets, prima facie evidence. R. S. c. 129, § 20. Every lottery, policy, policy lottery, policy shop, scheme or device of chance, of whatever name or description, whether at fairs or public gatherings, or elsewhere, and whether in the interests of churches, benevolent objects or otherwise, is prohibited; and whoever is concerned therein, directly or indirectly, by making, writing, printing, advertising, purchasing, receiving, selling, offering for sale, giving away, disposing of, or having in possession with intent to sell or dispose of, any ticket, certificate, share or interest therein, slip, bill, token or other device purporting or designed to guarantee or assure to any person or to entitle any person to a chance of drawing or obtaining any prize or thing of value to be drawn in any lottery, policy, policy lottery, policy shop, scheme or device of chance of whatever name or description; by printing, publishing or circulating the same, or any handbill, advertisement or notice thereof, or by knowingly suffering the same to be published in any newspaper or periodical under his charge, or on any cover or paper attached thereto; or who in any manner aids therein, or is connected therewith, shall be punished by fine of not less than ten, nor more than one thousand dollars, to be recovered by complaint, indictment or action of debt, half to the prosecutor and half to the town where the offense is committed; and if by action of debt; he shall not be entitled to the benefit of chapter one hundred and fifteen, and if by indictment, he shall further be punished by imprisonment for thirty days on the first conviction; sixty, on the second; and ninety on the third. And all lottery tickets, or materials

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for a lottery, procured for that purpose, shall be disposed of as provided in section twelve of chapter one hundred and twenty-seven. The printing, advertising, issuing or delivery of any ticket, paper, document or material representing or purporting to represent the existence of, or an interest in a lottery, policy lottery, game or hazard, shall be prima facie evidence of the existence, location and drawing of such lottery, policy lottery, game or hazard, and the issuing or delivery of any such paper, ticket, document or material shall be prima facie evidence of value received therefor by the person or persons, company or corporation who issues or delivers or knowingly aids or abets in the issuing or delivering of such paper, ticket, document or material.

7 Me. 502; 15 Me. 123; 78 Me. 73; 82 Me. 319; 85 Me. 238; 99 Me. 70, 488.

Sec. 19. Attorney-general may have injunction to restrain any lottery. R. S. c. 129, § 21. When it appears to the attorney-general that any person has formed or published such a lottery, or taken any measures for that purpose; or is engaged in selling or otherwise distributing tickets, certificates, shares or interests therein, whether such lottery originated in this state or not, he shall immediately make complaint in the name of the state to some justice of the supreme judicial court, in or out of term time, for an injunction to restrain such person from further proceedings therein; and if satisfied that there is sufficient ground therefor, such justice shall forthwith issue such injunction; and thereupon he shall order notice, to be served like other summonses, on the adverse party to appear and answer to said complaint. Such justice, after a full hearing, may dissolve, modify or make perpetual such injunction; make all orders and decrees, according to the course of chancery, necessary to restrain and suppress such unlawful proceedings, and if the adverse party neglects to appear, or the final decree of the court is against him, judgment shall be rendered against him for all costs, fees and expenses incurred in the case, and for such compensation to the attorney-general, for his expenses, as the court deems reasonable.

Sec. 20. Payments and securities for lotteries are void, and may be recovered back. R. S. c. 129, § 22. Payments, compensations and securities of every description, made directly or indirectly, in whole or in part, for any such lottery or ticket, certificate, share or interest therein, are received without consideration and against law and equity, and may be recovered back.

82 Me. 319.

Candy and Cigarettes.

Sec. 21. Sale of adulterated candy and brandy drops forbidden. R. S. c. 129, § 23. Whoever, by himself, his servant, or as agent of any other person or corporation, manufactures for sale, or knowingly sells or offers for sale any candy adulterated by the admixture of terra alba, barytes, talc or any other mineral or metallic substance, or by poisonous colors or flavors, or containing brandy, whiskey, rum, wine or any alcoholic liquor in liquid form or other ingredients deleterious or detrimental to health, or offers for sale any candy under the name of brandy, whiskey, rum or wine drops, shall be punished by a fine of not less than fifty, nor more than one hundred dollars. The candy so adulterated shall be forfeited and destroyed under

the direction of the court. County attorneys shall prosecute all complaints under this section, in all the courts in their respective counties.

Sec. 22. Penalty for offering prize candy for sale; liability to summary arrest. R. S. c. 129, § 24. Whoever sells or offers for sale, prize candy in packages containing or purporting to contain a prize or gift, shall, for each offense be punished by imprisonment in any jail or house of correction not exceeding thirty days, or by fine not exceeding twenty dollars, and if discovered in the commission of such offense in any railroad-car, steamboat, public conveyance or other place, by any officer qualified to serve criminal process, he may be arrested by such officer and detained by imprisonment or otherwise not exceeding twenty-four hours, until a complaint has been made and a warrant issued against him.

Sec. 23. Sale of cigarettes to minors prohibited. R. S. c. 129, § 25. 1909, c. 123. Whoever by himself, clerk, servant or agent, directly or indirectly, sells, offers for sale, has in his possession with intent to sell, or gives away to, or in any way obtains for any person under the age of twenty-one years, any cigarette, cigarette paper, so called, or tobacco such as is used for making any cigarette, shall be punished by a fine not exceeding fifty dollars or by imprisonment not exceeding sixty days. Trial justices and municipal and police courts shall have jurisdiction of offenses under this section.

See c. 120, § 33.

Tramps.

Sec. 24. Begging, etc., evidence of being a tramp; refusing to labor, how punished. R. S. c. 129, § 26. Whoever goes about from town to town, or from place to place in any town, asking for food or shelter or begging or subsisting upon charity shall be deemed a tramp and be imprisoned in the county jail for not less than thirty days nor more than ten months, at hard labor for ten hours each day, Sundays excepted. And should any person so sentenced refuse to labor in accordance with the provisions of this section, he shall be provided with no food, except bread and water, until he shall consent to labor in conformity with the requirements of this section. Trial justices and judges of municipal and police courts, shall have jurisdiction of all offenses arising under this section.

Sec. 25. Penalty for entering dwelling, kindling fire in highway, etc., without leave. R. S. c. 129, § 27. If a tramp enters a dwelling-house, or kindles a fire in the highway, or on the land of another without the consent of the owner or occupant, or is found carrying any firearm or other dangerous weapon, or threatens to do injury to any person, or to the real or personal estate of another, he shall be punished by imprisonment at hard labor in the state prison for not more than two years.

Sec. 26. Malicious injury to person or property. R. S. c. 129, § 28. If a tramp wilfully and maliciously does injury to any person, or to the real or personal estate of another, he shall be punished by imprisonment at hard labor in the state prison for not more than five years.

Sec. 27. State prison sentences for less than a year. R. S. c. 129, § 29. Any court imposing any punishment provided by either of the three preceding sections may, at its discretion, sentence to the state prison for a term less than one year.

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Sec. 28. Arrest by any citizen; exceptions. R. S. c. 129, § 30. Any person, upon view of an offense described in sections twenty-four to thirty, inclusive, of this chapter, may apprehend the offender and take him before any competent magistrate, for examination, but said sections shall not apply to any blind person, or female, or minor under the age of fourteen years.

Sec. 29. Non-resident tramps forbidden to sleep or lodge in barns, etc., without permission; arrest and detention. R. S. c. 129, § 31. If any tramp, not resident in the state, sleeps or lodges in any barn or other outbuilding without consent of the owner or occupant, he shall be fined twenty dollars, and in default of payment, shall be imprisoned at hard labor in the nearest work-jail, not less than four months for the first offense, and not less than six months for every subsequent offense. A non-resident committing any act of beggary or vagrancy shall be deemed a tramp, and may be arrested by any officer and detained not exceeding twenty-four hours until a warrant, issued on complaint of some resident of the state, can be obtained.

Sec. 30. Fees of officers; when costs shall be paid by the state. R. S. c. 129, § 32. The fees of officers and magistrates under the preceding section shall be the same as in case of common vagrants, except that the fees for commitment shall be one dollar and a half for each day necessarily employed, and actual expenses of transportation; all costs incurred under said section shall be paid by the state, upon the order of the county commissioners, out of the state pauper fund; provided, that the governor and council are satisfied that the person confined is a tramp, having no pauper settlement in the state.

See c. 29, § 25.

Sec. 31. Vagrant, tramp or beggar, refusing to leave a dwelling-house on request, how to be punished. R. S. c. 129, § 33. If any public vagrant, tramp, beggar or other person who goes about from place to place asking or subsisting upon charity, or without means of support, having entered a dwelling-house, remains therein to the terror or fright of any of its occupants, or refuses or neglects, on request, to depart, he shall be punished by imprisonment and labor not exceeding thirty days in any jail, workhouse, house of correction or at any town farm or almshouse in the town in which the offense was committed, and by fine not exceeding ten dollars, and in default of payment he shall be imprisoned for an additional thirty days.

Sec. 32. Such convict may be required to labor; keeper may be appointed; convict is entitled to the net profits of his labor. R. S. c. 129, § 34. The keeper of the jail, workhouse, house of correction, or in case of a sentence to any town farm or almshouse, the overseers of the poor of such town, or the keeper or agent of such town farm or almshouse, may require such convict to labor at any lawful work within the town where such institution is situated, and may appoint any suitable person keeper over him, and may collect and receive the wages, compensation or profits of his labor, and at the expiration of such sentence pay to the convict such reasonable compensation, as in their judgment the profits of his labor will warrant, deducting therefrom, the costs of commitment and any fine imposed under the preceding section.

Sec. 33. Special constables. R. S. c. 129, § 35. Mayors and selectmen shall appoint special constables to arrest and prosecute all tramps in their respective municipalities.