

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

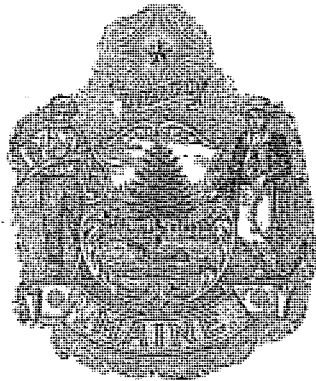
SIXTH REVISION

THE
REVISED STATUTES

OF THE

STATE OF MAINE

PASSED SEPTEMBER 29, 1916, AND TAKING
EFFECT JANUARY 1, 1917



By the Authority of the Legislature

AUGUSTA
KENNEBEC JOURNAL PRINT
1916

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

CHAP. 129

of right, or with the presumed consent of the owner or person having the legal control thereof.

Sec. 4. Injuries to property of any water system. R. S. c. 128, § 4. 1905, c. 93. Whoever wilfully injures any property of any water company, or of any city, town or municipal corporation used by it in supplying water to its inhabitants, shall be punished by a fine not exceeding one thousand dollars or by imprisonment not exceeding one year; and such persons shall also forfeit and pay to such water company, city, town or municipal corporation, three times the amount of actual damages sustained, to be recovered in an action on the case.

See c. 61, § 7.

Sec. 5. Unlawful diversion of water. 1907, c. 76. Whoever unlawfully and intentionally taps or interferes with the water-pipes or fixtures belonging to any water company, or to any city, town or water district, or pipes lawfully connected therewith, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than one year or by both such fine and imprisonment.

See § 11.

Sec. 6. Wilful, wanton or malicious injuries to ice. R. S. c. 128, § 5. Whoever wilfully and wantonly or 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 wantonly or maliciously incites or procures another to do so, shall be punished by fine not exceeding five hundred dollars, or by imprisonment not exceeding one year; and it is not necessary to allege or prove the title or ownership of the ice so cut, injured, marred, damaged or destroyed.

Sec. 7. Wilful or malicious injury to property of any railroad. R. S. c. 128, § 6. 1911, c. 111. Whoever wilfully, mischievously or maliciously breaks the seal upon any freight-car, or breaks and enters any railroad-car on any railroad in the state, or destroys, injures, defiles or defaces any railroad-car on any railroad in the state, or mischievously or maliciously releases the brakes upon, moves or sets in motion any railroad-car on the track or side-track of any railroad in the state, shall be punished by imprisonment not exceeding two years, or by fine not exceeding five hundred dollars, and shall also be liable to the corporation 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.

111 Me. 553.

Sec. 8. Removal of waste from journal-boxes of cars, etc. 1911, c. 41. Whoever wilfully and maliciously takes or removes the waste or packing from a journal-box or boxes of a locomotive, engine, tender, carriage, coach, car, caboose or truck used or operated upon a railroad, whether operated by steam or electricity, shall be punished by imprisonment for not more than three years, or by fine of not more than five hundred dollars.

Sec. 9. Destruction or removal of transit points, etc. R. S. c. 128, § 7. 1905, c. 100. 1913, c. 6. Whoever wilfully or maliciously disturbs, removes or destroys any transit point, reference point, stake, plug, hub,

guard-stake, bench-mark, or other monument of any railroad, highway or other engineering location or survey, shall be punished by a fine not exceeding twenty-five dollars, or by imprisonment for not exceeding thirty days; and in addition thereto shall be liable in an action of debt for the amount of damage done.

Sec. 10. Injuries to dams, canals, mill machinery, ponds, engines and electrical fixtures; obstruction of bridges and ways. R. S. c. 128, § 8. 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, canal or trench; destroys or injures any engine or its apparatus for the extinguishment of fire, or any posts, glass caps, wires or other material used in the construction and operation of a telegraph, telephone, electric light or electric power line; 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.

See c. 22, § 35; 30 Me. 183; 40 Me. 594; 105 Me. 56.

Sec. 11. Injury to, or interference with apparatus used in furnishing gas or electricity. 1905, c. 112. Whoever unlawfully and intentionally injures or destroys or suffers to be injured or destroyed any meter, pipe, conduit, wire, line, pole, lamp, or other apparatus belonging to an individual, copartnership or corporation engaged in the manufacture or sale of gas or electricity for lighting purposes or power purposes, or belonging to any water company, or unlawfully and intentionally prevents an electric, water or gas meter from duly registering the quantity of electricity, water or gas supplied, or in any way interferes with its proper action or just registration, or without the consent of such individual, copartnership or corporation unlawfully and intentionally diverts any electric current from any wire of such individual, copartnership or corporation, or otherwise unlawfully and intentionally uses or causes to be used without the consent of such individual, copartnership or corporation any electricity manufactured or distributed by such individual, copartnership or corporation, or unlawfully and intentionally and without the consent of such company taps, or interferes with the pipes or fixtures of any gas company, shall for every such offense be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

See § 5.

Sec. 12. Injuring, or interfering with telegraph or telephone lines, etc. 1909, c. 86. Whoever unlawfully and intentionally injures, molests or destroys any insulator, wire, post, cross-arm, bracket, or other structure or mechanism which forms part of, or is used in connection with an electrical transmission line constructed and maintained for the transmission of intelligence, heat, light or power by electricity, or destroys or in any way interferes with the proper working of such transmission line, or anything pertaining thereto, shall be punished by a fine of not more than one

CHAP. 129

hundred dollars or by imprisonment for not more than one year, or by both such fine and imprisonment.

Sec. 13. Injuries to logs intended for manufacture. R. S. c. 128, § 9. Whoever wilfully or maliciously drives or causes to be driven into any log or logs intended to be sawed or manufactured, any nail, spike, bolt or other article such as is likely to cause injury to or destruction of any saw or instrument used in the manufacture of such logs, or endanger the life or person of any one engaged in such manufacture, shall be punished by fine of not less than one hundred, nor more than five hundred dollars, and imprisonment for not less than one, nor more than five years; and shall also be liable to any person injured in an action on the case for double the damages sustained by such person.

Sec. 14. Injuring or cutting loose booms, rafts, vessels or boats; civil action for double damages. R. S. c. 128, § 10. 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. 15. Mooring vessels or rafts to buoys or beacons, and for destroying them. R. S. c. 128, § 11. 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. 16. Trespass upon land of Maine school for feeble-minded. 1911, c. 12. Whoever wilfully trespasses upon land which belongs to the state and is appurtenant to the Maine school for feeble-minded, or after notice from an officer of said institution to leave said land, remains thereon, shall be punished by imprisonment for not more than three months or by a fine of not more than fifty dollars.

Sec. 17. Malicious injuries to trees, fences, gates or produce. R. S. c. 128, § 12. Whoever wilfully and wantonly or 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.

See c. 100, § 9; 3 Me. 178; 5 Me. 409; 37 Me. 331; 60 Me. 410; 78 Me. 31.

Sec. 18. Advertising on fences, rocks, etc., forbidden. R. S. c. 128, § 13. 1905, c. 33. 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 the consent of the owner in writing, or if in the highway or any other public place, without the con-

sent of the municipal officers in writing, shall be punished for each offense by a fine of not less than five dollars, nor more than twenty dollars.

Sec. 19. Trespasses on improved lands, how to be punished. R. S. c. 128, § 14. 1913, c. 117. Whoever wilfully commits any trespass, or knowingly authorizes or employs another to do so, by entering the garden, orchard, pasture, cranberry ground, improved blueberry 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 one hundred dollars, and imprisonment for not more than ninety days.

See c. 100, § 11.

Sec. 20. Wilfully entering or passing over the land of another after being forbidden, is trespass. R. S. c. 128, § 15. Whoever wilfully enters on or passes over the garden, orchard, mowing land or other enclosed 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 twenty-two applies to violations of this section.

Sec. 21. Injuries to fruit gardens. R. S. c. 128, § 16. 1915, c. 69. Whoever enters an orchard, fruit garden, vineyard or any field or enclosure, 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.

See c. 100, § 11.

Sec. 22. Arrest of offenders. R. S. c. 128, § 17. 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.

Sec. 23. Trespass on timber, or wood standing, etc. R. S. c. 128, § 18. Whoever, except a road commissioner 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.

5 Me. 409.

Sec. 24. Malicious injuries to monuments, landmarks, guide-boards, lamps. R. S. c. 128, § 19. Whoever wilfully and wantonly or 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

CHAP. 129

for the purpose of designating such boundary; injures or defaces any milestone 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.

Sec. 25. Malicious injury to buildings, fixtures, goods or valuable papers. R. S. c. 128, § 20. Whoever wilfully and wantonly or 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.

12 Me. 215; 21 Me. 345; 30 Me. 477, 485; 33 Me. 147, 362; 66 Me. 64.

Sec. 26. Wanton injury to books, pictures, and statues. R. S. c. 128, § 21. 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, or to any literary or educational institution, or any statue erected in any public park or square, or upon any ground open to the public, shall be punished by imprisonment for not more than three months, or by a fine not exceeding fifty dollars.

Sec. 27. False alarm of fire. 1913, c. 98. Whoever knowingly and wilfully gives or causes to be given a false alarm of fire in any city, town or village corporation maintaining an organized fire department, shall upon conviction thereof be punished by a fine of not more than fifty dollars. Judges of municipal and police courts and trial justices shall have jurisdiction of all prosecutions under this section.

See c. 120, § 21.

Sec. 28. Placing obstructions on any traveled road. R. S. c. 128, § 22. Whoever places rocks, stones or other obstructions, in a traveled road, and leaves them there, shall be fined one dollar for each offense, to be recovered on complaint, to the use of the town where the offense is committed.

Sec. 29. Dumping waste material in public ways. 1909, c. 157. Whoever deposits or dumps refuse or waste material of any kind, within the limits of any public way, except upon written authority of the municipal officers, shall be punished by a fine not exceeding ten dollars, to be recovered to the use of the town where the offense is committed.

Sec. 30. Riding with a naked scythe. R. S. c. 128, § 23. Whoever rides in the highways or in any lanes, streets or alleys with a naked scythe, sharpened and hung in a snath, forfeits two dollars for each offense.

Sec. 31. Certain pageantry prohibited in streets in the night; bonfires in streets and towns prohibited. R. S. c. 128, § 24. If three or more persons, between sunset and sunrise, assemble in any street or lane in a town and have any imagery or pageantry for a public show, whether armed or disguised, or requiring or receiving money, or other valuable things or not, on account thereof; and if any person sets fire to a pile of combustible stuff, or is concerned in making or causing a bonfire in any street, lane or other

part of the town within ten rods of any building, all such offenders shall forfeit eight dollars, or be imprisoned not more than one month for each offense.

Sec. 32. Limitations of prosecutions, and jurisdiction of offenses. R. S. c. 128, § 25. Prosecutions for offenses hereinbefore described, except those set forth in sections one, ten, eleven, twelve and fourteen, 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.

See c. 45, § 89.

Transportation of Baggage and Wilful Injury Thereof.

Sec. 33. Wilful destruction of, or injury to baggage; punishment. R. S. c. 128, § 26. 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 dollars; 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 offense, half of the fine to be paid to such owner, and half to the county in which the offense was committed.

Sec. 34. Jurisdiction of offenses. R. S. c. 128, § 27. Trial justices, and municipal and police courts, have jurisdiction of offenses described in the preceding section, when the property destroyed or injury done is not alleged to exceed twenty dollars.

Wearing of Spiked Boots.

Sec. 35. Wearing of spiked boots and shoes in public places, forbidden. R. S. c. 128, § 28. No person wearing boots or shoes with spikes or calks in the sole or heel thereof shall enter any public building, hotel, railroad station, railroad-car or steamboat, without special permission from the owner, lessee, person in charge thereof, or some officer, agent or servant of either of them, or having entered, shall remain therein after having been requested to leave such public building, hotel, railroad station, railroad-car or steamboat, by the owner, lessee, person in charge thereof or some officer, agent or servant of either of them.

Sec. 36. Penalty for violation. R. S. c. 128, § 29. Whoever violates either of the provisions of the preceding section shall, on complaint and conviction, be fined not less than one, nor more than ten dollars, but a person having entered as aforesaid without permission and remaining after having been requested to leave as above provided, shall only be convicted of violating one of the provisions of section thirty-five.

CHAP. 130.

Sec. 37. Printed copies of §§ 35 to 38 must be posted in public places. R. S. c. 128, § 30. No person shall be convicted of any offense under section thirty-five unless a printed copy of sections thirty-five to thirty-eight inclusive shall have been posted in a conspicuous place in the public building, hotel, railroad station, railroad-car or steamboat where said offense is committed, for at least thirty days prior to the commission of said offense, and is also posted at the time of said offense.

Sec. 38. Penalty for destroying notices. R. S. c. 128, § 31. Whoever wilfully destroys, defaces or tears down any such printed copy posted under the preceding section, shall forfeit not less than one, nor more than ten dollars to be recovered on complaint.

Note. Malicious injury to the structure of meridian lines, c. 48, § 36; to toll-gate or toll-bridge, c. 27, § 19.

CHAPTER 130.

Offenses Against the Public Health, Safety and Policy.

- Sections 1-14 Unwholesome Provisions and Drinks.
- Section 15 Expectoration in Public Places.
- Sections 16-17 Fireworks.
- Sections 18-20 Lotteries.
- Sections 21-23 Candy and Cigarettes.
- Sections 24-33 Tramps.

Unwholesome Provisions and Drinks.

Sec. 1. Corrupting water used for domestic or other uses. R. S. c. 129, § 1. 1905, c. 97. 1907, c. 104. Whoever knowingly and wilfully poisons, defiles or in any way corrupts the waters of any well, spring, brook, lake, pond, river or reservoir, used for domestic purposes for man or beast, or knowingly corrupts the sources of any public water supply, or the tributaries of said sources of supply in such manner as to affect the purity of the water so supplied, or knowingly defiles such water in any manner, whether the same be frozen or not, or puts the carcass of any dead animal or other offensive material into said waters, or upon the ice thereof, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year.

See 1891, c. 82, § 3.

Sec. 2. Holding any diseased meat or milk, for human food. R. S. c. 129, § 2. Whoever, having charge of any animal, or meat or milk of any animal affected with tuberculosis or other contagious or infectious disease, knowing that the animal is thus affected, shall hold the animal, or its meat or milk, for human food, shall be punished by a fine of not less than five, nor more than fifty dollars.

Sec. 3. Sale of impure or adulterated milk or cream, forbidden; standard milk; skimmed milk excepted. R. S. c. 129, § 3. 1905, c. 40. 1909, c. 144. 1911, c. 96. Whoever by himself, clerk, servant or agent, sells, exchanges or