

# MAINE STATE LEGISLATURE

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## CHAPTER 35

## CHILDREN

Sec.

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**§ 851. Permitting children in disorderly house**

Whoever admits or allows to remain in any disorderly house, house of ill fame, gambling place or place where intoxicating liquors are sold, or other place injurious to health or morals, owned, kept, maintained, managed or controlled by him in whole or in part, any child under the age of 16 years, shall be punished by a fine of not more than \$100 or by imprisonment for not more than 60 days. A child or children under the age of 16 years may enter places where intoxicating liquor is sold when accompanied by a parent, guardian or other adult person in charge of such child or children, with the consent of the parent or guardian of such child or children.

R.S.1954, c. 138, § 7.

**§ 852. Exhibiting children under 16 or permitting begging**

No person shall employ or cause to be employed, exhibit, use or have in custody, or train for use, employment or exhibition any child under 16 years of age, and no parent, guardian or other person having care, custody and control of such child shall procure or permit the training, use, employment or exhibition of any such child, in begging or soliciting or receiving alms in any manner or under any pretense, or in any illegal, indecent or immoral exhibition or practice, or in any exhibition of any such child when mentally ill or idiotic, or when possessing any deformity and unnatural physical formation, or in any practice, exhibition or place

dangerous or injurious to the life, limb, health or morals of such child. Whoever violates this section shall be punished by a fine of not more than \$100 or by imprisonment for not more than 60 days.

R.S.1954, c. 138, § 8; 1959, c. 242, § 3.

**§ 853. Selling firearms, dangerous weapons or ammunition to children**

Whoever gives, furnishes or sells to any child under the age of 16 years any dangerous weapon or firearm or ammunition, except in cases where the parents, guardians, teachers or instructors of children may furnish them with such weapons for hunting or target shooting outside the thickly settled portions of any town or city, or where such weapons may be used in any licensed shooting gallery, shall be deemed guilty of encouraging, causing or contributing to the delinquency or distress of such child and, upon conviction, shall be punished by a fine of not more than \$100 or by imprisonment for not more than 60 days.

R.S.1954, c. 138, § 9.

**§ 854. Selling or giving air rifles to children under 14**

Whoever sells or gives away an air rifle to any child under the age of 14 years shall be punished by a fine of not less than \$5 nor more than \$20.

R.S.1954, c. 138, § 10.

**§ 855. Selling cigarettes to children under 16**

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 16 years, any cigarette, cigarette paper, so called, or tobacco, such as is used for making any cigarette, shall be punished by a fine of not more than \$50 or by imprisonment for not more than 30 days.

R.S.1954, c. 138, § 11.

**§ 856. Selling or giving intoxicating liquor to children under 16**

Whoever sells or gives to any child under the age of 16 years, or furnishes any such child with intoxicating liquor or

encourages such child to use the same, unless prescribed by a physician or otherwise used in case of sickness, shall be deemed guilty of encouraging, causing or contributing to the delinquency or distress of such child and, upon conviction, shall be punished by a fine of not more than \$100 or by imprisonment for not more than 60 days.

R.S.1954, c. 138, § 12.

**§ 857. Sale of near beer to minors prohibited**

Any person who shall sell to a minor any malt beverage under the name of "near beer" or any other name which tends to infer that such beverage has an alcoholic content, or shall sell to a minor any malt extract which may be used in the manufacture of beer, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than \$100 or by imprisonment for not more than 60 days.

1959, c. 155.

**§ 858. Selling narcotic drugs to children**

Whoever sells, gives, administers or dispenses or conspires to sell, give, administer or dispense marijuana or any substance defined as a narcotic drug under laws of this State, unless prescribed by a physician or otherwise used in case of sickness, to any person under the age of 18 shall be punished by imprisonment for not more than 20 years and in addition by a fine of not more than \$1,000.

R.S.1954, c. 138, § 13.

**§ 859. Aiding in delinquency of child under 17**

Any person who shall be found to have caused, induced, abetted, encouraged or contributed toward the waywardness or delinquency of a child under the age of 17, or to have acted in any way tending to cause or induce such waywardness or delinquency, shall be punished by a fine of not more than \$500, or by imprisonment for not more than 11 months, or by both.

1955, c. 414, § 1.

**§ 860. Degree of proof**

In order to find any person guilty of violating sections 853, 856 and 859, it shall not be necessary to prove that the child is actually in delinquency or distress, provided it appears from the

evidence that through any act or neglect or omission of duty or by any improper act or conduct on the part of the accused the distress or delinquency of any child may have been caused or merely encouraged.

R.S.1954, c. 138, § 14; 1955, c. 414, § 2.

**§ 861. Jurisdiction**

In all prosecutions for misdemeanors under this chapter, the District Court shall have original and concurrent jurisdiction with the Superior Court.

R.S.1954, c. 138, § 15; 1963, c. 402, § 223.