

# **MAINE STATE LEGISLATURE**

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SEVENTH REVISION

T H E

REVISED STATUTES

OF THE

STATE OF MAINE

PASSED AUGUST 5, 1930, AND TAKING  
EFFECT NOVEMBER 10, 1930



By the Authority of the Legislature

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in their public capacities, or to the qualifications of candidates for popular suffrages, or where the matter published is proper for public information, the truth thereof may be given in evidence, and if proved, shall be a complete justification; and in prosecutions for all other libels, the truth thereof, thus proved, shall be a complete justification, unless it appears that such publication originated in corrupt and malicious motives; and if any alleged 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. 131, § 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. Me., 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. 131, § 7. No person, firm or corporation shall publicly advertise for sale in any manner whatever, or for any purpose whatever, any list or lists of debts, dues, accounts, demands, notes, or judgments, containing the names of any 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 any of the provisions of this section shall be liable in an action of debt to a penalty of not less than twenty-five dollars, nor more than one hundred dollars, to each and every person, severally and not jointly, whose name appears in any such list.

102 Me. 132.

**Sec. 8. Section seven does not apply to executors, etc., or officials.** R. S. c. 131, § 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.

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## CHAPTER 142.

### Proceedings for Prevention of Crime. Private Detectives.

**Sec. 1. Security to keep the peace may be required.** R. S. c. 132, § 1. The justices of the superior court, and judges of municipal and police courts, in term time or in vacation, 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.

**Sec. 2. On complaint that an offense is threatened, proceedings.** R. S. c. 132, § 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 nine of chapter one hundred forty-four.

Sec. 3. Accused may be ordered to find sureties to keep the peace, and to pay costs. R. S. c. 132, § 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 of less than 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. 132, § 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 term of the 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. 132, § 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. 132, § 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 term of the 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. 132, § 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. 132, § 8. A person committed for not recognizing as aforesaid may be discharged by a justice of the superior 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. 132, § 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. 132, § 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 of less than one year, and, in case of refusal, may be committed as provided in section four.

**Sec. 11.** Recognizance to be returned to court, which may remit penalty. R. S. c. 132, § 11. All recognizances taken under this chapter shall be returned to the 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. 132, § 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.

**Sec. 13.** Threatening display of firearms or weapons. 1917, c. 217, § 1. No person shall in a threatening manner display any firearm, slung-shot, knuckles, bowie knife, dirk, stiletto, or other dangerous or deadly weapon. No person shall wear under his clothes or concealed about his person any such firearm, slung-shot, knuckles, bowie knife, dirk, stiletto, or other dangerous or deadly weapon unless first licensed so to do as provided in the following sections.

**Sec. 14.** Certain officers may issue license. 1917, c. 217, § 2. The chief of police or city marshal, or in his absence, any of the captains of police of any city, or the selectmen of any town, may upon written application issue to any person of good moral character, a certificate setting forth that such person has been duly licensed to carry such weapon or weapons. Said license shall continue in effect until revoked by the chief of police or by the selectmen of the town in which said license was issued.

**Sec. 15.** Exceptions. 1917, c. 217, § 3. The provisions of section thirteen shall not be construed as prohibiting the carrying or wearing of such weapons by United States marshals, sheriffs and their deputies, constables, police officers and other officers charged with the enforcement of law.

**Sec. 16.** Penalty for violation. 1917, c. 217, § 4. 1919, c. 63. Whoever violates any of the provisions of section thirteen shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than ninety days.

#### Private Detectives.

**Sec. 17.** Detectives, license; unlawful to advertise as state detective; penalty. R. S. c. 132, § 13. 1917, c. 200. 1921, c. 2, § 2. 1929, c. 165. The governor, with the advice of the council, may license not exceeding thirty-five 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 before receiving his commission 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 felony and offenses under chapter one hundred and thirty-one and the first thirteen sections of chapter one hundred thirty-six. No person so licensed shall advertise or represent himself as a state detective, under penalty of the forfeiture of his license and a fine of not more than twenty dollars, to be recovered upon complaint.

**Sec. 18.** Authority to arrest for offenses. R. S. c. 132, § 14. Private detectives, licensed as aforesaid, shall have the same authority to arrest in cases of

offenses under chapters one hundred and thirty-one and the first thirteen sections of chapter one hundred and thirty-six, and of felonies in any part of the state, and shall receive the same fees as sheriffs in similar cases. No extra compensation shall be paid to them in any case from the state or county treasury.

**Sec. 19.** License fee payable by private detectives. R. S. c. 116, § 3. 1921, c. 2, § 2. Every person licensed as a private detective shall, before receiving his license, pay to the secretary of state ten dollars.

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## CHAPTER 143.

### Jurisdiction of Offenses and General Provisions Relating Thereto.

Sections 1-9 Jurisdiction of Crimes.

Section 10 Attempts to Commit Offenses.

Sections 11-17 General Provisions.

Sections 18-20 Finger Prints and Photographs of Persons Charged with Crime.

#### Jurisdiction of Crimes.

**Sec. 1.** Jurisdiction of the superior court. R. S. c. 133, § 1. 1929, c. 141. The superior court shall have original jurisdiction, exclusive or concurrent, of all offenses except those of which the original exclusive jurisdiction is conferred by law on municipal and police courts and trial justices, and appellate jurisdiction of these.

\*72 Me. 468; \*73 Me. 281; \*112 Me. 248.

**Sec. 2.** Offenses committed near the boundary of two counties. R. S. c. 133, § 2. When an offense is committed on the boundary between two counties or within one hundred rods thereof; or a mortal wound or other violence or injury is inflicted, or poison is administered, in one county, whereby death ensues in another, the offense may be alleged in the complaint or indictment as committed, and may be tried, in either.

\*84 Me. 461; \*85 Me. 193; 119 Me. 541.

**Sec. 3.** County lines terminating at or in tide-waters; course. R. S. c. 133, § 3. The lines of the several counties of the state which terminate at or in tide-waters shall run by the principal channel in such directions as to include, within the counties to which they belong, the several islands in said waters, and after so including such islands shall run in the shortest and most direct line to the extreme limit of the waters under the jurisdiction of this state, and all waters between such lines off the shores of the respective counties shall be a part of, and held to be within such counties, respectively.

**Sec. 4.** Warrants for offenses at or in tide-waters; authority of officers. R. S. c. 133, § 4. Any official authorized to issue warrants within any county may issue warrants for offenses committed in or upon the waters so made a part of such county, or the waters of any adjoining county; and said warrant shall be returnable in the county where issued, and the courts in such county shall have jurisdiction of the offense. Officers have the same authority upon all such waters as they have upon land within the county where the warrant is issued.

119 Me. 535.