

MAINE STATE LEGISLATURE

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CHAPTER 139.

Malicious Mischiefs and Trespasses.

Sections 1-35 General Provisions.
Sections 36-37 Transportation of Baggage and Wilful Injury Thereof.
Sections 38-41 Wearing of Spiked Boots.

General Provisions.

Sec. 1. Maliciously killing or injuring domestic animals; penalty. R. S. c. 129, § 1. 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 a fine of not less than twenty dollars nor more than five hundred dollars, or by imprisonment for not more than four years.

See c. 23, § 18; *75 Me. 563.

Sec. 2. Unlawful taking of saddled or harnessed horse; penalty. R. S. c. 129, § 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 a fine of not more than one hundred dollars, or by imprisonment for not more than three months.

Sec. 3. Unlawful taking and use of boats, vehicles, or draft animals; penalty; limitation. R. S. c. 129, § 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 a fine of not more than three hundred dollars, or by imprisonment for not more than eleven months; 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. Unlawful injuring of or tampering with vehicles. 1929, c. 327, §§ 2, 3. Whoever shall individually, or in association with one or more others, wilfully break, injure, tamper with or remove any part or parts of any vehicle for the purpose of injuring, defacing or destroying such vehicle, or temporarily or permanently preventing its useful operation, or for any purpose against the will or without the consent of the owner of such vehicle or who shall in any other manner wilfully or maliciously interfere with or prevent the running or operation of such vehicle shall be punished by a fine of not more than two hundred dollars, or by imprisonment for a term of not more than three months, or by both such fine and imprisonment; and whoever is convicted the second time for a violation of any of the provisions of this section shall be punished by a fine of not less than two hundred dollars nor more than five hundred dollars,

or by imprisonment for not more than eleven months, or by both such fine and imprisonment.

Sec. 5. Injuries to public property, particularly to water systems; penalty. R. S. c. 129, § 4. 1917, c. 128. 1929, c. 315. Whoever wilfully or maliciously destroys, injures or removes any public building, armory, breast work, trench, fortification, wharf, pier or dock; or any property, pipe line, reservoir, structure, or apparatus used in supplying water to the public or to any portion thereof; or any dam, reservoir, fishway, fish screen, canal, trench or their appurtenances; or the gear or machinery of a mill or manufactory; or draws off the water from a mill pond, canal or trench; or 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; or 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 a fine of not more than one thousand dollars or by imprisonment for not more than three years.

See c. 25, § 35; c. 69, § 10; 30 Me. 183; 40 Me. 594; *105 Me. 56.

Sec. 6. Unlawful diversion of water; penalty. R. S. c. 129, § 5. 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 eleven months or by both such fine and imprisonment.

See § 11.

Sec. 7. Wilful, wanton, or malicious injuries to ice; penalty. R. S. c. 129, § 6. 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 a fine of not more than five hundred dollars, or by imprisonment for not more than eleven months; and it is not necessary to allege or prove the title or ownership of the ice so cut, injured, marred, damaged, or destroyed.

Sec. 8. Wilful or malicious injury to property of any railroad; penalty. R. S. c. 129, § 7. 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 a fine of not more than five hundred dollars, or by imprisonment for not more than two years, 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. 9. Removal of waste from journal-boxes of cars, etc.; penalty. R. S. c. 129, § 8. 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 a fine of not more than five hundred dollars, or by imprisonment for not more than three years.

Sec. 10. Destruction or removal of transit points, etc.; penalty. R. S. c. 129, § 9. 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 of not more than twenty-five dollars, or by imprisonment for not more than thirty days; and in addition thereto shall be liable in an action of debt for the amount of damage done.

Sec. 11. Injury to, or interference with apparatus used in furnishing gas or electricity; penalty. R. S. c. 129, § 11. 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, co-partnership, 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, co-partnership, or corporation unlawfully and intentionally diverts any electric current from any wire of such individual, co-partnership, or corporation, or otherwise unlawfully and intentionally uses or causes to be used without the consent of such individual, co-partnership, or corporation any electricity manufactured or distributed by such individual, co-partnership, 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 eleven months, or by both such fine and imprisonment.

See § 6.

Sec. 12. Injuring, or interfering with telegraph or telephone lines, etc.; penalty. R. S. c. 129, § 12. 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 hundred dollars or by imprisonment for not more than eleven months, or by both such fine and imprisonment.

Sec. 13. Injuries to logs intended for manufacture; penalty. R. S. c. 129, § 13. 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 a fine of not less than one hundred dollars, nor more than five hundred dollars, and by imprisonment for not less than one year, 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; penalty; civil action for double damages. R. S. c. 129, § 14. 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 a fine of not more than five hundred dollars, and

by 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; penalty. R. S. c. 129, § 15. 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 lands appurtenant to certain state institutions; penalty. R. S. c. 129, § 16. 1921, c. 92. Whoever wilfully trespasses upon lands which belong to the state and are appurtenant to the Pownal state school, reformatory for women, reformatory for men, state school for girls, or state school for boys, or whoever shall unlawfully interfere with the inmates of either of said institutions, or after notice from an officer of said institutions to leave said lands, remains thereon, shall be punished by a fine of not more than fifty dollars, or by imprisonment for not more than three months.

Sec. 17. Malicious injuries to trees, fences, gates, or produce; penalty. R. S. c. 129, § 17. 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 a fine of not more than one hundred dollars, and by imprisonment for less than one year.

See c. 109, § 9; 3 Me. 178; 5 Me. 409; 37 Me. 331; 60 Me. 410; *78 Me. 31.

Sec. 18. Advertising on fences, rocks, etc.; penalty. R. S. c. 129, § 18. 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 consent 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. Advertising signs on highways prohibited; signs approved by state highway commission for safeguarding travel, excepted. 1925, c. 188, § 1. 1927, c. 160. 1929, c. 283. No person shall post, erect, display, or maintain or cause to be posted, erected, displayed, or maintained any sign, bill-board, panel, placard, poster, notice, or other advertising device, in, upon, or above any public highway or so situated with respect to any public highway as to obstruct clear vision of an intersecting highway or highways or otherwise so situated as to prevent the safe use of the public highway; and such public highway shall be deemed the full width of the road as laid out by the county or the town.

Provided, that the provisions hereof shall not apply to the state or to any political subdivision thereof or to signs erected or maintained with the approval of the state highway commission solely for the purpose of safeguarding, facilitating, or protecting travel along the highway; and provided further that the state highway commission may authorize the placing of directional signs of such design as it shall determine, not exceeding thirty inches in length and nine inches in width to designate places of interest; to be posted without expense to the state at the junction of roads in the town where the place is located and in adjoining towns.

Sec. 20. Penalty for violation of § 19; jurisdiction of offenses; state highway police to remove signs. 1925, c. 188, § 2. Any person found guilty of violating the provisions of the preceding section shall be punished by a fine of not less than five dollars nor more than five hundred dollars; and whoever after conviction of such violation unlawfully maintains any such sign, bill-board, panel, placard, poster, notice, or other advertising device for ten days after such conviction may be punished by a further fine of not more than fifty dollars for each day upon which such sign, bill-board, panel, placard, poster, notice, or other advertising device is maintained. Municipal courts and trial justices shall have jurisdiction to punish offenses under said section. The state highway-police shall remove all signs, bill-boards, panels, placards, posters, notices, or other advertising devices existing within the limits of the highway in violation hereof.

Sec. 21. Trespasses on improved lands; penalty. R. S. c. 129, § 19. 1917, c. 105. 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, arboretum, botanic garden, or improved land, of another, with intent to take, carry away, destroy, or injure trees, shrubs, plants, flowers, grain, grass, hay, fruit, vegetables, turf, or soil thereon, shall be punished by a fine of not more than one hundred dollars, and by imprisonment for not more than ninety days.

See c. 109, § 11.

Sec. 22. Wilfully entering or passing over the land of another after being forbidden, is trespass; penalty. R. S. c. 129, § 20. 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 a fine of not more than twenty dollars, and section twenty-four applies to violations of this section.

Sec. 23. Injuries to fruit gardens; penalty. R. S. c. 129, § 21. 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 by 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. 109, § 11.

Sec. 24. Arrest of offenders. R. S. c. 129, § 22. 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. 25. Trespass on timber, or wood standing, etc.; penalty. R. S. c. 129, § 23. 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 a fine of not more than fifty dollars, and by imprisonment for not more than two months.

5 Me. 409.

Sec. 26. Malicious injuries to monuments, landmarks, guide-boards, lamps; penalty. R. S. c. 129, § 24. 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 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 a fine of not more than one hundred dollars, and by imprisonment for less than one year.

Sec. 27. Malicious injury to buildings, fixtures, goods, or valuable papers; penalty. R. S. c. 129, § 25. 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 a fine of not more than five hundred dollars, or by imprisonment for less than one year; 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. 28. Wanton injury to books, pictures, and statues; penalty. R. S. c. 129, § 26. 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 a fine of not more than fifty dollars, or by imprisonment for not more than three months.

Sec. 29. False alarm of fire; penalty. R. S. c. 129, § 27. 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. 129, § 22.

Sec. 30. Placing obstructions on any traveled road; penalty. R. S. c. 129, § 28. Whoever places rocks, stones or other obstructions in a traveled road, and leaves them there, shall be punished by a fine of one dollar for each offense, to be recovered on complaint, to the use of the town where the offense is committed.

Sec. 31. Dumping waste material in public ways; penalty. R. S. c. 129, § 29. 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 of not more than ten dollars, to be recovered to the use of the town where the offense is committed.

Sec. 32. Depositing sawdust within the limits of the highway; penalty. 1929, c. 247. It shall be unlawful for any owner, operator, manager or employee of any mill used in the sawing of lumber to establish, locate or use the same within such proximity to any way of the state as to allow the sawdust therefrom to blow into such highway. Whoever violates the provisions of this section shall be punished by a fine of not less than ten dollars nor more than fifty dollars for each offense.

Sec. 33. Riding with a naked scythe; penalty. R. S. c. 129, § 30. 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. 34. Certain pageantry in streets in the night; bonfires in streets and towns; penalty. R. S. c. 129, § 31. 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 be punished by a fine of eight dollars, or by imprisonment for not more than one month for each offense.

Sec. 35. Limitations of prosecutions, and jurisdiction of offenses. R. S. c. 129, § 32. Prosecutions for offenses hereinbefore described, except those set forth in sections one, 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 a fine of not more than ten dollars and by imprisonment for not more than thirty days, unless otherwise specially provided.

Transportation of Baggage and Wilful Injury Thereof.

Sec. 36. Wilful destruction of, or injury to baggage; penalty. R. S. c. 129, § 33. 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 a fine of not more than one hundred dollars, or by imprisonment for less than one year; 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. 37. Jurisdiction of offenses. R. S. c. 129, § 34. 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. 38. Wearing of spiked boots and shoes in public places, forbidden. R. S. c. 129, § 35. 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. 39. Penalty for violation of § 38. R. S. c. 129, § 36. Whoever violates either of the provisions of the preceding section shall, on complaint and conviction, be punished by a fine of not less than one dollar, 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-eight.

Sec. 40. Printed copies of §§ 38 to 41 must be posted in public places. R. S. c. 129, § 37. No person shall be convicted of any offense under section thirty-eight unless a printed copy of sections thirty-eight to forty-one, 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. 41. Penalty for destroying notices. R. S. c. 129, § 38. Whoever wilfully destroys, defaces, or tears down any such printed copy posted under the preceding section, shall forfeit not less than one dollar, nor more than ten dollars to be recovered on complaint.

Malicious injury to the structure of meridian lines, c. 53, § 39; to toll-gate or toll-bridge, c. 31, § 20.

CHAPTER 140.

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 18-19	Candy.
Sections 20-29	Tramps.
Section 30	Regulation of Radio Waves.

Unwholesome Provisions and Drinks.

Sec. 1. Corrupting water used for domestic or other uses; penalty. R. S. c. 130, § 1. 1917, c. 126. 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 in said waters, or upon the ice thereof, shall be punished by a fine of not more than five thousand dollars, or by imprisonment for any term of years.

*118 Me. 13.

Sec. 2. Holding any diseased meat or milk for human food; penalty. R. S. c. 130, § 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 dollars, nor more than fifty dollars.

Sec. 3. Sale of impure or adulterated milk or cream; penalty; standard milk; skimmed milk excepted. R. S. c. 130, § 3. Whoever by himself, clerk, servant, or agent, sells, exchanges, or delivers, or has in his custody or possession with intent to sell, exchange or deliver, or exposes or offers for sale or