

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1963 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 4

Discard Previous Supplement

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1963

violates this section shall be punished by a fine of not more than \$250 or by imprisonment for not more than 30 days, or by both. (1961, c. 298.)

Chapter 137.

Crimes against Public Health, Safety and Policy.

Section 18-A. Electric Fences.
 Section 20-A. Dangerous Knives.
 Section 20-B. X-ray Shoe-fitting Machines.
 Section 32-A. Abandonment of Airtight Containers.
 Sections 32-B to 32-C. Unprotected Wells.
 Section 41-A. Peeking in Nighttime.
 Section 49-A. Settlements or Releases from Injured Persons.
 Sections 51-53. Budget Planning Commission.
 Section 54. Blind Persons with Guide Dogs.

Unwholesome Provisions and Drinks.

Sec. 11. Bread offered for sale enclosed in sanitary wrapper; jurisdiction.—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 1st offense and by a fine of not more than \$200 for each subsequent offense. The district court shall have original jurisdiction, concurrent with the superior court, of the above offenses. (R. S. c. 124, § 12. 1963, c. 402, § 218.)

Effect of amendment.—The 1963 amendment substituted “The district court” for “Trial justices” at the beginning of the last sentence and deleted “municipal courts and” following “concurrent with” in that sentence.

Application of amending act.—Section

280 of c. 402, P. L. 1963, provides that the act shall apply only to the district court when established in a district and that the laws in effect prior to the effective date of the act shall apply to all municipal and trial justice courts.

Sec. 13. Swelling of scallop meats; jurisdiction.—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. The district court shall have original jurisdiction, concurrent with the superior court, of prosecutions for offenses under this section. (R. S. c. 124, § 14. 1963, c. 402, § 219.)

Effect of amendment.—The 1963 amendment substituted “The district court” for “Trial justices” at the beginning of the last sentence, deleted “municipal courts and” following “concurrent with” therein

and deleted “the provisions of” preceding “this section” at the end of that sentence.

Application of amending act.—See note to § 11.

Expectoration in Public Places.

Sec. 17. Spitting in public places. — 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 courthouse or courtroom, 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 interurban railroad car, in any public conveyance, in any railroad station or waiting room, or any sidewalk or platform con-

nected therewith. Whoever violates any of the provisions of this section shall be punished by a fine of not more than \$20. (R. S. c. 124, § 17. 1961, c. 395, § 51.)

Effect of amendment.—The 1961 amendment, effective on its approval, June 17, 1961, deleted “street or” preceding “inter-urban railroad car” in the first sentence.

Electric Fences.

Sec. 18-A. Use of electrical fences.—No person or individual shall sell, utilize, install or have installed within this state, equipment, devices or methods whereby fence wires may be energized with electricity unless a standard type of controller is used, which has the approval of the underwriter’s laboratories and carries such label thereon or has the approved listing of the department of industrial cooperation at the university of Maine.

Any violation 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, or by both such fine and imprisonment. (1955, c. 263.)

Editor’s note. — The act inserting this section became effective on approval, April 25, 1955.

Dangerous Weapons.

Sec. 20. Reporting treatment of gunshot wounds.—Any person who professionally treats a human being for a wound apparently caused by the discharge of a firearm shall immediately report the same to the sheriff of the county in which the wound was treated, or any of his deputies, any police officer in the municipality in which the wound was treated or any state police officer, and such sheriff, deputy or officer shall forthwith notify the county attorney or the attorney general. Whoever fails to so report any such treatment shall be punished by a fine of not more than \$100. (1953, c. 295. 1963, c. 170.)

Effect of amendment.—Prior to the 1963 amendment, which rewrote the first sentence, the person treating the wound was required to report to the county attorney, sheriff, deputy or police officer.

Dangerous Knives.

Sec. 20-A. Dangerous knives.—It is unlawful for any person, firm or corporation to manufacture, or cause to be manufactured, possess, display, offer, sell, lend, give away or purchase any knife which has a blade which opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife; or any knife having a blade which opens or falls or is ejected into position by the force of gravity, or by an outward, downward or centrifugal thrust or movement. Violation of this section shall, upon conviction, be a misdemeanor punishable by a fine of \$500 or by imprisonment not to exceed 90 days, or by both. (1959, c. 43, § 1.)

Editor’s note.—P. L. 1959, c. 43, § 1, adding this section, provided in section 2 thereof as follows:

“Sec. 2. Application. Within 30 days

after the effective date of this act such knives are to be surrendered to any police officer.” The act became effective on September 12, 1959.

X-ray Shoe-Fitting Machines.

Sec. 20-B. X-ray shoe-fitting machines.—No shoe-fitting device or machine which uses fluoroscopic, X-ray or radiation principles shall be operated or maintained. Whoever violates the provisions of this section shall be punished by a fine of not more than \$100. (1959, c. 78; c. 363, § 47.)

Fireworks.

Sec. 21. Sale of fireworks.

IX. To the sale to, and use of fireworks by, agricultural growers for the protection of crops, provided a permit has been obtained for this purpose from the insurance commissioner. The commissioner shall promulgate regulations for the protection of the public governing the purchase, use and storage of fireworks by agricultural growers. The regulations shall include the size, type and explosive content of the fireworks; areas in which they may be used; and the season of the year during which a permit is valid. The commissioner may charge a fee of not more than \$2 for the permit, which fee shall be used to enforce this section. The fees shall be credited to the division of state fire prevention and shall not lapse but shall remain a continuing, carrying balance. (R. S. c. 124, §§ 19, 20. 1949, c. 372. 1959, c. 301.)

Effect of amendment.—The 1959 amendment added subsection IX to this section. Since the rest of the section was not affected by the amendment, it is not set out.

Sec. 27. Appeal. — Any person aggrieved by any decision of the insurance commissioner under sections 22 to 24, within 30 days after such decision may appeal therefrom to the superior court who shall forthwith, after notice and hearing, affirm or reverse such decision, and the finding of the court shall be final. (1949, c. 372. 1961, c. 317, § 467.)

Effect of amendment.—Prior to the 1961 amendment the appeal provided in this section was “to a justice of the superior court in term time or vacation” and the finding was of “such justice”.

Dangerous Use of and Deposits on Ways.

Sec. 28-A. Repealed by Laws 1963, c. 286, § 1.

Editor's note. — The repealed section, which related to throwing, depositing, and dumping refuse in public places in municipalities, derived from P. L. 1961, c. 177. For present provisions re dumping of litter, see § 30 of this chapter.

Effective date.—The 1963 act repealing this section became effective on its approval, May 9, 1963.

Sec. 30. Dumping of litter.—No person shall put or place, cause to be put or placed, deposit or throw upon any square, lane, alley, public bathing place, public park, or the approaches thereto, or any other place, or into any inland or tidal waters, or on the ice over such waters, or on the banks adjacent thereto any bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, rubbish, old automobiles or parts thereof, or similar refuse, except in proper containers placed for rubbish or garbage collection or removal or except in a public dump. Any person who violates this section shall be punished by a fine of not more than \$100. Nothing contained in this section shall be construed as affecting authorized collections of such articles as garbage or refuse, nor shall anything be construed to prevent the proper use of the rights-of-way for highway purposes. If the throwing, placing or depositing was done from a motor vehicle, it shall be *prima facie* evidence that the throwing, placing or depositing was done by the driver of such motor vehicle.

Every law enforcement officer in the state, including wardens of the department of inland fisheries and game, wardens of the department of sea and shore fisheries, foresters and wardens of the forestry department and liquor inspectors of the state liquor commission shall have authority to enforce this section and section 29. (R. S. c. 124, § 24. 1951, c. 286. 1955, c. 206, § 1. 1963, c. 286, § 2; c. 414, § 141-A.)

Effect of amendments.—The 1955 amendment added a sentence similar to the present fourth sentence of the first paragraph.

The first 1963 amendment, which became effective on its approval, May 9, 1963, rewrote the section. The second

1963 amendment inserted "and wardens" in the present second paragraph.

Sec. 31. Repealed by Public Laws 1963, c. 286, § 3.

Editor's note. — The repealed section had been amended by P. L. 1955, c. 206, § 2, and P. L. 1957, c. 163. For present provisions re dumping of litter, see § 30

of this title.

Effective date.—The 1963 act repealing this section became effective on its approval, May 9, 1963.

Abandonment of Airtight Containers.

Sec. 32-A. Abandonment of airtight containers.—Any person, firm or corporation abandoning or discarding in any public or private place accessible to children any chest, closet, piece of furniture, refrigerator, icebox or other article having a compartment of a capacity of 1½ cubic feet or more and having a door or lid which when closed cannot be opened easily from the inside, or who being the owner, lessee or manager of such place, knowingly permits such abandoned or discarded article to remain in such condition, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$50 or by imprisonment of not more than 30 days, or by both such fine and imprisonment. (1955, c. 138.)

Unprotected Wells.

Sec. 32-B. Definition.—The term "well" as used in this section and section 32-C shall mean a deep, narrow pit in the earth, usually walled, used for the purpose of obtaining a supply of water. (1961, c. 350.)

Sec. 32-C. Unprotected wells prohibited. — No person who owns or occupies land shall knowingly allow any well to remain open upon such land unless there is a substantial fence or other substantial enclosing barrier around such well or unless it is protected by a substantial covering which shall be securely fastened. Whoever violates this section shall be punished by a fine of not more than \$50 or by imprisonment of not more than 30 days, or by both. (1961, c. 350.)

Tramps, Vagrants, Rogues, Vagabonds and Idle Persons.

Sec. 33. Begging, etc., evidence of being a tramp; refusing to labor; jurisdiction.—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 ten months, at hard labor for ten 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. The district court shall have original jurisdiction, concurrent with the superior court of all offenses arising under this section. (R. S. c. 124, § 26. 1963, c. 402, § 220.)

Effect of amendment.—The 1963 amendment substituted "The district court" for "Trial justices" at the beginning of the last sentence, deleted "municipal courts and" following "concurrent with" therein

and deleted "the provisions of" preceding "this section" at the end of that sentence.

Application of amending act.—See note to § 11.

Sec. 41. Rogues, vagabonds, idle persons, etc.; commitment.—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, nightwalkers, 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 gaming houses may, on complaint under oath before the district court in the division where he is a resident, 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. (R. S. c. 124, § 35. 1963, c. 402, § 221.)

Effect of amendment.—The 1963 amendment substituted “the district court in the division where he is a resident” for “a municipal court or trial justice in his

county.”

Application of amending act. — See note to § 11.

Peeking in Nighttime.

Sec. 41-A. Entering on private property and peeking in nighttime.—

Whoever enters upon the private property of another in the nighttime without lawful business with the owner or occupant thereof and peeks in the window or door of any inhabited building or structure located thereon shall be punished by imprisonment for not more than 6 months, or by a fine of not more than \$500, or by both. (1963, c. 107.)

Monopolies and Profiteering.

Sec. 44-A. Immunity of witnesses from prosecution. — If any person shall give testimony or evidence required of him in any court of this state or any federal court, with respect to contracts, combinations or conspiracies in restraint of trade or commerce or to monopolize or attempt to monopolize any part of the trade or commerce of this state, he shall not thereafter be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter or thing concerning such contracts, combinations or conspiracies about which he may testify or produce evidence, and no testimony or evidence produced shall be received against him upon any criminal action, investigation or proceeding instituted under the laws of this state. No person so testifying or producing evidence shall be exempt from prosecution or punishment for perjury committed in so testifying. (1961, c. 280.)

Effective date.—P. L. 1961, c. 280, adding this section, became effective on its approval, May 10, 1961.

Sec. 45. Damages. — 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 sections 43 and 44 may sue therefor in a civil action and shall recover 3 times the damages by him sustained. (R. S. c. 124, § 39. 1961, c. 317, § 468.)

Effect of amendment.—The 1961 amendment substituted “sections 43 and 44” for “the 2 preceding sections” and “a civil ac-

tion” for “an action on the case” in this section.

Regulation of Radio Waves.

Sec. 49. Regulation of radio waves; disturbing reception.—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, mali-

ciously 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 the district court. (R. S. c. 124, § 43. 1963, c. 402, § 222.)

Effect of amendment.—The 1963 amendment substituted “the district court” for “any municipal court or before any trial

justice” at the end of the section.

Application of amending act.—See note to § 11.

Settlements or Releases from Injured Persons.

Sec. 49-A. Settlements or releases from injured persons confined in hospitals.—Except as provided in this section, no settlement or general release or statement in writing signed by any person confined in a hospital or sanitarium as a patient with reference to any personal injuries for which said person is confined in said hospital or sanitarium shall be admissible in evidence, used or referred to in any manner at the trial of any action to recover damages for personal injuries or consequential damages, so called, resulting therefrom, which statement, settlement or general release was obtained within 10 days after the injuries were sustained and such settlement or release shall be null and void. This section shall not apply to statements or releases obtained by police officers or inspectors of motor vehicles in the performance of their duty, members of the family of such person or by or on behalf of his attorney. This section shall not apply to chapter 31. (1959, c. 284.)

Notices Discriminating Against Persons.

Sec. 50. Discrimination by reason of race, color, religious creed, ancestry or national origin at places of public accommodation.—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, refuse, withhold from or deny to any person any of the accommodations, advantages, facilities or privileges thereof, or directly or indirectly, by himself or another, publish, issue, circulate, distribute or display in any way, any advertisement, circular, folder, letter, 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 race, color, religious sect, creed, class, denomination, ancestry or national origin, 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. The production of any such advertisement, circular, folder, letter, book, pamphlet, written or painted or printed notice or sign, purporting to relate to any such place and to be made by any person being the owner, or operator or an agent or employee of said owner or operator shall be presumptive evidence in any action that the same was authorized by such person.

A place of public accommodation, resort or amusement within the meaning of this section shall be deemed to include any establishment which caters or offers its services, facilities or goods to, or solicits patronage from the members of the general public, including but not limited to 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, bathhouse, barber shop, theater, music hall and any retail store.

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

lation be punished by a fine of \$500, or imprisonment for not more than 30 days, or by both. (R. S. c. 124, § 44. 1959, c. 282.)

Effect of amendment.—The 1959 amendment rewrote this section.

Budget Planning Business.

Sec. 51. Budget planning business prohibited.—No person, firm, association or corporation shall engage in the business of budget planning. The provisions of sections 51 to 53, inclusive, shall not apply to those admitted to the practice of law. (1955, c. 408.)

Sec. 52. Definition.—“Budget planning” means the making of a contract with a particular debtor, whereby the debtor agrees to pay a certain amount periodically to the person engaged in the budget planning, who shall distribute the same among certain specified creditors in accordance with a plan agreed upon. (1955, c. 408.)

Sec. 53. Penalty.—Whoever, either individually or as the officer or employee of any person, corporation or association, violates any of the provisions of section 51 shall be punished by a fine of not more than \$500, or by imprisonment for not more than 6 months, or by both such fine and imprisonment. (1955, c. 408.)

Blind Persons with Guide Dogs.

Sec. 54. Blind persons with guide dogs.—Notwithstanding any provision of the law, any blind person accompanied by a trained guide dog, which is used as a leader or guide, shall be entitled to any and all accommodations, advantages, facilities and privileges of all public conveyances, public amusements and places of public accommodations, within this state to which persons not accompanied by dogs are entitled, subject only to the conditions and limitations applicable to all persons not accompanied by dogs, and no blind person shall be required to pay any charge or fare on account of the transportation on any public conveyance of himself and such dog so accompanying him, in addition to the charge or fare lawfully chargeable for his own transportation. The management of any such public conveyances, public amusements and places of public accommodations may require a blind owner of a guide dog to show written evidence that his dog has been educated, trained and intended, in fact, to perform such guide service for him; and the foregoing management may also require the owner to muzzle his guide dog while on their respective premises. Whoever deprives any blind person of any right conferred by this section shall be punished by a fine of not less than \$100 nor more than \$300. (1959, c. 127.)

Chapter 138.

Crimes against Marital or Family Status and Children.

Desertion and Nonsupport.

Sec. 1. Desertion of wife or children in destitute circumstances or willful nonsupport, when a felony; court may direct fine paid to wife; or may order respondent to make weekly payments; condition of recognizance.

Courts having jurisdiction in the places of residence of any of the dependents or the responsible parent shall have jurisdiction of the subject matter. (R. S. c. 125, § 1. 1947, c. 369, § 1. 1959, c. 75, § 1.)