

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)

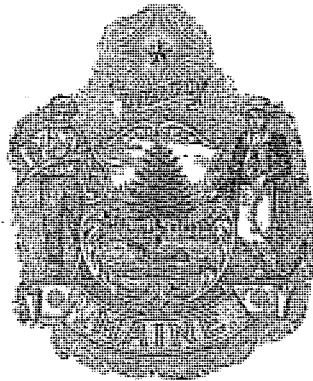
SIXTH REVISION

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

CHAP. 131

libel is not justified in either of said modes, it shall be deemed malicious, unless the contrary is clearly proved.

Sec. 6. Jury to judge law and fact. R. S. c. 130, § 6. In all indictments for libel, the jury after receiving the direction of the court, may determine at their discretion, the law and the fact.

See Const., Art. I, § 4; 18 Me. 348; 53 Me. 342; 62 Me. 510; 89 Me. 293.

Sec. 7. Publishing lists of debtors prohibited. R. S. c. 130, § 7. No person, firm or corporation, shall publicly advertise for sale in any manner whatever, or for any other purpose whatever, any list or lists of debts, dues, accounts, demands, notes or judgments, containing the names of any or all of the persons who owe the same. Any such public advertisement containing the name of but one person who owes as aforesaid, shall be construed as a list within the meaning of this section. Any person, firm, or corporation, violating the provisions of this section shall be liable in an action of debt to a penalty not exceeding one hundred, and not less than twenty-five dollars, to each and every person, severally and not jointly, whose name appears in any such list.

102 Me. 132.

Sec. 8. Sec. 7 does not apply to executors, etc., or officials. R. S. c. 130, § 8. The provisions of the preceding section shall not apply to executors, administrators, guardians, trustees, trustees in bankruptcy, assignees in insolvency, sheriffs, deputy sheriffs, constables, collectors of taxes, town treasurers or any other officials whose official duties require them to publish any such list or lists.

CHAPTER 132.

Proceedings for the Prevention of Crimes.

Sec. 1. Security to keep the peace may be required. R. S. c. 131, § 1. The justices of the supreme judicial and superior courts, and judges of municipal and police courts, in vacation or in court, and trial justices in their counties, have power to cause all laws for the preservation of the public peace to be kept; and in the execution thereof may require persons to give security to keep the peace and be of good behavior, as hereinafter provided.

See c. 137, § 9.

Sec. 2. On complaint that an offense is threatened, proceedings. R. S. c. 131, § 2. Any such magistrate, on complaint that any person threatens to commit an offense against the person or property of another, shall examine, on oath, the complainant and any other witnesses produced, reduce the complaint to writing, and cause the complainant to sign it; and, if on examination of the facts he thinks that there is just cause to fear the commission of such offense, he shall issue a warrant reciting the substance of the complaint, and commanding the officer, to whom it is directed, forthwith to arrest the accused and bring him before such magistrate or court, subject to section eight of chapter one hundred and thirty-four.

Sec. 3. Accused may be ordered to find sureties to keep the peace, and to pay costs. R. S. c. 131, § 3. When the accused is brought before the magistrate and his defense is heard, he may be ordered to recognize, with sufficient sureties, in the sum required by the magistrate, to keep the peace toward all persons, and especially toward the person requiring the security; for a term not exceeding one year, and to pay the costs of prosecution; but he shall not be bound over to any court, unless he is also charged with some other specific offense requiring it.

10 Me. 332; 96 Me. 567.

Sec. 4. If he complies, he shall be discharged; otherwise, he shall be committed. R. S. c. 131, § 4. If the accused complies with such order, he shall be discharged; if he does not, he shall be committed to jail for the time for which he was required to find sureties, or until he complies with such order; and the magistrate shall state in the mittimus the cause of commitment, and the time and sum for which security was required, and return a copy of the warrant to the next supreme judicial or superior court in said county, and such court shall have cognizance of the case, as if the accused had appealed thereto.

Sec. 5. Proceedings, if complaint is not sustained; if frivolous, or malicious, proceedings. R. S. c. 131, § 5. If the magistrate, on examination of the facts, is not satisfied that there is just cause to fear the commission of any offense, he shall immediately discharge the accused; and if he judges the complaint to be unfounded, frivolous or malicious, he may order the complainant to pay the costs of prosecution, who shall thereupon be answerable to the magistrate, officer and witnesses for their fees as for his own debt.

Sec. 6. Appeal and proceedings thereon. R. S. c. 131, § 6. Any person aggrieved by the order of such magistrate requiring him thus to recognize, may on giving the security required, appeal to the next supreme judicial or superior court in the county; and the magistrate shall thereupon require such witnesses as he thinks proper, to recognize to appear at the appellate court; and such court may affirm or reverse the order of the magistrate, require the accused to recognize anew with sufficient sureties, and make such order as to costs as it deems reasonable.

Sec. 7. Consequences, if appellant fails to prosecute. R. S. c. 131, § 7. If the appellant fails to prosecute his appeal, his recognizance shall be in force for any breach of its conditions without an affirmation of said order, and shall stand as security for any costs which he is ordered by the court to pay.

Sec. 8. Recognizance after commitment. R. S. c. 131, § 8. A person committed for not recognizing as aforesaid may be discharged by a justice of the supreme judicial court or a bail commissioner, on giving the security required.

Sec. 9. When magistrate on view, may require sureties without a formal complaint. R. S. c. 131, § 9. Whoever in the presence of any of the magistrates aforesaid, or of any court of record, makes an affray; threatens to kill or beat another, or to commit any violence against his person or property; or contends with hot and angry words to the disturbance of the peace, may be ordered, without process or other proof, to recognize to keep the

peace and be of good behavior for a term not exceeding three months, and may be otherwise dealt with as is provided in the preceding sections.

Sec. 10. Persons going armed, without reasonable cause. R. S. c. 131, § 10. Whoever goes armed with any dirk, pistol or other offensive and dangerous weapon, without just cause to fear an assault on himself, family or property, may, on complaint of any person having cause to fear an injury or breach of the peace, be required to find sureties to keep the peace for a term not exceeding one year, and, in case of refusal, may be committed as provided in the preceding sections.

Sec. 11. Recognizances shall be returned to court, which may remit penalty. R. S. c. 131, § 11. All recognizances taken under this chapter shall be returned to the supreme judicial or superior court on or before the first day of the next term, and be there filed by the clerk as of record; and, in any suit thereon, if the forfeiture is found or confessed, the court may remit so much of the penalty, and on such terms, as it thinks proper.

Sec. 12. Sureties on recognizances may surrender their principals; new recognizances. R. S. c. 131, § 12. Any surety in such recognizance may surrender the principal the same as bail in civil cases, and he shall thereupon be discharged from liability for any subsequent breach of the recognizance; and the principal may recognize anew with sufficient sureties for the residue of the term before a trial justice, and then be discharged.

Private Detectives.

Sec. 13. Detectives, license of by the governor; unlawful to advertise as state detective; penalty. R. S. c. 131, § 13. 1907, c. 9, § 2. 1909, c. 156; c. 182. 1911, c. 1. The governor, with the advice of the council, may license not exceeding twenty-five licensed detectives for the detection, prevention and punishment of crime, to serve for the term of four years, unless such license is sooner revoked for cause. Each person so licensed shall give bond in the sum of five hundred dollars, with two sureties, approved by the governor and council, conditioned for the proper discharge of the services which he may perform by virtue of such license; but nothing herein contained shall be construed to confer on any person so licensed, any of the power and authority of sheriffs or police officers, except in cases of felonies and offenses under chapter one hundred and twenty-two and the first twelve sections of chapter one hundred and twenty-seven. No person so licensed shall advertise or represent himself as a state detective, under penalty of the forfeiture of his license and a fine not to exceed twenty dollars, to be recovered upon complaint.

Sec. 14. Authority to arrest for offenses. R. S. c. 131, § 14. Private detectives, licensed as aforesaid, shall have the same authority to arrest in cases of offenses under chapters one hundred and twenty-two and the first twelve sections of chapter one hundred and twenty-seven, and of felonies in any part of the state, and shall receive the same fees, as sheriffs within their respective counties in similar cases. No extra compensation shall be paid to them in any case, from the state or county treasury.