

MAINE STATE LEGISLATURE

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SEVENTH REVISION

THE
REVISED STATUTES

OF THE
STATE OF MAINE

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By the Authority of the Legislature

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CHAPTER 127.

Offenses Against the Sovereignty of the State.

Sec. 1. Treason. R. S. c. 119, § 1. Whoever is guilty of treason against the state, shall be punished by imprisonment for life.

For definition of treason, see Const. Me., Art. 1., § 12.

Sec. 2. Misprision of treason, definition and penalty. R. S. c. 119, § 2. Misprision of treason consists in a knowledge that treason has been or is to be committed, and in the concealment of it, or in omission to give information thereof to the governor, a judge of a court of record, or a justice of the peace. No person can be convicted of it without the testimony of two witnesses, but one of them may testify to one, and another to a different overt act of the same species of treason; or by confession in open court. Whoever is guilty of misprision of treason shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than five years.

Sec. 3. Prosecution to be within three years. R. S. c. 119, § 3. No person can be convicted of treason or misprision of treason, unless the indictment therefor is found within three years after the commission thereof.

Sec. 4. Usurpation of jurisdiction by a foreign power; overt acts within the state; penalty. R. S. c. 119, § 4. If a person, claiming authority from any foreign government or magistrate, enters upon any lands, cuts any timber, serves any process, exercises any jurisdiction, authority or ownership, claims any right, or threatens to do any of said acts within the limits of the state, as described by the treaties of seventeen hundred eighty-three and eighteen hundred forty-two, between the United States and Great Britain, he and every person aiding and encouraging the same shall be punished by imprisonment and fine, at the discretion of the court.

Sec. 5. Desecration of flag of U. S. or of this state; penalty; inscriptions and symbols may be placed on flag pursuant to law. R. S. c. 119, § 5. 1925, c. 110. Whoever in any manner, for exhibition or display, places or causes to be placed any inscription, device, advertisement, or notice whatever upon any flag, standard, color, or ensign of the United States or state flag of this state, or displays or exhibits or causes to be displayed or exhibited any flag, standard, color, or ensign of the United States or flag of this state upon which shall in any manner be placed or affixed any inscription, device, advertisement, or notice whatever, or attaches to or represents upon any goods, wares, or merchandise, any imitation or representation of the national flag of the United States, or uses any imitation or representation of the national flag of the United States for advertising purposes or in any manner mutilates, tramples upon or otherwise defaces or defiles any of said flags, standards, colors, or ensigns, whether they are public or private property, shall be punished by a fine of not less than five dollars, nor more than fifty dollars. Provided, however, that flags, standards, colors, or ensigns, the property of or used in the service of the United States, or of this state, may have inscriptions, names of actions, words, marks, or symbols, placed thereon pursuant to law or authorized regulations, and that associations organized by men who have served in the army or navy of the United States may place appropriate inscriptions upon flags borne by them or used for memorial purposes.

Sec. 6. State seal, removal of, injury to, and neglect or refusal to deliver up, penalty. R. S. c. 119, § 6. Whoever knowingly and wilfully removes the seal of the state of Maine from the office or custody of the secretary of state at Augusta, or knowingly and wilfully secretes, defaces, injures, or destroys it, or wilfully aids or assists in so doing, or, having the same in his possession, or under his control, wilfully neglects or refuses to deliver it to the secretary of state upon demand therefor, shall be punished by a fine of not more than five thousand dollars, and by imprisonment for not less than one year, nor more than five years.

Sec. 7. Use of great seal in any place but the office of secretary of state, penalty. R. S. c. 119, § 7. Whoever knowingly and wilfully uses the seal of the state of Maine, or takes any impression therefrom, for any purpose, in any other place than the office of the secretary of state at Augusta, or knowingly and wilfully issues, or receives and acts under any commission, record, document, parchment, instrument, or paper, bearing the impression of said seal, unless the same has been sealed in said office of said secretary of state at Augusta, shall be punished by a fine of not more than three thousand dollars, and by imprisonment for not more than three years.

Sec. 8. Books and papers, removal from state offices, secretion, mutilation, or refusal to return, penalty. R. S. c. 119, § 8. Whoever knowingly and wilfully removes from the state house at Augusta, or from the custody of the secretary of state, or of the governor and council, or other officer or person in whose lawful custody the same are deposited and kept in said state house, any book of accounts, voucher, record, return, returned copies of lists of votes given for any public officer, certified copy of any record or other document or instrument, belonging to, or kept in any of the offices in said state house, except the books and documents kept and deposited in the state library, or knowingly and wilfully secretes, alters, mutilates, defaces, or destroys any such book of accounts, voucher, record, return, returned copies of lists of votes given for any public officer, certified copy of any record or other document or instrument, or knowingly and wilfully aids or assists in so doing, or having any such book of accounts, voucher, record, return, returned copies of lists of votes given for any public officer, certified copy of any record or other such document or instrument in his possession, or under his control, wilfully neglects or refuses to return the same to said state house, or to deliver the same to the person in lawful charge of the office or room in said state house, where the same were kept or deposited, shall be punished by a fine of not more than five thousand dollars, and by imprisonment for not less than one year, nor more than three years.

Sec. 9. Refusal by former public officer to deliver moneys and other public property to successor, penalty. R. S. c. 119, § 9. When any person, having held any public office in this state, and having in his possession or under his control, any moneys, books of account, records, accounts, vouchers, documents, or other property, or effects pertaining or belonging to said office, or to the state, or to any county or municipality in the state, and whose term of office has expired, and whose successor in said office has been elected or appointed and qualified, after a written demand for the same, wilfully refuses to deliver such moneys, books of account, records, accounts, vouchers, documents or other property or effects aforesaid to such successor in said office, he shall be punished by a fine of not more than five thousand dollars, and by imprisonment for not more than five years.

Sec. 10. Falsely assuming to act as a state officer, penalty. R. S. c. 119, § 10. Whoever knowingly and falsely assumes to be a state officer of the state of

Maine, and to act as such, or knowingly and falsely assumes to discharge any of the duties of such officer, or knowingly and wilfully invites or receives any communication, document, record or letter properly belonging to such state officer, or relating to the office or official business of said officer, or, in any way, knowingly and wilfully obstructs or delays such officer in the discharge of any of his official duties, shall be punished by a fine of not more than five thousand dollars, and by imprisonment for not less than one year, nor more than five years.

CHAPTER 128.

Uniform Flag Law.

P. L. 1919, c. 158.

Sec. 1. Definition. The words flag, standard, color, ensign or shield, as used in this chapter, shall include any flag, standard, color, ensign or shield, or copy, picture or representation thereof, made of any substance or represented or produced thereon, and of any size, evidently purporting to be such flag, standard, color, ensign or shield of the United States or of this state, or a copy, picture or representation thereof.

Sec. 2. Desecration. No person shall, in any manner, for exhibition or display:

(a) place or cause to be placed any word, figure, mark, picture, design, drawing or advertisement of any nature upon any flag, standard, color, ensign or shield of the United States or of this state, or authorized by any law of the United States or of this state; or

(b) expose to public view any such flag, standard, color, ensign or shield upon which shall have been printed, painted or otherwise produced, or to which shall have been attached, appended, affixed or annexed any such word, figure, mark, picture, design, drawing or advertisement; or

(c) expose to public view for sale, manufacture, or otherwise, or to sell, give or have in possession for sale, for gift or for use for any purpose, any substance, being an article of merchandise, or receptacle, or thing for holding or carrying merchandise, upon or to which shall have been produced or attached any such flag, standard, color, ensign or shield, in order to advertise, call attention to, decorate, mark or distinguish such article or substance.

Sec. 3. Mutilation. No person shall publicly mutilate, deface, defile, defy, trample upon, or by word or act cast contempt upon any such flag, standard, color, ensign or shield.

Sec. 4. Exceptions. This statute shall not apply to any act permitted by the statutes of the United States (or of this state), or by the United States Army and Navy regulations, nor shall it apply to any printed or written document or production, stationery, ornament, picture or jewelry whereon shall be depicted said flag, standard, color, ensign or shield with no design or words thereon and disconnected with any advertisement.

Sec. 5. Penalty. Any violation of section two shall be a misdemeanor and punishable by a fine of not more than fifty dollars. Any violation of section three shall be punishable by a fine of not more than five hundred dollars, or by imprisonment for not more than six months, or by both fine and imprisonment, in the discretion of the court.