

MAINE STATE LEGISLATURE

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CHAPTER 61

GAMBLING

Sec.

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§ 1801. Pools, bookmaking and numbers

Whoever engages or participates in pool selling, bookmaking and numbers game, or aids or abets the same by his presence unless the same is authorized by law, or whoever, owning or controlling any place of business wherein such activities or any part thereof are taking place, knowingly permits the same, shall be punished by a fine of not more than \$2,000 and by imprisonment for not more than 2 years.

R.S.1954, c. 139, § 1.

§ 1802. Gambling houses

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 1812, or is found gambling or present as described in said section 1812, 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 \$100 or by imprisonment for not more than 4 months. 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 per-

son in their respective municipalities when there is probable cause to believe such person to be guilty of a violation of this section. The District Court shall have original jurisdiction, concurrent with the Superior Court, in all prosecutions for violations of this section.

R.S.1954, c. 139, § 2; 1963, c. 402, § 224.

§ 1803. Betting

Whoever gambles, or bets on any person gambling, shall be punished by a fine of not less than \$1 nor more than \$20, to be recovered by complaint or indictment to the use of the prosecutor.

R.S.1954, c. 139, § 3.

§ 1804. Winning more than \$3 at one time

Whoever is convicted, by indictment found within 6 months, of winning at one time or sitting by gambling or by betting on persons gambling, money or goods of the value of \$3 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.

R.S.1954, c. 139, § 4.

§ 1805. Gambling on railroads or steamboats

Whoever, upon any railroad train or in any railroad car or upon any steamboat, gambles or bets upon any person gambling shall be punished by a fine of not less than \$100 or by imprisonment for not less than 3 months.

R.S.1954, c. 139, § 5.

§ 1806. Arrests by railroad conductors

Every conductor or other person having charge of a railroad train is required to arrest or cause to be arrested all persons gambling on his train and to detain them in his custody until a warrant can be procured from the proper authorities, and he may employ all necessary aids for such purpose.

R.S.1954, c. 139, § 6.

§ 1807. Copy of law to be posted in railroad cars and steamboats

A copy of sections 1805 and 1806 shall be conspicuously posted in every car in which passengers are usually carried on any

steam railroad and in every steamboat. Any railroad or steamboat company or the proprietors of any steamboat refusing or neglecting to comply with this requirement shall forfeit for each offense \$100, to be recovered by indictment in any county in which said railroad company runs trains or the steamboat company does business.

R.S.1954, c. 139, § 7.

§ 1808. Recovery of losses; form of execution

Whoever, by gambling or betting on persons gambling, loses to any person so gambling or betting any money or goods, and pays or delivers any part thereof, may sue for and recover the same of the winner in a civil action brought within 3 months thereafter. If the loser does not, without covin or collusion, within said time prosecute therefor with effect, any other person may sue for and recover of the winner treble the value of the same in such action, $\frac{1}{2}$ to his own use and $\frac{1}{2}$ to the town. All executions issued on judgments in favor of the loser or in favor of a 3rd person, as above-mentioned, shall show that the judgment was rendered against the defendant for or on account of money won at gambling, and shall order the defendant to be committed to jail for 3 months from the date of arrest, at the county's expense, unless the judgment, costs and board while in jail are sooner paid; after which time he may be released, on giving bond or disclosing, as in case of poor debtors.

R.S.1954, c. 139, § 8; 1961, c. 317, § 469.

§ 1809. Special rule of evidence, when loser is plaintiff

In any action, as provided in section 1808, brought by the loser against the winner, the plaintiff may offer to make oath that such money or goods were lost by gambling with the defendant, and the court shall thereupon render judgment for the plaintiff for the amount thereof, unless the defendant will make oath that he did not obtain any part thereof by gambling and, if he so discharges himself, he shall recover costs; or the plaintiff may prove his case in any other legal mode.

R.S.1954, c. 139, § 9.

§ 1810. Securities given for gambling debts void

All notes, bills, bonds, mortgages, securities or conveyances given in whole or in part for money or goods won by gambling or

betting on persons gambling, or given to repay money lent or advanced for gambling or betting, or lent or advanced at the time and place thereof, are utterly void against all persons, except bona fide subsequent purchasers of real estate and holders of negotiable paper for a valuable consideration without notice.

R.S.1954, c. 139, § 10.

§ 1811. Handling of punch boards, seal cards, slot machines and the like

No person shall have in his actual or constructive possession any punch board, seal card, slot gambling machine or other implements, apparatus or materials of any form of gambling, and no person shall solicit, obtain or offer to obtain orders for the sale or delivery of any punch board, seal card, slot gambling machine or other implements, apparatus or material of gambling. Any person violating this section shall be punished by a fine of not more than \$100 or by imprisonment for not more than 4 months. The municipal officers, constables and police officers of towns and cities, the assessors of plantations and licensed private detectives are required promptly to enforce this section and to make complaint against any person in their respective municipalities where there is probable cause to believe such person to be guilty of a violation of this section. The District Court shall have original jurisdiction, concurrent with the Superior Court, in all prosecutions for violation of this section.

R.S.1954, c. 139, § 11; 1963, c. 402, § 225.

§ 1812. Search warrants

When a person makes oath before a proper officer of the District Court that he has reason to suspect and does suspect that any tenement or other place is unlawfully used as and for a common gambling house, for the purpose of gambling for money or other property, or is kept, used or occupied for promoting a lottery or for the sale of lottery tickets, or for promoting the game known as policy lottery or policy, or for buying or selling of pools or registering of bets upon any race, game, contest, act or event, and that persons resort to the same for any such purpose, or that implements, apparatus or materials intended to be used in any form of gambling are there kept or deposited, such magistrate, whether the names of the persons last mentioned are known to the complainant or not, shall issue a warrant commanding the sheriff or any of his deputies or any constable or police officer to

enter such tenement or other place and to arrest the keepers thereof, all persons in any way assisting in keeping the same, whether as janitor, doorkeeper, watchman or otherwise, all persons who are there found participating in any form of gambling and all persons present whether so participating or not, if any lottery, policy or pool tickets, slips, checks, manifold books or sheets, memoranda of any bet or other implements, apparatus or materials of any form of gambling are found in said place, and to take into their custody all the implements, apparatus or materials of gambling, and all the personal property, prizes, furniture and fixtures, so that they may be forthcoming before some court or magistrate, to be dealt with according to law. All articles and property seized under this section, or found in the possession or under the control of any person arrested for keeping or assisting in keeping a gambling house or for gambling, shall be disposed of in the manner provided in section 1813 for the disposal of counterfeiting and burglars' tools, except prizes, furniture and fixtures, which shall be turned over to an officer to be sold as provided in section 2301. The finding in any tenement or other place of any lottery, policy or pool tickets, slips, checks, manifold books or sheets, memoranda of any bet, or other implements, apparatus or materials of any form of gambling shall be prima facie evidence that said tenement or other place is occupied, used, kept and resorted to for the purpose of gambling.

R.S.1954, c. 139, § 12; 1963, c. 402, § 226.

§ 1813. Tools and implements; counterfeiting; burglars' tools

All tools, machines, dies, plates or materials provided for making counterfeit or spurious coin, or for forging bank notes or other instruments; all burglars' tools or implements prepared or designed for burglary; all lottery tickets or materials for a lottery or procured for the purpose of a lottery; all gambling apparatus or implements for gambling and all moneys therein contained, and prizes, furniture and fixtures shall, when the same are found and taken by virtue of a search warrant or are found in the possession or under the control of any person arrested for forgery, counterfeiting, burglary, selling lottery tickets or gambling, be safely kept by the direction of the court or magistrate having cognizance of the case so long as may be necessary for their being used as evidence on any trial. All such articles, devices, tools and materials, except prizes, furniture and fixtures, shall thereupon be declared forfeited by said court and ordered

destroyed, and shall by order of the court rendering final judgment be turned over to the sheriff of the county where the seizure was made or to such of his deputies as the court shall order, by any officer competent to serve the process on which they were seized, who shall forthwith make return accordingly to said court. Said sheriff or his said deputy shall receipt to said officer therefor. As soon thereafter as may be, said sheriff or his said deputy receiving said forfeited articles shall burn or otherwise destroy them and make return to said court as to how he executed its order. All moneys, prizes, furniture and fixtures so seized shall be declared forfeited to the county in which they were seized and turned over to an officer to be sold as provided in section 2301, and in all cases where an officer may seize tools, machines, dies, plates or materials provided for making counterfeit or spurious coin or for forging bank notes or other instruments; burglars' tools or implements prepared or designed for burglary; lottery tickets or materials for a lottery or procured for the purpose of a lottery; gambling apparatus or implements for gambling and all moneys therein contained, prizes, furniture and fixtures, upon a warrant, he may seize the same without a warrant and keep them in some safe place for a reasonable time until he can procure such warrant.

R.S.1954, c. 139, § 13.

§ 1814. Audience or reader participation in radio, television or newspaper contests permitted

Nothing contained in this chapter and chapters 13, 27 and 81 shall apply to or prohibit the conducting or operating over television or radio or by newspaper publication with audience or reader participation as directed by the sponsor of any amusement, game or program, whether or not the same involves the awarding of prizes or the element of chance, provided the participants pay no consideration in cash or other property directly or indirectly for the privilege of participating therein.

1955, c. 16; 1959, c. 94.