

MAINE STATE LEGISLATURE

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EIGHTH REVISION

THE
REVISED STATUTES

OF THE
STATE OF MAINE

PASSED SEPTEMBER 20, 1944, AND TAKING EFFECT
DECEMBER 30, 1944

VOLUME II



By the Authority of the Legislature

AUGUSTA
KENNEBEC JOURNAL PRINT

CHAPTER 124.

CRIMES AGAINST PUBLIC HEALTH, SAFETY, AND POLICY.

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Corrupting Waters

Sec. 1. Corrupting water used for domestic or other uses; penalty. R. S. c. 140, § 1. 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 in said waters, or upon the ice thereof, shall be punished by a fine of not more than \$5,000, or by imprisonment for any term of years.

See c. 33, § 36, re pollution of certain inland waters; c. 118, § 32, re malicious injuries to ice; *118 Me. 13.

Unwholesome Provisions and Drinks

Sec. 2. Sale of unwholesome provisions or drinks; penalty. R. S. c. 140, § 4. Whoever sells diseased, corrupted, or unwholesome provisions for food or drink, knowing them 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 a fine of not more than \$1,000, or by imprisonment for not more than 5 years.

Sec. 3. Killing for sale, or selling meat of calves killed when less than 4 weeks old; penalty; meat to be seized and destroyed; warrants to search. R. S. c. 140, §§ 4, 5. 1935, c. 84, § 12. Whoever kills or causes to be killed for the purpose of sale any calf less than 4 weeks old, or knowingly sells or has in possession with intent to sell for food the meat of any calf killed when less than 4 weeks old shall be punished by a fine of not more than \$50, or by imprisonment for not more than 30 days; and all such meat exposed for sale, or kept with intent to sell, may be seized and destroyed by any local health officer, or any sheriff, deputy sheriff, constable, or police officer. 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 4 weeks old is kept or concealed with intent to sell the same for purposes of food, the magistrate, when satisfied that there is reasonable cause for such belief, may issue a warrant to search therefor.

Sec. 4. Sale of impure or adulterated milk or cream; penalty; exceptions. R. S. c. 140, § 3. 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 18% of milk fat shall for the first offense be punished by a fine of not more than \$50, for a second offense by a fine of not less than \$50, nor more than \$100, and for a subsequent offense by a fine of \$100 and by imprisonment for not less than 30 days, nor more than 60 days. In prosecutions hereunder milk which upon analysis is shown to contain less than 11 75/100% of milk solids or less than 3 25/100% 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.

See c. 27, § 115, re court jurisdiction.

Sec. 5. Possession of diseased meat or milk for human food; penalty. R. S. c. 140, § 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 \$5, nor more than \$50.

See c. 27, § 115, re court jurisdiction.

Sec. 6. Imitations of butter or cheese not to be manufactured or sold; penalty. R. S. c. 140, §§ 6, 10. 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; nor shall any person, firm, or corporation sell, expose for sale, or have in his possession with intent to sell oleomargarine unless the original package in which the same is shipped or conveyed from place of manufacture shall have the word "oleomargarine" in letters $\frac{3}{4}$ inch high and of proportionate width plainly printed or stenciled on the top or side thereof and unless each carton or wrapper containing said oleomargarine and in which such oleomargarine is sold or kept for sale shall have the word "oleomargarine" printed on 2 principal display panels in plain Gothic letters not less than 20 point type. When said oleomargarine is sold from a tub or box or other container in which it is kept for sale in bulk, said oleomargarine must be wrapped in wrappers plainly stamped or printed on the outside thereof with the word "oleomargarine" in plain Gothic letters not less than 20 point size, and shall also contain the name and address of the seller thereof and the quantity sold. For the purpose of this section any article, substance, or compound manufactured from animal fats or oils, vegetable oils, or from compounds or mixtures of animal fats or oils and vegetable oils which has been churned in cream, milk, or water, or bathed in a solution of brine, shall be considered oleomargarine; nor shall any person, firm, or corporation within this state use in any way in connection or association with the sale, or exposure for sale or advertisement of any oleomargarine or any substance designed to be

used as a substitute for butter, the word "butter," "creamery," "dairy," or the name or representation of any breed of dairy cattle, or any combination of such word or words and representation, or any other words or symbols or combinations thereof commonly used in the sale of butter. Whoever violates any of the provisions of this section shall be punished for the 1st offense by a fine of not more than \$100, and for the 2nd offense by a fine of not more than \$200.

See § 11; c. 27, § 115, re court jurisdiction.

Sec. 7. Oleomargarine; penalty. R. S. c. 140, §§ 7, 10. No person shall by himself, his clerk, servant, or agent furnish oleomargarine or any other substitute instead of butter in any hotel, restaurant, boarding-house, lunch room, or lunch cart to a guest or patron thereof without notifying said guest or patron that the substance so furnished is not butter by placing on the walls of said hotel, restaurant, boarding-house, lunch room, or lunch cart where oleomargarine or other substitute is served, a white placard on which is printed in black ink, in plain Roman letters of not less than 3 inches in length and not less than 2 inches in width the words "Oleomargarine sold or used here," or the name of the substitute displayed on the placard instead of the word oleomargarine, such placard to be displayed at all times in such conspicuous place as to be readily seen by any and all persons entering such hotel dining-room, restaurant, boarding-house, lunch room, or lunch cart, where oleomargarine or other substitute is served. Whoever violates any of the provisions of this section shall be punished for the 1st offense by a fine of not more than \$100, and for the 2nd offense by a fine of not more than \$200.

See § 11; c. 27, § 115, re court jurisdiction.

Sec. 8. Imitations not to be sold; penalty. R. S. c. 140, §§ 8, 10. 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. Whoever violates any of the provisions of this section shall be punished for the 1st offense by a fine of not more than \$100, and for the 2nd offense by a fine of not more than \$200.

See § 11.

Sec. 9. Renovated butter to be labeled as such; penalty. R. S. c. 140, §§ 9, 10. 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." Whoever violates any of the provisions of this section shall be punished for the 1st offense by a fine of not more than \$100, and for the 2nd offense by a fine of not more than \$200.

See § 11; c. 27, § 115, re court jurisdiction.

Sec. 10. Butter and cheese defined. R. S. c. 140, § 12. 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. 11. Duty of officers to make complaints; suspected articles to be analyzed. R. S. c. 140, § 11. Every inspector of milk, sheriff, deputy sheriff, or

constable shall institute complaint for any violations of the provisions of sections 6 to 9, inclusive, whenever he has reasonable cause therefor, and on the information of any person who shall lay before him satisfactory evidence of such violation. 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 \$20 in any 1 case, may be included in the costs of prosecution, and taxed and allowed to the officer paying the same.

Sec. 12. Bread offered for sale to be enclosed in sanitary wrapper; penalty; jurisdiction. R. S. c. 140, § 14. 1933, c. 118, §§ 1, 5. No person, firm, or corporation shall distribute, transport, or sell for distribution or transportation any bread, in loaf form, which is not properly enclosed in a sanitary wrapper. Any person, firm, or corporation who violates any provision of this section shall be punished by a fine of not more than \$100 for the first offense and by a fine of not more than \$200 for each subsequent offense. Trial justices shall have original jurisdiction, concurrent with municipal courts and the superior court, of the above offenses.

Sec. 13. Throwing or leaving samples of patent medicines upon door-steps and streets; penalty. R. S. c. 135, § 12. 1939, c. 35. Any person, firm, or corporation who, by himself, his servant, or agent, or as the servant or agent of any other person or firm, leaves, throws, or deposits, or has in his possession with intent to leave, throw, or deposit upon the door-step, hall, porch, doorway, vestibule, or premises owned or occupied by another, or distributes on any street, any patent or proprietary medicine or any preparation, pill, tablet, or drug shall be punished by a fine of not less than \$20, nor more than \$1,000, or by imprisonment for not less than 30 days, nor more than 11 months.

Sec. 14. Swelling of scallop meats prohibited; penalty; jurisdiction. R. S. c. 140, § 13. 1933, c. 118, §§ 1, 5. No person shall swell or expand scallop meats by the use of fresh water, baking-soda, or by any other artificial means. Whoever violates the provisions of this section shall be punished by a fine of \$5 for each gallon of scallops so treated. Trial justices shall have original jurisdiction, concurrent with municipal courts and the superior court, of prosecutions for offenses under the provisions of this section.

Sec. 15. Sale of adulterated candy and brandy drops; penalty. R. S. c. 140, § 18. 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 \$50, nor more than \$100. 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. 16. Offering prize candy for sale; penalty; liability to summary arrest. R. S. c. 140, § 19. 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 a fine of not more than \$20, or by imprisonment for not more than 30 days; 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 for not more than 24 hours, until a complaint has been made and a warrant issued against him.

Expectoration in Public Places

Sec. 17. Spitting in public places prohibited; penalty. R. S. c. 65, § 35; c. 140, § 15. 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, 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 ferry-boat or steamboat, in any railroad-car except a smoking-car, in any street or interurban railroad-car, in any public conveyance, in any railroad station or waiting-room, or any sidewalk or platform connected therewith. Whoever violates any of the provisions of this section shall be punished by a fine of not more than \$20.

Dangerous Weapons and Fireworks

Sec. 18. Threatening display of and carrying concealed firearms or weapons; certain officers may issue license; exceptions; penalty. R. S. c. 142, §§ 13, 14, 15, 16. 1939, c. 14. No person shall in a threatening manner display, or shall wear under his clothes, or conceal about his person any firearm, slung-shot, knuckles, bowie knife, dirk, stiletto, or other dangerous or deadly weapon unless first licensed to do so as herein provided. The chief of police or city marshal of any city or the selectmen of any town may upon written application therefor issue to any legal resident of such city or town of good moral character, a certificate setting forth that such person has been duly licensed to carry any weapon or weapons mentioned in this section. Said license shall continue in effect to the end of the calendar year in which issued and for 1 year thereafter unless sooner revoked by the chief of police, city marshal, or by the selectmen of the town in which said license was issued. The provisions of this section shall not be construed as prohibiting the carrying or wearing of such weapons by United States marshals, sheriffs and their deputies, constables, police officers, and other officers charged with the enforcement of law. Whoever violates any of the provisions of this section shall be punished by a fine of not more than \$100, or by imprisonment for not more than 90 days.

Sec. 19. Sale of fireworks without license; penalty. R. S. c. 140, § 16. 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 punished by a fine of not more than \$10, to the use of such town.

Sec. 20. Sale and use of fireworks regulated. 1943, c. 354, §§ 1-9.

I. Devices for firing blank cartridges and fire balloons etc. not to be sold. (1943, c. 354, § 1) It shall be unlawful to sell any toy gun, toy cane, or cannon that can be used to fire blank cartridge or cartridges, any fire balloon, so called, parachute, or similar article carrying a lighted substance.

II. Limitation on shell of salutes to be sold. (1943, c. 354, § 2) It shall be unlawful to sell any marble salute, cherry salute, globe flash salute, so called, or any firecracker or salute having a shell or casing combined on any substance harder than any ordinary paper.

III. Limitation on size of salutes and torpedoes to be sold. (1943, c. 354, § 3) It shall be unlawful to sell any O. K. salutes and flash salute, radio flash salute,

devil dog salute, so called, or any firecracker or salute the external dimensions of which exceed 2 inches in length or $\frac{1}{2}$ inch in diameter, or which is designed to explode upon the ground when containing over 10 grains of explosive composition. No torpedoes, so called, shall be sold when exceeding the length of $\frac{7}{8}$ of an inch in diameter or containing over 4 grains of explosive composition, nor any rocket larger than those commercially designed and 1 pound in weight, provided, however, that the above shall not apply to sky rockets discharged in pyrotechnical display when in the hands of competent experts. No salute shall be sold exceeding 2 inches in length, and none shall contain dynamite, fulminate of mercury, nitroglycerine or any high explosive known as T. N. T.; provided, however, that this shall not apply to the use of signal torpedoes by railroads in the operation with their trains.

IV. Limitations on sale of fireworks enumerated in sub-§ II. (1943, c. 354, § 4) No fireworks enumerated in subsection II shall be displayed for sale except in show cases on shelves or in windows where they are completely enclosed.

V. Manufacturers of fireworks to furnish bond. (1943, c. 354, § 5) Any person, firm, or corporation that manufactures fireworks that contracts with any city or town to furnish a public display of fireworks shall post a bond in the sum of \$10,000 with the city or town treasurer, to reimburse the said city or town for any damages caused by the use of the fireworks; provided, however, that the above shall not apply to a display of fireworks that does not exceed \$250 in cost.

VI. Use of bear cat torpedoes and sky rockets regulated. (1943, c. 354, § 6) It shall be unlawful to carry for sale or give away any torpedo of the type known to the trade as a bear cat torpedo. It shall be unlawful for any person or persons to lay any sky rocket on any sidewalk, street, or vacant lot within the state, but all sky rockets shall be discharged upwards in chutes or racks.

VII. Dago bombs forbidden. (1943, c. 354, § 7) It shall be unlawful to have for sale in the state any dago bombs or aerial flash salutes.

VIII. Pyrotechnical displays regulated. (1943, c. 354, § 8) Pyrotechnical displays may be given at any time in licensed amusement parks, or in a suitable place in any city or town; provided, however, that the display is supervised by a suitable expert.

IX. Penalty. (1943, c. 354, § 9) Whoever violates any of the provisions of this section shall be punished by a fine of not more than \$100, or by imprisonment for not more than 30 days, or by both such fine and imprisonment.

Sec. 21. Toy pistols, sale of, prohibited; penalty. R. S. c. 140, § 17. 1939, c. 132, § 1. Whoever has in his possession a toy pistol for the explosion of blank cartridges, with intention to sell it, or offers to sell or give it away, shall be punished by a fine of not less than \$5, nor more than \$100, and shall be liable for all damages resulting from such giving away or any selling, to be recovered in an action on the case.

Dangerous Use of and Deposits on Ways

Sec. 22. Riding with a naked scythe; penalty. R. S. c. 139, § 33. Whoever rides on the highways or in any lanes, streets, or alleys with a naked scythe, sharpened and hung in a snath, forfeits \$2 for each offense.

Sec. 23. Placing obstructions on any traveled road; penalty. R. S. c. 139, § 30. Whoever places rocks, stones, or other obstructions in a traveled road, and

leaves them there, shall be punished by a fine of \$1 for each offense, to be recovered on complaint, to the use of the town where the offense is committed.

Sec. 24. Dumping waste material in public ways; penalty. R. S. c. 139, § 31. Whoever deposits or dumps refuse or waste material of any kind within the limits of any public way, except upon written authority of the municipal officers, shall be punished by a fine of not more than \$10, to be recovered to the use of the town where the offense is committed.

Sec. 25. Depositing sawdust within the limits of the highway; penalty. R. S. c. 139, § 32. It shall be unlawful for any owner, operator, manager, or employee of any mill used in the sawing of lumber to establish, locate, or use the same within such proximity to any way of the state as to allow the sawdust therefrom to blow into such highway. Whoever violates the provisions of this section shall be punished by a fine of not less than \$10, nor more than \$50, for each offense.

Tramps, Vagrants, Rogues, Vagabonds, and Idle Persons

Sec. 26. Begging, etc., evidence of being a tramp; refusing to labor; penalty; jurisdiction. R. S. c. 140, § 20. 1933, c. 118, §§ 1, 5. 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 punished by imprisonment for not less than 30 days, nor more than 10 months, at hard labor for 10 hours each day, Sundays excepted. 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 shall have original jurisdiction, concurrent with municipal courts and the superior court, of all offenses arising under the provisions of this section.

Sec. 27. Tramps entering dwelling, kindling fire in highway, etc.; penalty. R. S. c. 140, § 21. 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 for not more than 2 years.

119 Me. 546.

Sec. 28. Malicious injury to person or property by a tramp; penalty. R. S. c. 140, § 22. 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 for not more than 5 years.

Sec. 29. State prison sentences may be imposed for less than 1 year. R. S. c. 140, § 23. Any court imposing any punishment provided by either of the 3 preceding sections may, at its discretion, sentence to the state prison for a term less than 1 year.

Sec. 30. Non-resident tramps sleeping or lodging in barns, etc., without permission; penalty; arrest and detention. R. S. c. 140, § 25. 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 punished by a fine of \$20 and, in default of payment, shall be imprisoned at hard labor in the nearest work-jail for not less than 4 months for the first offense, and not less than 6 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 for not more than 24 hours until a warrant, issued on complaint of some resident of the state, can be obtained.

Sec. 31. Arrest by any citizen; exceptions. R. S. c. 140, § 24. Any person, upon view of an offense described in sections 26 to 31, inclusive, may apprehend the offender and take him before any competent magistrate for examination, but the provisions of said sections shall not apply to any blind person, or female, or minor under the age of 14 years.

Sec. 32. Fees of officers; when costs to be paid by the state. R. S. c. 140, § 26. The fees of officers and magistrates under the provisions of section 30 shall be the same as in case of common vagrants, except that the fees for commitment shall be \$1.50 for each day necessarily employed, and actual expenses of transportation. All costs incurred under the provisions of 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. 82, § 21, re state paupers.

Sec. 33. Vagrant, tramp, or beggar refusing to leave a dwelling-house on request; penalty. R. S. c. 140, § 27. If any 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 at labor for not more than 30 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 a fine of not more than \$10, and, in default of payment, by imprisonment for an additional 30 days.

Sec. 34. Convict may be required to labor; keeper may be appointed; convict is entitled to the net profits of his labors. R. S. c. 140, § 28. 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 a convict committed thereto 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 his 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 provisions of the preceding section.

Sec. 35. Rogues, vagabonds, idle persons, etc., commitment; penalty. R. S. c. 153, § 6. All rogues, vagabonds, and idle persons going about in any town in the county begging; persons using any subtle craft, jugglery, or unlawful games or plays, or for the sake of gain pretending to have knowledge in physiognomy, palmistry, to tell destinies or fortunes, or to discover lost or stolen goods; common pipers, fiddlers, runaways, drunkards, night-walkers, railers, brawlers, and pilferers; persons wanton or lascivious in speech or behavior, or neglecting their callings or employments, misspending what they earn and not providing for the support of themselves and their families; all idle and disorderly persons having no visible means of support, neglecting all lawful calling or employment; and all idle and disorderly persons who neglect all lawful calling or employment and misspend their time by frequenting disorderly houses, houses of ill fame, or gam-

ing-houses may, on complaint under oath before a municipal court or trial justice in his county, be committed to jail or to the house of correction in the town where the person belongs or is found, for a term of not more than 90 days.

See c. 82, §§ 33, 36, re removal of paupers and intemperate paupers; 123 Me. 394.

Marathons and Walkathons

Sec. 36. Marathon dances; walkathons. 1933, c. 292. No person or persons shall permit any person to compete in a marathon dance competition, a walkathon competition, or a similar competition for more than 6 hours in any 1 day, and no person or persons shall permit any person to enter or compete in such a competition who has entered or competed in any similar competition within 24 hours prior to the beginning of said competition. Whoever violates the provisions of this section shall be punished by a fine of not more than \$500 for each offense. No such marathon dance competition, walkathon competition, or similar competition shall be held in any city or town excepting after a vote therefor by the legal voters of said city or town.

Monopolies and Profiteering

Sec. 37. Contracts in restraint of trade declared illegal; penalty. R. S. c. 138, § 28. Every contract, combination in the form of trusts or otherwise, or conspiracy, in restraint of trade or commerce in this state is declared to be illegal. Whoever shall make any such contract or engage in any such combination or conspiracy shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than 6 months, or by both such fine and imprisonment.

See c. 49, § 77, re prohibition of trusts.

Sec. 38. Conspiring to monopolize trade; penalty. R. S. c. 138, § 29. Whoever shall monopolize or attempt to monopolize or combine or conspire with any other person or persons to monopolize any part of the trade or commerce of this state shall be punished upon conviction thereof by a fine of not more than \$1,000, or by imprisonment for not more than 6 months, or by both such fine and imprisonment.

Sec. 39. Persons injured by violation may recover damages. R. S. c. 138, § 30. Whoever shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by the 2 preceding sections may sue therefor in an action on the case and shall recover 3 times the damages by him sustained.

Sec. 40. Penalty prescribed for profiteering in the necessities of life; term "necessities of life" defined. R. S. c. 138, § 31. Any dealer, trader, manufacturer, or warehouseman who with intent to enhance the price or restrict the supply of the necessities of life wilfully destroys or permits preventable waste in the production, manufacture, storage, or distribution of the same, or, with such intent, prevents, limits, lessens, or restricts the manufacture, production, supply, or distribution of said necessities, or hoards said necessities, or enters into any contract, combination, or conspiracy in restraint of trade or commerce, or exacts or demands any unjust or unreasonable profit in the sale, exchange, or handling of the said necessities, or unreasonably discriminates against any person in the sale of said necessities, or in any way aids or abets the doing of any act hereinbefore

mentioned, shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than 3 years, or by both such fine and imprisonment.

The term "necessities of life" shall include food for human consumption, food for domestic animals, wearing apparel, shoes, building materials, gas and electricity for light, heat, and power, ice, fuel of all kinds, fertilizer and fertilizer ingredients, together with tools, utensils, implements, machinery, and equipment required for the actual production or manufacture of the same.

Sec. 41. Profiteering in rents; penalty. R. S. c. 138, § 32. Whoever demands or collects an unreasonable or unjust rent or charge, taking into due consideration the actual market value of the property at the time, with a fair return thereon, or imposes an unreasonable or unjust term or condition, for the occupancy of any building or any part thereof, rented or hired for dwelling purposes, shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than 11 months, or by both such fine and imprisonment.

Sec. 42. Attorney-general to investigate. R. S. c. 138, § 33. The attorney-general upon his own initiative or upon petition of fifty or more citizens of this state shall investigate all seeming violations of the provisions of sections 40 to 42, inclusive, all contracts, combinations, or conspiracies in restraint of trade or commerce, and all monopolies, and may require, by summons, the attendance and testimony of witnesses and the production of books and papers before him relating to any such matter under investigation. Such summons shall be served in the same manner as summons for witnesses in criminal cases, and all provisions of law relating thereto shall apply to summonses issued under the provisions of this section so far as they are applicable. All investigations or hearings thereunder or connected therewith to which witnesses are summoned or called upon to testify or to produce books, records, or correspondence shall be public and shall be held in the county wherein the act to be investigated is alleged to have been committed, or if the investigation is on petition it shall be held in the county where the petitioners reside. The expense of such investigation shall be paid from the appropriation provided by section 13 of chapter 17.

If, upon investigation, it appears to the attorney-general that the laws of this state, including the provisions of sections 40 to 42, inclusive, have been violated in any respect, he shall forthwith prosecute the guilty parties and present all available information bearing upon such apparent violation to the proper prosecuting officer of the United States.

Any justice of the superior court may by order, upon application of the attorney-general, compel the attendance of witnesses, the production of books and papers, including correspondence, and the giving of testimony, before the attorney-general in the same manner and to the same extent as before said courts; and any failure to obey such order may be punished by such court as a contempt thereof.

Regulation of Radio Waves

Sec. 43. Regulation of radio waves; penalty for disturbing reception. R. S. c. 140, § 30. 1933, c. 118, § 1. It shall be unlawful to use any radio receiving set which radiates radio waves between 200 meters wave length and 550 meters wave length which causes interference with the reception of any other radio receiving set. Whoever knowingly, maliciously, or wantonly by any means unreasonably disturbs the reception of radio waves used for radiotelephony, between 200 meters wave length and 550 meters wave length, shall be punished by

a fine of not less than \$10, nor more than \$50, to be recovered by complaint in any municipal court or before any trial justice.

Notices Discriminating Against Persons

Sec. 44. Discrimination against persons and classes by printed notices and distribution by operators of places of accommodation, prohibited; definition; exception; penalty. R. S. c. 134, §§ 7, 8, 9, 10. No person, being the owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation, resort, or amusement shall directly or indirectly, by himself or another, publish, issue, circulate, distribute, or display, in any way, any advertisement, circular, folder, book, pamphlet, written or painted or printed notice or sign, of any kind or description, intended to discriminate against or actually discriminating against persons of any religious sect, creed, class, denomination, or nationality, in the full enjoyment of the accommodations, advantages, facilities, or privileges offered to the general public by such places of public accommodation, resort, or amusement.

A place of public accommodation, resort, or amusement within the meaning of this section shall be deemed to include any inn, whether conducted for the entertainment, housing, or lodging of transient guests, or for the benefit, use, or accommodation of those seeking health, recreation, or rest, any restaurant, eating-house, public conveyance on land or water, bath-house, barber-shop, theatre, and music-hall.

Nothing in this section contained shall be construed to prohibit the mailing of a private communication in writing, sent in response to specific written inquiry.

Any person who shall violate any of the provisions of this section, or who shall aid in or incite, cause, or bring about, in whole or in part, the violation of the provisions of this section, shall, for each and every violation, be punished by a fine of not more than \$100, or by imprisonment for not more than 30 days, or by both such fine and imprisonment.

CHAPTER 125.

CRIMES AGAINST MARITAL OR FAMILY STATUS AND CHILDREN.

Sections 1- 5 Desertion and Non-Support.

Sections 6-14 Crimes against Children.

Desertion and Non-Support

Sec. 1. Desertion of wife or children in destitute circumstances, or wilful non-support; when a felony; penalty; court may direct fine to be paid to wife; or may order respondent to make weekly payments; condition of recognizance. R. S. c. 129, § 44. 1943, c. 86. Whoever without lawful excuse deserts his wife when such wife is in destitute or necessitous circumstances, or, being able by means of his property or labor to provide for the necessary support and maintenance of his wife, without lawful excuse wilfully neglects or refuses to provide such support and maintenance when such wife is in destitute or necessitous circumstances, or whoever without lawful excuse deserts his or her minor child or