

MAINE STATE LEGISLATURE

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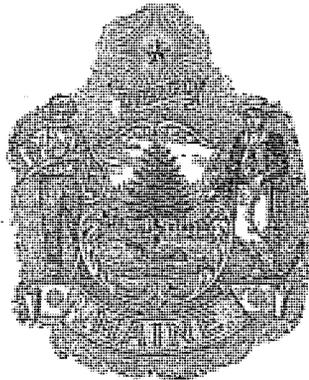
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CHAPTER 128.

Cheating by False Pretenses; Frauds, Conspiracies and Monopolies.

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False Pretenses and Frauds.

Sec. 1. Cheating by false pretenses. R. S. c. 127, § 1. Whoever, designedly and by any false pretense or privy or false token, and with intent to defraud, obtains from another any money, goods or other property, or his signature to any written instrument, the false making of which is forgery, or whoever knowingly, and with intent to defraud, sells, conveys, mortgages or pledges to another, personal property on which there is an existing mortgage, or to which he has no title, without notice to the purchaser, of such mortgage, or of such want of title, is guilty of cheating by false pretenses and shall be punished by imprisonment for not more than seven years, or by fine not exceeding five hundred dollars.

See c. 39, § 7; 17 Me. 216; 24 Me. 77; 33 Me. 499; 64 Me. 157; 87 Me. 465; 98 Me. 286; 107 Me. 527.

Sec. 2. Uttering forged receipts of delivery or deposit of goods, bonds or securities. R. S. c. 127, § 2. Whoever fraudulently makes or utters a receipt or other written evidence of the delivery or deposit of any grain, flour, pork, wool or other goods, wares or merchandise in any warehouse, mill, store or other building, when the quantity specified therein had not, in fact, been delivered or deposited in such building; or so makes or utters any receipt or other written evidence of the delivery or deposit with him of any bonds or other securities or evidences of debt, when the same have not, in fact, been so delivered and deposited, shall be punished by imprisonment for not less than one, nor more than ten years.

73 Me. 156.

Sec. 3. False statements in writing for the purpose of obtaining credit. 1913, c. 63. Whoever shall knowingly make or cause to be made, either directly or indirectly, or through any agency, whatsoever, any false statement in writing, by him signed, with intent that it shall be relied upon, respecting the financial condition, or means or ability to pay, of himself, or any other person, firm or corporation, of which firm he is a member, or of which corporation he is an officer, or for which person, firm or corporation he is acting, for the purpose of procuring in any form whatsoever, either the delivery of personal property, the payment of cash, the making of a loan or credit, the extension of a credit, the discount of an account receivable, or the making, acceptance, discount, sale or indorsement of a bill of exchange, or promissory note, for the benefit of either himself, or

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of such person, firm or corporation; or, whoever knowing that any such false statement in writing has been so made and signed respecting the financial condition, or means or ability to pay, of himself, or such person, firm or corporation, of which firm he is a member, or of which corporation he is an officer, or for which person, firm or corporation he is acting, procures upon the faith thereof, for the benefit either of himself, or of such person, firm or corporation, either or any of the things of benefit mentioned in the first sub-division of this section; or, whoever knowing that any such statement in writing has been so made and signed respecting the financial condition or means or ability to pay, of himself or such person, firm or corporation, of which firm he is a member or of which corporation he is an officer, or for which person, firm or corporation he is acting, represents on a later day in writing by him signed, that such statement theretofore made, if then again made on said day, would be then true, when in fact, said statement if then made would be false, and procures upon the faith thereof, for the benefit either of himself or of such person, firm or corporation, either or any of the things of benefit mentioned in the first sub-division of this section, shall be guilty of a misdemeanor and shall be punished by a fine of not exceeding one thousand dollars or imprisonment for not more than one year.

Sec. 4. Parties to fraudulent conveyances, or assignments. R. S. c. 127, § 3. Whoever is knowingly a party to any conveyance or assignment of real estate or interest in lands, goods or things in action, or rents and profits arising therefrom, or to any charge thereon, made with intent to defraud prior or subsequent purchasers, or to hinder, delay or defraud creditors or others; or knowingly puts such fraudulent conveyance, assignment or charge into use, as genuine and made in good faith, shall be punished by fine not exceeding one thousand dollars, and imprisonment for less than one year.

61 Me. 365; 68 Me. 477; 75 Me. 474.

Sec. 5. Removal or concealment of mortgaged personal property, how punished. R. S. c. 127, § 4. Whoever with fraudulent intent to place mortgaged personal property beyond the control of the mortgagee, removes or conceals, or aids or abets in removing or concealing the same, and any mortgagor of such property who assents to such removal or concealment, shall be punished by fine not exceeding one thousand dollars, or by imprisonment not exceeding one year.

Sec. 6. Defrauding owner of garage; printed copy of this section to be posted in garage. 1913, c. 214. Whoever puts an automobile in a public garage or other place where automobiles are stored for hire, and without having an express agreement for credit, procures supplies, accessories or accommodation for himself or said automobile, and with intent to defraud the owner or keeper of said garage, removes or causes to be removed any such automobile from such garage without paying the reasonable charges due for repairs, supplies, accessories and accommodation furnished thereon, shall be punished by imprisonment not exceeding three months or by fine not exceeding one hundred dollars. In order for the owner or keeper of such a garage to obtain the benefits of this section, a printed copy thereof must be posted in some conspicuous place in said garage.

Sec. 7. Gross fraud at common law. R. S. c. 127, § 7. Whoever is guilty of a gross fraud or cheat at common law shall be punished by imprisonment for not more than seven years, or by fine not exceeding one thousand dollars.

Sec. 8. Procuring of money under false pretense of physical defects. 1915, c. 123. Whoever engages in soliciting, procuring or attempting to solicit or procure money or other thing of value, by falsely pretending and representing himself or herself to be deaf, dumb, blind, crippled or physically defective, shall be punished by imprisonment for not more than ninety days.

Sec. 9. Circulating advertisements in the similitude of bank-bills. R. S. c. 127, § 8. Whoever puts in circulation or distributes any notice, advertisement or shop-bill, in the form and similitude of a bank-bill, forfeits fifty dollars for each offense, to be recovered by action of debt in the name and to the use of the prosecutor.

Sec. 10. Unauthorized use of badge of G. A. R. or Sons of Veterans, punished. R. S. c. 127, § 9. Whoever wilfully wears the badge of the Grand Army of the Republic, or of the Sons of Veterans, or uses or wears the same to obtain aid or assistance thereby within the state, unless he shall be entitled to use or wear the same under the rules and regulations of the Department of Maine, Grand Army of the Republic, or of the Sons of Veterans, shall be punished by imprisonment for not more than thirty days, or by fine not exceeding twenty dollars, or by both such fine and imprisonment.

See c. 62, § 9.

Sec. 11. Fraudulent issue of transfer tickets. 1905, c. 99. Every conductor of a street railroad-car or other public conveyance, and every other person whose duty it is to collect fares on such car or conveyance, or issue a transfer ticket, or written or printed instrument, giving, or purporting to give, the right of transfer to another person or persons from a public conveyance operated upon one line or route of a street railroad, to a public conveyance upon another line or route of a street railroad, or from one car to another car upon the same line of a street railroad, who shall knowingly and with intent to defraud the person or corporation operating such public conveyance or car, issue, sell, or give any such transfer ticket or instrument to another person not lawfully entitled thereto, or receive, use, or return any such transfer ticket or instrument unlawfully issued or presented for fare in lieu of a regular cash fare, or substitute any such transfer ticket or instrument for any cash fare collected by him; and every person who shall fraudulently and with intent to evade the payment of fare receive and use or offer for passage any transfer ticket or instrument not originally issued to him; and every person who shall sell or give any such transfer ticket or instrument originally issued to him, to another person with intent to have such transfer ticket or instrument used or offered for passage by such other person, shall be fined not more than fifty dollars, or imprisoned not more than thirty days, or both.

Sec. 12. Intention to defraud in lumbering operations. 1907, c. 7. Whoever enters into an agreement to labor for another in any lumbering operation or in driving logs and in consideration thereof receives any advance

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of goods, money, or transportation, and unreasonably and with intent to defraud fails to enter into said employment as agreed, and labor for a sufficient length of time to reimburse his employer for said advances and expenses of transportation, shall be punished by fine of not exceeding ten dollars or by imprisonment not exceeding thirty days. Judges of municipal and police courts and trial justices shall have jurisdiction of the offense described in this section.

219 U. S. 219.

Sec. 13. Penalty for issuing a fraudulent check. 1913, c. 5. Whoever knowingly and wilfully, and with intent to defraud, issues a check upon any bank, and uses the same in payment of any debt, or demand, or in exchange for money, when there are not sufficient funds in said bank to redeem such check, shall be punished by imprisonment for not more than two years, or by fine not exceeding one thousand dollars.

Sec. 14. Penalty for securing false registration, etc., of domestic animals. R. S. c. 127, § 10. Whoever by any false pretense, obtains from any club, association, society or company for improving the breed of cattle, horses, sheep, swine or other domestic animals, the registration of any animal in the herd register or other register of any such club, association, society or company, or a transfer of any such registration, and whoever knowingly exhibits, makes or gives a false pedigree of any animal, shall be punished by imprisonment for not more than ninety days, or by fine not exceeding three hundred dollars, or by both such fine and imprisonment.

See c. 38, § 17.

Sec. 15. Penalty for entering for premiums any horse that has been disguised, etc. R. S. c. 127, § 11. Whoever, for the purpose of competing for purses or premiums, knowingly and designedly enters or drives any horse that shall have been painted or disguised, or that represents any other or different horse from the one which is purported to be entered, or shall knowingly and designedly, for the purpose of competing for premiums or purses, enter or drive a horse in a class to which it does not properly belong, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, and such horse, after such notice to the owner as the court may order, and a hearing thereon, may be forfeited in the discretion of the court and sold; one-half of the net proceeds of such sale shall go to the informant and the other half to the county in which the offense is committed. The pecuniary penalty shall be enforced by indictment and the forfeiture by a libel filed by the informant and proceedings in the manner provided in chapter one hundred and three.

Sec. 16. Standard for sale of sterling and coin silver. R. S. c. 127, § 12. Whoever makes or sells, or offers to sell or dispose of, or has in his possession with intent to sell or dispose of, any article of merchandise marked, stamped or branded with the words "sterling," "sterling silver," "coin" or "coin silver," or encased or enclosed in any box, package, cover or wrapper or other thing in or by which the said article is packed, enclosed or otherwise prepared for sale or disposition, having thereon any engraving or printed label, stamp, imprint, mark or trade-mark, indicating or denoting by such marking, stamping, branding, engraving or printing that such article is silver, sterling silver, solid silver, coin or coin silver, shall, unless

nine hundred and twenty-five one-thousandths of the component parts of the metal of which the said article so enclosed or so marked, stamped or branded with the words "silver," "sterling silver" or "solid silver," is manufactured are pure silver, or unless nine hundred one-thousandths of the component parts of the metal of which the article so enclosed or so marked, stamped or branded with the words "coin" or "coin silver" is manufactured are pure silver, be punished by fine not exceeding one hundred dollars for each offense. Municipal and police courts and trial justices shall have original jurisdiction in all cases arising under this section.

Suppression of Wills.

Sec. 17. Suppression of last wills and testaments. R. S. c. 127, § 13. Whoever wilfully suppresses, secretes, defaces or destroys any last will and testament of a deceased person, in his possession or under his control, with intent to injure or defraud any person interested therein, shall be punished as provided in section four.

Maritime Frauds.

Sec. 18. Fraudulent destruction of vessels, and fitting them out for that purpose. R. S. c. 127, § 14. Whoever, in any county, wilfully casts away, burns, sinks or otherwise destroys a vessel, with intent to injure or defraud any owner thereof, the owner of any property on board, or any insurer of either, shall be punished by imprisonment for any term of years not less than five; and if he lades, equips or fits out any vessel, or aids in so doing, intending that the same shall be destroyed in the manner and with the intent aforesaid, he shall be punished by imprisonment for not more than twenty years, or by fine not exceeding five thousand dollars.

Sec. 19. Making false invoices, bills of lading, or false estimates of property shipped. R. S. c. 127, § 15. If an owner of a vessel, or of property laden or pretended to be laden on board thereof, or other person concerned in its lading or fitting out, makes out or exhibits, or causes to be made out or exhibited, any false or fraudulent invoice, bill of lading, bill of parcels or other false estimates of such property, with intent to injure or defraud any insurer of such vessel or property, he shall be punished by imprisonment for not more than ten years, or by fine not exceeding five thousand dollars.

Sec. 20. False affidavits and protests by master, officer, mariner or owner of vessel or cargo. R. S. c. 127, § 16. If any master, other officer or mariner of any vessel makes, causes to be made or swears to any false affidavit or protest; or if any owner or other person concerned in such vessel, or in the property on board thereof, procures such false affidavit or protest to be made, or exhibits the same with intent to injure, deceive or defraud any insurer of such vessel or property, he shall be punished by imprisonment for not more than ten years, or by fine not exceeding five thousand dollars.

Sec. 21. Penalty for aiding sailors to desert. R. S. c. 127, § 17. Whoever entices or persuades or attempts to entice or persuade, or aids, assists or attempts to aid or assist a member of the crew of any vessel arriving in

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or about to sail from a port in this state to leave or desert such vessel before the expiration of his term of service therein, shall forfeit a sum not exceeding one hundred dollars for each offense and be punished by imprisonment for not more than six months nor less than thirty days. Municipal and police courts and trial justices shall have original jurisdiction in all cases arising under this section.

Burning Property for the Insurance.

Sec. 22. Persons burning their own property to defraud insurers. R. S. c. 127, § 18. If an owner or person in any way concerned, interested or in possession of any building, goods or other property, insured against loss or damage by fire, wilfully burns the same or causes it to be burned, with intent to defraud the insurer, he shall be punished by imprisonment for not less than one, nor more than twenty years.

Conspiracies.

Sec. 23. Conspiracies to prosecute an innocent person. R. S. c. 127, § 19. If two or more persons conspire and agree together, with intent falsely, fraudulently and maliciously to cause another person to be indicted or in any way prosecuted for an offense of which he is innocent, whether he is prosecuted or not, they are guilty of a conspiracy, and each shall be punished by imprisonment for not more than five years, or by fine not exceeding one thousand dollars.

81 Me. 256.

Sec. 24. Conspiracies in other cases. R. S. c. 127, § 20. If two or more persons conspire and agree together, with the fraudulent or malicious intent wrongfully and wickedly to injure the 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.

15 Me. 102; 30 Me. 134; 31 Me. 388, 400; 34 Me. 321; 48 Me. 235; 64 Me. 370.

Sec. 25. Preventing by threats, any person from entering or leaving employment. R. S. c. 127, § 21. Any employer, employee or other person, who by threats of injury, intimidation or force, alone or in combination with others, prevents any person from entering into, continuing in or leaving the employment of any person, firm or corporation, shall be punished by imprisonment for not more than two years, or by fine not exceeding five hundred dollars.

Monopolies.

Sec. 26. Contracts in restraint of trade declared illegal. 1913, c. 106, § 1. Every contract, combination in the form of trusts or otherwise, or conspiracy, in restraint of trade or commerce in this state is hereby declared to be illegal. Whoever shall make any such contract or engage in any such combination or conspiracy shall be punished by a fine not exceeding

one thousand dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

Sec. 27. Penalty for conspiring to monopolize trade. 1913, c. 106, § 2. 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 not exceeding one thousand dollars or by imprisonment not exceeding six months or by both such fine and imprisonment in the discretion of the court.

Sec. 28. Persons injured by violation may recover damages. 1913, c. 106, § 3. 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 two preceding sections may sue therefor in an action on the case and shall recover three times the damages by him sustained.

CHAPTER 129.

Malicious Mischiefs and Trespasses.

Sec. 1. Maliciously killing or injuring domestic animals. R. S. c. 128, § 1. 1907, c. 23. 1909, c. 208. Whoever wilfully or maliciously kills, wounds, maims, disfigures or poisons any domestic animal, or dog, or exposes any poisonous substance with intent that the life of such animal or dog shall be destroyed thereby, or steals or entices away or confines or harbors such animal for the purpose of obtaining a reward or for any other illegal purpose, shall be punished by imprisonment for not more than four years or by fine of not less than twenty, and not exceeding five hundred dollars.

See c. 20, § 18; 75 Me. 563.

Sec. 2. Unlawful taking of saddled or harnessed horse. R. S. c. 128, § 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. Unlawful taking and use of boats, vehicles or draft animals. R. S. c. 128, § 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 the consent of the owner, or person having the legal custody, care and control thereof; or whoever hires with intent to and does so use or drive any horse, ox or other draft animal in excess of any contract made with the owner or keeper 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