

MAINE STATE LEGISLATURE

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FOURTH REVISION.

THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED AUGUST 29, 1883, AND TAKING EFFECT JANUARY 1, 1884.

BY THE AUTHORITY OF THE LEGISLATURE.



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person, character, business, or property of another; or to do any illegal act injurious to the public trade, health, morals, police, or administration of public justice; or to commit a crime punishable by imprisonment in the state prison, they are guilty of a conspiracy, and every such offender, and every person convicted of conspiracy at common law, shall be punished by imprisonment for not more than three years, or by fine not exceeding one thousand dollars.

CHAP. 126.
 R. S., c. 126,
 § 17.
 15 Me., 102.
 30 Me., 134.
 31 Me., 388,
 400.
 34 Me., 321.
 48 Me., 235.
 64 Me., 370.

CHAPTER 127.

MALICIOUS MISCHIEFS, AND TRESPASSES ON PROPERTY.

MALICIOUS MISCHIEFS, AND TRESPASSES.

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3. Unlawful taking of any animal, boat or vehicle.
4. Corrupting waters used for domestic purposes.
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12. Wilful trespass on inclosed land between April first and December first, after notice, how punished. Section fourteen applies hereto.
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14. Owners or occupants may arrest offenders.
15. Trespass on timber or wood standing; earth or stone; produce on lands; goods on wharves or landing places.
16. Monuments, marked trees, mile stones, guide-boards, sign-boards, lamps and lamp-posts.
17. Wilful injuries to buildings, fixtures, goods, or valuable papers.
18. Wanton injury to books, pictures, statues, or paintings, in public libraries.
19. Penalty for placing obstructions on travelled roads.
20. Limitations of prosecutions, and jurisdiction of trial justices.

TRANSPORTATION OF BAGGAGE, AND WILFUL INJURY THEREOF.

- SEC. 21. Penalty for wilful destruction or injury of baggage.
22. Jurisdiction of trial justices.

MALICIOUS MISCHIEFS, AND TRESPASSES.

SEC. 1. Whoever wilfully or maliciously kills, wounds, maims, disfigures, or poisons any domestic animal, or exposes any poisonous substance with intent that the life of such animal should be destroyed thereby, shall be punished by imprisonment for not more than four years, or by fine not exceeding five hundred dollars.

Maliciously
 killing or
 injuring
 domestic
 animals.
 R.S., c. 127, § 1.

CHAP. 127.

Unlawful taking of a saddled or harnessed horse.
R.S., c. 127, § 2.

Penalty for the unlawful taking of boats, vehicles or draft animals, in other situations.
R.S., c. 127, § 3.

Punishment for corrupting waters used for domestic purposes.
1878, c. 36.
Wilful and malicious injuries to ice.
1878, c. 1.

—punishment.
—ownership of ice need not be alleged or proved.

Injuries to dams, canals, machinery, ponds, engines, telegraph fixtures, public bridges, and the placing of obstructions on bridges and roads.
R.S., c. 127, § 4.
Sec c. 16, § 24.
30 Me., 183.
40 Me., 594.

Penalty for injuring or cutting loose booms, rafts, vessels, or boats; civil action for double damages.
R.S., c. 127, § 5.

Penalty for mooring vessels or rafts to buoys or beacons,

SEC. 2. Whoever unlawfully, wilfully, and with intent to injure the owner, takes away any horse, saddled, or harnessed, or attached to a vehicle, and standing in any highway or other place, shall be punished, by fine not exceeding one hundred dollars, or imprisonment in jail for not more than three months.

SEC. 3. Whoever in any other case, wilfully and mischievously takes or uses any boat or vehicle, or takes, drives, rides, or uses any horse, ox, or other draft animal, the property of another, without consent of the owner, or person having the legal custody, care and control thereof, shall be punished by fine not exceeding three hundred dollars, or by imprisonment not exceeding one year; but this and the preceding section do not apply to any case of taking the property of another with intent to steal the same, or when such property is taken under a claim of right, or with the presumed consent of the owner, or person having the legal control thereof.

SEC. 4. Whoever wilfully or maliciously poisons, defiles, or in any way corrupts the water of a well, spring, brook or reservoir used for domestic purposes, shall be punished by fine not exceeding one thousand dollars and by imprisonment for not more than one year.

SEC. 5. Whoever wilfully and maliciously cuts, injures, mars or otherwise destroys or damages ice upon any waters from which ice is or may be taken as an article of merchandise, whereby the taking thereof is hindered or the value of the same is diminished for that purpose; or whoever wilfully and maliciously incites or procures another so to do, shall be punished by fine not exceeding five hundred dollars, or by imprisonment not exceeding one year, or both; and it is not necessary to allege or prove the title or ownership of the ice so cut, injured, marred, damaged or destroyed.

SEC. 6. Whoever wilfully or maliciously injures, removes or destroys any dam, reservoir, canal, trench, or their appurtenances, or the gear or machinery of a mill or manufactory; draws off the water from a mill-pond, reservoir, canal, or trench; destroys or injures any engine or its apparatus for the extinguishment of fire, or any posts, glass caps, wires, or other materials used in the construction and operation of a telegraph; removes, injures, or destroys any public or toll bridge, or places any obstruction on such bridge or on any public road, with intent to injure persons or property passing thereon, shall be punished by imprisonment for not more than three years, or by fine not exceeding five hundred dollars.

SEC. 7. Whoever wilfully or maliciously, without consent of the owner, cuts away, lets loose, injures, or destroys any boom, raft of logs, or other lumber, or any vessel, gondola, scow or other boat, fastened to any place of which he is not the owner or legal possessor, shall be punished by fine not exceeding five hundred dollars, and imprisonment for less than one year; and shall also be liable to the person injured in an action of trespass for double the damages by him sustained.

SEC. 8. Whoever moors a vessel, boat, scow, or raft, to any buoy or beacon, placed by the United States in any of the navigable waters of the state, or in any manner makes the same fast thereto, forfeits fifty

dollars; and whoever wilfully destroys any such buoy or beacon, shall forfeit one hundred dollars and be imprisoned for three months. Said forfeitures may be recovered by complaint or action of debt; half to the plaintiff or informer, and half to the county in which the trial is had.

SEC. 9. Whoever wilfully and maliciously cuts down, destroys, or otherwise injures any shrub or tree for ornament or use; breaks, injures or defaces any fence; throws down or opens any gates or bars; injures, destroys, or severs from the land of another, any produce thereof or thing attached thereto, such articles not being his own, shall be punished by imprisonment for less than one year, and by fine not exceeding one hundred dollars.

SEC. 10. Whoever advertises his wares or occupation by painting notices of the same on, or affixing them to fences or other private property, or to rocks or other natural objects, without consent of the owner, or if in the highway or any other public place, without permission of the mayors of cities, selectmen of towns, or assessors of plantations, forfeits ten dollars for each offence, to be recovered on complaint, half to the prosecutor, and half to the town in which the offence is committed.

SEC. 11. Whoever wilfully commits any trespass, or knowingly authorizes or employs another to do so, by entering the garden, orchard, pasture, cranberry ground, or improved land, of another, with intent to take, carry away, destroy, or injure trees, shrubs, grain, grass, hay, fruit, vegetables, turf or soil thereon, shall be punished by fine not exceeding twenty dollars, and imprisonment for not more than thirty days.

SEC. 12. Whoever wilfully enters on or passes over the garden, orchard, mowing land or other inclosed or cultivated land of another, between the first days of April, and December, after being forbidden so to do by the owner or occupant of said land, or his agent, either personally or by notice posted conspicuously on the premises, is guilty of trespass, and shall be punished by fine not exceeding twenty dollars, and section fourteen applies to violations of this section.

SEC. 13. Whoever enters an orchard, fruit garden, vineyard, or any field or inclosure, kept for the purpose of cultivating any domestic fruit therein, without consent of the owner or occupant, and with intent to take, injure, or destroy anything there growing; and whoever wilfully cuts down, injures or destroys any tree, shrub, or vine, within any of the places before named, or injures any building, trellis, framework, or appurtenance belonging to or upon any of said places, shall be punished by a fine of twenty dollars and costs, and imprisonment for not less than thirty days, and in default of payment of said fine and costs, shall be further imprisoned at the rate of two days for each dollar of said fine and costs. Fines imposed by this section, shall be paid over to the overseers of the poor, for the poor of the town where such conviction is had.

SEC. 14. The owner of such place, or any person employed in its cultivation, or rightfully in the possession thereof, may arrest any person found violating the preceding section, and carry him before any magistrate within the county where the arrest is made.

CHAP. 127.

and for destroying them; how recoverable. R. S., c. 127, § 6.

Malicious injuries to trees, fences, gates, produce, &c. R. S., c. 127, § 7. 3 Me., 178. 5 Me., 409. 37 Me., 331. 60 Me., 410.

Advertising on fences, rocks, &c., without permission. R. S., c. 127, § 8.

—penalty.

Trespasses on improved lands, how to be punished. R. S., c. 127, § 9.

Wilfully entering or passing over the land of another after being forbidden, is trespass. 1879, c. 81.

§ 14 applies.

Injuries to fruit gardens, how to be punished. R. S., c. 127, § 11.

—fines shall be given to the poor.

The owner or occupant may arrest offenders. R. S., c. 127, § 12.

CHAP. 127.

Trespass on timber, or wood standing, &c.
R. S., c. 127, § 13.
5 Me., 409.

SEC. 15. Whoever, except a highway surveyor acting within the scope of his lawful authority, wilfully commits any trespass by cutting, destroying, or carrying away timber or wood, on the land of another; by digging up, taking, and carrying away therefrom earth, stone, grass, corn, grain, fruit, hay, or other vegetables, or by carrying away from any wharf or landing place goods in which he has no interest, shall be punished by imprisonment for not more than two months, and by fine not exceeding fifty dollars.

Wilful injuries to monuments, landmarks, guide-boards, lamps, &c.
R. S., c. 127, § 14.

SEC. 16. Whoever wilfully and maliciously injures or removes any monument erected, or tree marked as a boundary of any land or town; destroys, defaces, or alters the marks thereon, made for the purpose of designating such boundary; injures or defaces any mile stone or guide-board erected on a public way or railroad; removes, defaces, or injures any sign-board, lamp, or lamp-post; or extinguishes any lamp on any bridge, street, way, or passage, shall be punished by imprisonment for less than one year and by fine not exceeding one hundred dollars.

Wilful injuries to buildings, fixtures, goods or valuable papers.
R. S., c. 127, § 15.
12 Me., 215.
21 Me., 345.
30 Me., 477, 485.
33 Me., 147, 362.
66 Me., 64.

SEC. 17. Whoever wilfully and maliciously destroys, injures, or defaces any building or fixture attached thereto, without consent of the owner; or destroys, injures, or secretes, any goods, chattels, or valuable papers, of another, shall be punished by imprisonment for less than one year, or by fine not exceeding five hundred dollars; and shall also be liable to the party injured, in an action of trespass, for the amount of injury so done, and for a further sum, not exceeding in all, three times such amount, as the jury deems reasonable.

Wanton injury to books, pictures, &c., in public libraries.
1877, c. 161.

SEC. 18. Whoever wantonly mars, defaces or injures a book, picture, statue or painting belonging to any public library, or library of any association open to the public, shall be fined not exceeding ten dollars.

Placing obstructions on any travelled road.
R. S., c. 127, § 16.

SEC. 19. Whoever places rocks, stones, or other obstructions, in a travelled road, and leaves them there, shall be fined one dollar for each offence, to be recovered on complaint, to the use of the town where the offence is committed.

Limitations of prosecutions, and jurisdiction of trial justices.
R. S., c. 127, § 17.

SEC. 20. Prosecutions for offences hereinbefore described, except those set forth in sections one, six and seven, must be commenced within four years after the commission thereof; and trial justices, and municipal and police courts, shall have jurisdiction when the property destroyed, or injury done, is not alleged to exceed ten dollars in value, in which case the punishment shall be by fine not exceeding ten dollars and imprisonment for not more than thirty days, unless otherwise specially provided.

TRANSPORTATION OF BAGGAGE AND WILFUL INJURY THEREOF.

Wilful destruction of, or injury to baggage, punishment for.
R. S., c. 127, § 18.

SEC. 21. Any baggage master, express agent, stage driver, hackman or other person whose duty it is to handle, remove, or take care of trunks, valises, boxes, packages or parcels, whether in the employment of a railroad, steamboat or stage company or not, who, while loading, transporting, unloading, delivering, or storing such property wantonly or recklessly injures or destroys the same, shall be punished by imprisonment for less than one year or by fine not exceeding one hundred dol-

lars; and such offenders may be prosecuted by the owner of property so destroyed or injured, or by his authorized agent, within one year from the day of the offence, half of the fine to be paid to such owner, and half to the county in which the offence was committed.

SEC. 22. Trial justices, and municipal and police courts, have jurisdiction of offences described in the preceding section, when the property destroyed or injury done is not alleged to exceed twenty dollars.

CHAP. 127.

Jurisdiction
of trial
justices.
R. S., c. 127,
§ 19.

CHAPTER 128.

OFFENCES AGAINST THE PUBLIC HEALTH, SAFETY AND POLICY.

UNWHOLESOME PROVISIONS AND DRINKS.

- SEC. 1. Penalty for selling unwholesome provisions or drinks. Sale of veal of calves less than four weeks old, how to be punished.
2. Warrants may be issued to search for such veal.
3. Sale of adulterated cheese or butter, and of oleomargarine, regulated.
4. Penalty for violation of the preceding section.
5. Duty of officers to make complaints. Suspected articles shall be analyzed. Costs, how to be taxed.
6. Butter and cheese, defined.
7. Adulteration of sugar, forbidden. Adulterated sugar and molasses shall not be sold. Penalties.
8. Adulteration of vinegar, prohibited. Penalty.
9. Sale, or manufacture for sale of adulterated vinegar, how punished.
10. Municipal officers shall appoint inspectors of vinegar.

FIRE-WORKS.

- SEC. 11. Penalty for selling, giving away, or firing fire-works, without license.
12. Toy pistols, sale of, prohibited. Penalty and liability.

LOTTERIES.

- SEC. 13. Lotteries are prohibited, and penalty for being concerned in them.
14. Attorney general shall apply for injunction to restrain any lottery.
15. All payments and securities for lotteries are void and recoverable back.

PRIZE CANDY.

- SEC. 16. Penalty, for offering prize candy for sale. Offender is liable to summary arrest.

TRAMPS.

- SEC. 17. Begging, from place to place, is evidence of being a tramp. Penalty.
18. Entering dwellings, kindling fire in the highway, or on another's land, without consent, carrying fire-arms, and making threats, penalty for.
19. Malicious injury to person or property, how to be punished.
20. Tramps may be sentenced to the state prison for less than a year.
21. Tramps may be apprehended in the act, by any citizen, but the four preceding sections do not apply to women, children, or the blind.
22. Non-resident tramps are forbidden to sleep in barns, or outbuildings, without permission. Penalty. Evidence; arrest and detention.
23. Officers' fees. When to be paid by the State, out of the pauper fund.
24. Municipal officers may appoint special constables. Their duty.

UNWHOLESOME PROVISIONS AND DRINKS.

- SEC. 1. Whoever sells diseased, corrupted or unwholesome provision Penalty for