

MAINE STATE LEGISLATURE

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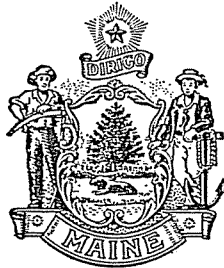
EIGHTH REVISION

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OF THE
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punished by a fine of not more than \$5,000, or by imprisonment for not more than 20 years.

Sec. 32. Making false invoices, bills of lading, or false estimates of property shipped; penalty. R. S. c. 138, § 21. If an owner of a vessel or of property laden or pretended to be laden on board thereof, or other person concerned in its lading or fitting out, makes out or exhibits, or causes to be made out or exhibited, any false or fraudulent invoice, bill of lading, bill of parcels, or other false estimates of such property, with intent to injure or defraud any insurer of such vessel or property, he shall be punished by a fine of not more than \$5,000, or by imprisonment for not more than 10 years.

Sec. 33. False affidavits and protests by master, officer, mariner, or owner of vessel or cargo; penalty. R. S. c. 138, § 22. If any master, other officer, or mariner of any vessel makes, causes to be made, or swears to any false affidavit or protest; or if any owner or other person concerned in such vessel, or in the property on board thereof, procures such false affidavit or protest to be made, or exhibits the same with intent to injure, deceive, or defraud any insurer of such vessel or property, he shall be punished by a fine of not more than \$5,000, or by imprisonment for not more than 10 years.

Sec. 34. Aiding sailors to desert; penalty. R. S. c. 138, § 23. 1933, c. 118, § 1. Whoever entices or persuades or attempts to entice or persuade, or aids, assists, or attempts to aid or assist, a member of the crew of any vessel arriving in or about to sail from a port in this state to leave or desert such vessel before the expiration of his term of service therein shall be punished by a fine of not more than \$100, and by imprisonment for not less than 30 days nor more than 6 months. Trial justices shall have original jurisdiction with municipal courts in all cases arising under this section.

CHAPTER 121.

CRIMES AGAINST CHASTITY, MORALITY, AND DECENCY.

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Sexual Crimes

Sec. 1. Adultery; penalty; cohabitation after a divorce. R. S. c. 135, § 1. Whoever commits adultery shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than 5 years; and when only one of the parties is married, or when they have been legally divorced from the bonds of matrimony, and afterwards cohabit, each shall be deemed guilty of adultery.

8 Me. 76; 11 Me. 394; 19 Me. 156; 35 Me. 206; 36 Me. 263; 43 Me. 261; 44 Me. 478; 65 Me. 30.

Sec. 2. Incest; penalty. R. S. c. 135, § 2. When persons within the degrees of consanguinity or affinity, in which marriages are declared incestuous and void, intermarry or commit fornication or adultery with each other, they shall be punished by imprisonment for not less than 1 year, nor more than 10 years.

118 Me. 164.

Sec. 3. Crime against nature; penalty. R. S. c. 135, § 3. Whoever commits the crime against nature, with mankind or with a beast, shall be punished by imprisonment for not less than 1 year, nor more than 10 years.

135 Me. 513; 136 Me. 320.

Sec. 4. Polygamy; penalty; place of trial. R. S. c. 135, § 4. If any person, except one legally divorced, or one whose husband or wife has been continually absent for 7 years and not known to him or her to be living within that time, having a husband or wife living, marries another married or single person; or, if any unmarried person knowingly marries the husband or wife of another, when such husband or wife is thereby guilty of polygamy, he or she shall be deemed guilty of polygamy and punished by a fine of not more than \$500, or by imprisonment for not more than 5 years; and the indictment for such offense may be found and tried in the county where the offender resides, or where he or she is apprehended.

6 Me. 149; 53 Me. 440; 91 Me. 207; 97 Me. 324, 325; 115 Me. 220; 118 Me. 237.

Sec. 5. Lascivious cohabitation; lewdness; penalties. R. S. c. 135, § 5. If any man and woman, one or both being at the time married to another person, lewdly and lasciviously cohabit; or, married or unmarried, are guilty of open, gross lewdness and lascivious behavior, they shall each be punished by a fine of not more than \$300, or by imprisonment for not more than 5 years.

7 Me. 43; 129 Me. 125; 133 Me. 351.

Sec. 6. Indecent liberties; penalties. R. S. c. 135, § 6. Whoever, being 21 years or more of age, takes any indecent liberty or liberties, or indulges in any indecent or immoral practice or practices, with the sexual parts or organs of any other person, male or female, under the age of 16 years, either with or without the consent of such male or female person, shall, upon conviction thereof, be punished by imprisonment at hard labor, for not less than 1 year, nor more than 10 years.

132 Me. 291; 139 Me. 11.

Sec. 7. Indecent exposure; penalty. R. S. c. 135, § 5. Whoever wantonly and indecently exposes his person shall be punished by a fine of not more than \$25 and by imprisonment for not more than 6 months.

112 Me. 56.

Sec. 8. Fornication; penalty. R. S. c. 135, § 7. If an unmarried man commits fornication with an unmarried woman, they shall be punished by a fine of not more than \$100 and by imprisonment for not more than 60 days.

132 Me. 38.

Abortion, Attempt to Procure; and Concealment of Birth

Sec. 9. Abortion or attempt to procure; miscarriage; penalties. R. S. c. 135, § 9. 1943, c. 236. Whoever administers to any woman pregnant with child, whether such child is quick or not, any medicine, drug, or other substance, or

uses any instrument or other means, unless the same was done as necessary for the preservation of the mother's life, shall be punished, if done with intent to destroy such child and thereby it was destroyed before birth, by a fine of not more than \$1,000, and by imprisonment for not more than 5 years; but if done with intent to procure the miscarriage of such woman, by a fine of not more than \$1,000 and by imprisonment for less than 1 year, and any person consenting and aiding or assisting shall be liable to like punishment.

32 Me. 374; 33 Me. 54; *126 Me. 177; 128 Me. 500.

Sec. 10. Concealment by mother of death of illegitimate issue, penalty; may be charged with murder in same indictment. R. S. c. 135, § 8. If a woman is willingly delivered in secret of the issue of her body, which would be a bastard if born alive, and conceals the death thereof, so that it is not known whether it was born dead, or alive and was murdered, she shall be punished by a fine of not more than \$100, or by imprisonment for not more than 3 years; and she may be charged with such offense, and also with the murder of such child, in the same indictment, and convicted and punished for either, according to the verdict.

57 Me. 31.

Sec. 11. Publication, sale or distribution of information tending to produce miscarriage; penalty. R. S. c. 135, § 10. Whoever publishes, sells, or distributes by hand or otherwise any circular, pamphlet, or book containing recipes or prescriptions for the cure of chronic female complaints or private diseases, or recipes or prescriptions for drops, pills, tinctures, or other compound designed to prevent conception, or tending to produce miscarriage or abortion shall be punished by a fine of not less than \$50, nor more than \$100, or by imprisonment for not more than 3 months.

Houses of Ill Fame. Prostitution

Sec. 12. Prostitution, lewdness, and assignation; penalty; terms of probation and parole. R. S. c. 135, §§ 13, 16. It shall be unlawful:

I. To occupy any place, structure, building, or conveyance for the purpose of prostitution, lewdness, or assignation, or for any person to permit any place, structure, building, or conveyance owned by him or under his control to be used for the purpose of prostitution, lewdness, or assignation, with knowledge or reasonable cause to know that the same is or is to be used for such purpose;

II. To receive or to offer or agree to receive any person into any place, structure, building, or conveyance for the purpose of prostitution, lewdness, or assignation, or to permit any person to remain there for such purpose;

III. To direct, take, or transport or to offer or agree to take or transport any person to any place, structure, or building, or to any other person with knowledge or reasonable cause to know that the purpose of such directing, taking, or transporting is prostitution, lewdness, or assignation;

IV. To procure or solicit or to offer to procure or solicit, for the purpose of prostitution, lewdness, or assignation;

V. To reside in, enter, or remain in any place, structure, or building, or to enter or remain in any conveyance for the purpose of prostitution, lewdness, or assignation;

VI. To engage in prostitution, lewdness, or assignation, or to aid or abet prostitution, lewdness, or assignation by any means whatsoever.

Any person who violates any of the provisions of this section shall be subject to imprisonment in or commitment to any penal or reformatory institution in this state for not more than 3 years. Probation or parole shall be granted or ordered in the case of a person infected with venereal disease only on such terms and conditions as shall insure medical treatment therefor and prevent the spread thereof, and the court may order any convicted defendant to be examined for venereal disease.

No female who shall be convicted of violating any of the provisions of this section shall be placed on probation or on parole in the care or charge of any person except a woman probation officer.

See c. 88, §§ 118-121, re licensee of employment agency not to send persons to places of bad repute etc.; c. 108, § 11, re lease of tenant of house of ill fame void at option of the landlord; 40 Me. 561; 75 Me. 592; 113 Me. 43; 118 Me. 251; 124 Me. 244; *126 Me. 136.

Sec. 13. "Prostitution", "lewdness", "assignation", defined. R. S. c. 135, § 14. The term "prostitution" shall be construed to include the offering or receiving of the body for sexual intercourse for hire and shall also be construed to include the offering or receiving of the body for indiscriminate sexual intercourse without hire. The term "lewdness" shall be construed to include any indecent or obscene act. The term "assignation" shall be construed to include the making of any appointment or engagement for prostitution or lewdness or any act in furtherance of such appointment or engagement.

Sec. 14. Record of prior conviction admissible evidence in trial. R. S. c. 135, § 15. In the trial of any person charged with a violation of any of the provisions of section 12, the record of a prior conviction or testimony concerning the reputation of any place, structure, or building, and of the person or persons who reside in or frequent the same, shall be admissible in evidence in support of the charge.

Sec. 15. Enticing unmarried females for purposes of prostitution; penalty. R. S. c. 135, § 17. Whoever fraudulently and deceitfully entices or takes away an unmarried female from her father's house, or wherever else she may be found, for the purpose of prostitution at a house of ill fame, assignation, or elsewhere, and whoever aids therein, or secretes such female for such purposes; or whoever inveigles or entices any female, before reputed virtuous, to a house of ill fame, or knowingly conceals or aids in concealing any such female, so enticed, for the purpose of prostitution or lewdness, shall be punished by imprisonment for not less than 1 year, nor more than 10 years.

54 Me. 26; 113 Me. 43.

Sec. 16. Procuration for prostitution; penalty. R. S. c. 135, § 18. Whoever procures a female inmate for a house of prostitution; or induces, persuades, encourages, inveigles, or entices a female person to become a prostitute; or whoever by promises, threats, violence, or by any device or scheme causes, induces, persuades, inveigles, takes, places, harbors, encourages, or entices a female person to become an inmate of a house of prostitution, or assignation place, or any place where prostitution is practiced, encouraged, or allowed; or whoever by promises, threats, violence, or by any device or scheme causes, induces, persuades, encourages, inveigles, or entices an inmate of a house of prostitution or place of assignation to remain therein as such inmate; or whoever by promises, threats, violence, by any device or scheme, by fraud or artifice, or by duress of person, of goods, or by abuse of any position of confidence or authority, or having legal charge, takes, places, harbors, inveigles, entices, persuades, encourages,

or procures any female person to enter any place within this state in which prostitution is practiced, encouraged, or allowed for the purpose of prostitution or for any other immoral purpose; or whoever inveigles, entices, persuades, encourages, or procures any female person to come into this state or leave this state for the purpose of prostitution or for any other immoral purpose; or whoever takes or detains a female with the intent to compel her by force, threats, menace, or duress to marry him or to marry any other person or to be defiled; or upon the pretense of marriage takes or detains a female person for the purpose of sexual intercourse; or whoever receives or gives or agrees to receive or give any money or thing of value for procuring or attempting to procure any female person to become a prostitute or to come into this state or leave this state for the purpose of prostitution or for any other immoral purpose shall be punished by imprisonment for not less than 2 years, nor more than 20 years.

Sec. 17. Placing of a wife in house of prostitution; penalty. R. S. c. 135, § 19. Whoever by force, fraud, intimidation, or threats places or leaves, or procures any other person or persons to place or leave, his wife in a house of prostitution or to lead a life of prostitution shall be punished by imprisonment for not less than 2 years, nor more than 20 years.

Sec. 18. Acceptance of money from woman engaged in prostitution; penalty; evidence. R. S. c. 135, § 20. Whoever knowingly accepts, receives, levies, or appropriates any money or other valuable thing, without consideration, from the proceeds of the earnings of any woman engaged in prostitution shall be punished by imprisonment for not less than 2 years, nor more than 20 years. Any such acceptance, receipt, levy, or appropriation of such money or valuable thing shall, upon any proceeding or trial for violation of this section, be presumptive evidence of lack of consideration.

113 Me. 41; *117 Me. 344.

Sec. 19. Detention of female in house of prostitution on account of debt; penalty. R. S. c. 135, § 21. Whoever attempts to detain any female person in a house of prostitution, assignation place, or any place where prostitution is practiced, encouraged, or allowed, because of any debt or debts she has contracted, or is said to have contracted, shall be punished by imprisonment for not less than 2 years, nor more than 20 years.

Sec. 20. Transportation of female persons for purpose of prostitution; penalty; place of prosecution. R. S. c. 135, § 22. Whoever knowingly transports or causes to be transported, or aids or assists in obtaining transportation for, by any means of conveyance into, through, or across the state, any female person for the purpose of prostitution or for any other immoral purpose, or with the intent and purpose to induce, entice, or compel such female person to become a prostitute shall be punished by imprisonment for not less than 2 years, nor more than 20 years. Such person may be prosecuted, indicted, tried, and convicted in any county in or through which he shall have transported or attempted to transport any female person as aforesaid.

132 Me. 38.

Sec. 21. No defense that part of prohibited acts were committed outside of this state. R. S. c. 135, § 23. It shall not be a defense to a prosecution for any of the acts prohibited in the 5 preceding sections that any part of such act or acts shall have been committed outside this state, and the offense in such case shall be deemed and alleged to have been committed and the offender tried and punished in any county in which the prostitution was intended to be practiced or

in which the offense was consummated, or any overt act in furtherance of the offense shall have been committed.

Sec. 22. Such females competent witnesses; evidence of general reputation of house admissible. R. S. c. 135, § 24. Any such female person referred to in the 6 preceding sections shall be a competent witness in any prosecution thereunder to testify for or against the accused as to any transaction, or as to any conversation with the accused, or by him with another person or persons in her presence, notwithstanding her having married the accused before or after the violation of any provision of said sections, whether called as a witness during the existence of the marriage or after its dissolution. In any prosecution under the provisions of the 6 preceding sections, evidence of the general reputation or common fame of a house or place shall be admissible for the purpose of proving that the house or place is one of ill fame, prostitution, or assignation.

64 Me. 523; *117 Me. 346.

Sec. 23. Warrants to search for females supposed to be so enticed. R. S. c. 135, § 25. When an overseer of the poor, police officer, constable, parent, or guardian has reason to believe that a female has been inveigled or enticed to a house of ill fame as aforesaid, he may complain on oath to a competent magistrate who may issue his search warrant, as in other cases; to enter such house by day or night, search for such female, and bring her and the person in whose keeping she is found before him, and may order her to be delivered to the complainant or to be discharged, as law and justice require.

Immoral Literature, Pictures, Exhibitions, and Advertisements

Sec. 24. Making or circulating obscene books and pictures; penalty. R. S. c. 135, § 27. Whoever imports, prints, publishes, sells, or distributes any book, pamphlet, ballad, printed paper, or other thing containing obscene, indecent, or impure language, or manifestly tending to the corruption of the morals of youth, or an obscene, indecent, or impure print, picture, figure, or description, manifestly tending to the corruption of the morals of youth, or introduces into a family, school, or place of education, or buys, procures, receives, or has in his possession any such book, pamphlet, ballad, printed paper, or other thing, either for the purpose of sale, exhibition, loan, or circulation, or with intent to introduce the same into a family, school, or place of education, shall be punished by a fine of not less than \$100, nor more than \$1,000, and by imprisonment for not more than 5 years.

See c. 37, § 194, re penalty for defacing schoolhouses and outbuildings.

Sec. 25. Warrants to search for such articles. R. S. c. 135, § 28. A warrant to search for such articles may be issued by any trial justice like other search warrants, and when any of them are found by the officer serving it, they shall be brought before the justice and kept by him or the officer, to be used as evidence in any case that may arise concerning them or any person connected therewith; and on conviction of such offender, said articles shall be destroyed by order of the court trying the case.

Sec. 26. Publication, distribution, or display of notices or advertisements for cure of venereal diseases; exception; penalty. R. S. c. 135, § 11. It shall be unlawful for any person to publish or cause to be published, to deliver or distribute or cause to be delivered or distributed, in any manner whatsoever, or to post, or

display, or to permit to be posted, displayed, or to remain on any buildings, windows, or out-houses, or premises, or other surface owned or controlled by him in this state, or to have displayed in or on any window or place where the same could be read by passers-by or the public, any advertisement, label, statement, print, or writing which refers to any person or persons from whom, or to any means by which, or to any office or place at which may be obtained any treatment or cure for syphilis, gonorrhoea, chancroid, lost manhood, sexual weakness, lost vitality, impotency, seminal emissions, gleet, varicocele, or self-abuse, whether described by such names, words, terms, or phrases, or by any other names, words, terms, or phrases calculated or intended to convey to the reader the idea that any of said diseases, infirmities, disabilities, conditions, or habits are meant or referred to, or which refers to any medicine, article, device, or preparation that may be used for the treatment, cure, or prevention of any of the diseases, infirmities, disabilities, conditions, or habits mentioned in this section.

This section shall not apply to publications, advertisements, or notices of the United States government, this state, or of any city, town, or plantation in this state, or of any public official, department, or agency of this state charged with the enforcement of its health laws.

Any person violating any of the provisions of this section shall be punished by a fine of not more than \$100, or by imprisonment for not more than 3 months, or by both such fine and imprisonment.

The word "person" as used in this section shall mean and include natural persons, copartnerships, corporations, and associations and shall include persons of both sexes.

Sec. 27. Circulation among minors of criminal news and obscene pictures; penalty; jurisdiction. R. S. c. 135, §§ 29, 30. 1933, c. 118, § 1. Whoever knowingly sells, lends, gives away, or shows to any minor any book, pamphlet, magazine, newspaper, or other printed paper devoted to the publication, or principally made up of criminal news, police reports, or accounts of criminal deeds, or pictures and stories of lust or crime; or circulates, posts, or causes to be circulated or posted in any conspicuous or public place any picture, handbill, or poster containing obscene, indecent, or immoral representations; or in any manner hires, uses, or employs any minor to sell or give away, or in any manner to distribute, or who, having the care, custody, or control of any minor, permits such minor to sell or give away, or in any manner to distribute any book, magazine, pamphlet, or newspaper as described in this section shall be punished by a fine of not less than \$25, nor more than \$100, or by imprisonment for not more than 6 months, or by both such fine and imprisonment. Trial justices within their county shall have, by complaint, jurisdiction of the offenses mentioned in this section, original and concurrent with municipal courts and the superior court.

Sec. 28. Use of a phonograph which utters profane or obscene language; penalty. R. S. c. 135, § 32. Whoever in connection with any show or entertainment, whether public or private, either as owner, manager, or director, or in any other capacity, uses or causes or permits to be used a phonograph or other contrivance, instrument, or device which utters or gives forth any profane, obscene, or impure language shall be punished by a fine of not more than \$500, or by imprisonment for not more than 11 months, or by both such fine and imprisonment.

Sec. 29. Giving any obscene or impure show; penalty. R. S. c. 135, § 33. Whoever as owner, manager, director, agent, or in any other capacity prepares,

advertises, gives, presents, or participates in any obscene, indecent, immoral, or impure show or entertainment, or in any show or entertainment manifestly tending to corrupt the morals of youth, shall be punished by a fine of not more than \$500, or by imprisonment for not more than 11 months, or by both such fine and imprisonment.

Desecration of Dead Bodies and Graves

Sec. 30. Disinterment, concealment, exposure, or abandonment of dead bodies; penalty; exceptions for physicians, surgeons, and students of anatomy. R. S. c. 135, § 47. 1941, c. 51. Whoever, without permission of the clerk of a town, therein wilfully digs up or removes any human body or its remains from its place of burial, or aids in so doing, or knowingly receives, conceals, or disposes of the same; or whoever mutilates, conceals, or unlawfully disposes of any human body or its remains, or unnecessarily and indecently exposes, throws away, or abandons the same in any public place, river, stream, or elsewhere, shall be punished by a fine of not more than \$3,000, or by imprisonment for not less than 1 year, nor more than 10 years; but any physician, surgeon, or medical student may have in his possession or use human bodies or parts thereof lawfully obtained, for anatomical or physiological investigation and instruction.

See c. 22, § 375, re permit necessary for interment or disinterment; c. 61, §§ 10-15, re promotion of medical education; 136 Me. 347.

Sec. 31. Injury to monuments and places of burial; penalty. R. S. c. 135, § 48. Whoever wilfully destroys or injures any tomb, gravestone, monument, or other object placed or designed as a memorial of the dead, or any fence, railing, or other thing placed about or enclosing a burial place; or wilfully injures, removes, or destroys any tree, shrub, or plant within such enclosure shall be punished by a fine of not more than \$500, or by imprisonment for less than 1 year.

121 Me. 146.

Sec. 32. Arrest of dead body forbidden. R. S. c. 135, § 46. If an officer takes the body of a deceased person by writ or execution, he shall be punished by a fine of not more than \$500 and by imprisonment for not more than 6 months.

Blasphemy and Profanity

Sec. 33. Blasphemy; penalty. R. S. c. 135, § 34. Whoever blasphemes the holy name of God by cursing, or contumeliously reproaching God, His creation, government, final judgment of the world, Jesus Christ, the Holy Ghost, or the Holy Scriptures as contained in the canonical books of the Old or New Testament, or by exposing them to contempt and ridicule, shall be punished by a fine of not more than \$200, or by imprisonment for not more than 2 years.

*120 Me. 84.

Sec. 34. Profanity; penalty. R. S. c. 135, § 35. Whoever, being of years of discretion, profanely curses or swears shall, on complaint made within 20 days thereafter, be punished by a fine of not more than \$2; and if, after conviction, he is again guilty, by a fine of not more than \$5.

Lord's Day. Memorial Day. Disturbance of Religious Meetings

Sec. 35. Duration of Lord's Day. R. S. c. 135, § 41. The Lord's Day includes the time between 12 o'clock on Saturday night and 12 o'clock on Sunday night.

Sec. 36. Persons conscientiously observing the 7th day, excepted. R. S. c. 135, § 42. No person conscientiously believing that the 7th day of the week ought to be observed as the Sabbath, and actually refraining from secular business and labor on that day, is liable to said penalties for doing such business or labor on the 1st day of the week, if he does not disturb other persons.

Sec. 37. Rude behavior in a house of worship or religious assembly; penalty. R. S. c. 135, § 36. Whoever, on the Lord's Day or at any other time, behaves rudely or indecently within the walls of any house of public worship; wilfully interrupts or disturbs any assembly for religious worship within the place of such assembly or out of it; sells or exposes for sale within 1 mile thereof and during the time of their meeting, refreshments or merchandise, except in his usual course and place of business; exhibits any show or play; engages or aids in any horse-race, gambling, or other sport to the disturbance of such assembly; or, coming within their neighborhood, refuses, on request, either immediately and peaceably to retire beyond their hearing, or to conform to their established regulations, shall be punished by a fine of not more than \$10 and by imprisonment for not more than 30 days.

See § 44.

Sec. 38. Special police at camp-meetings, appointment; appointment of persons to keep boarders and sell refreshments; arrest of offenders; penalty for refusing to aid officers. R. S. c. 135, §§ 37, 38. On application of the presiding elder, officers, or preachers in charge, or tent masters of a religious or temperance camp-meeting in any town, the municipal officers thereof or a majority of them shall in writing appoint one or more police officers to preserve the peace during such meeting, who may arrest any violator of the provisions of the preceding section, detain him until a warrant can be issued, and execute such warrant when directed to them; and the presiding officer or committee of arrangements of such religious assembly or meeting may appoint some suitable persons to keep boarders and sell refreshments at such meetings, and to sell tickets for admission to such meetings, who shall conform therein to such regulations as the officers appointing them prescribe. Every justice of the peace, sheriff, deputy sheriff, constable, and grand juror, present at any such religious assembly disturbed as aforesaid, shall arrest or cause to be arrested every such offender, and detain him until the close of such assembly, or until he can be taken before a magistrate; and all persons present at such assembly shall, on request, assist said officers in the execution of their duty, under the same penalties for neglect or refusal that are provided for neglecting or refusing to aid officers in other cases.

Sec. 39. Business, traveling, and recreation on the Lord's Day; penalty. R. S. c. 135, § 39. 1933, c. 161. Whoever, on the Lord's Day, keeps open his shop, workhouse, warehouse, or place of business; travels; does any work, labor, or business on that day, except works of necessity or charity; uses any sport, game, or recreation; or is present at any dancing, public diversion, show, or entertainment, encouraging the same, shall be punished by a fine of not more than \$10; provided, however, that this section shall not apply to the operation of common carriers; to the driving of taxicabs and public carriages in attendance upon the arrival or departure of such carriers; to the operation of airplanes; to the driving of private automobiles or other vehicles; to the printing and selling of Sunday newspapers; to the keeping open of hotels, restaurants, garages, and

drug stores; to the selling of gasoline; or to the giving of scientific, philosophical, religious, or educational lectures where no admission is charged.

See § 44; 1943, c. 292, re Sunday bowling for duration of war; c. 100, § 154, re rights and remedies in actions for injury suffered on Lord's Day; 26 Me. 466; 28 Me. 334; 33 Me. 540; 34 Me. 392; 35 Me. 144; 36 Me. 475; 39 Me. 197; 42 Me. 92; 44 Me. 26; 46 Me. 521; 48 Me. 202; 49 Me. 432; 50 Me. 84; 55 Me. 557; 56 Me. 101; 57 Me. 424; 63 Me. 576; 65 Me. 37; 66 Me. 92; 69 Me. 117; 71 Me. 239; 82 Me. 198, 433; 84 Me. 115; 87 Me. 266; 89 Me. 573; 93 Me. 562; 96 Me. 172; 101 Me. 457; 108 Me. 305; 122 Me. 45.

Sec. 40. Sunday sports legalized; local option; limitations and regulations; procedure; penalty. 1933, c. 245. The provisions of this section may be referred to in proceedings of city governments and in warrants for town meetings as "The Sunday Amateur Sports Law."

In any city or town that shall so vote, as hereinafter provided, it shall be lawful to engage in as a participant, manager, or official, or to attend as a spectator any outdoor recreational or competitive amateur sport or game, except boxing, horse-racing, air circuses, or wrestling between the hours of 1 P. M. and 7 P. M. on Sunday.

This section shall not be effective in any city until the municipal officers of a city so vote or in any town until an article in a town warrant so providing has been adopted at any annual or special town meeting. When a city or town has voted in favor of adopting the provisions of this section, said provisions shall be effective until repealed in the same manner as above provided.

Cities and towns adopting the provisions hereof may designate certain areas or places in said cities or towns in which said outdoor amateur games and sports may be engaged in, and may pass regulations concerning said areas and places to the end that persons attending places of public worship may not be disturbed therein; provided, however, that no regulations shall be passed which shall prohibit the receiving of remuneration by any proprietor or owner of such areas or places, or the taking of collections at any such amateur sport or game.

The municipal officers of cities shall take action upon the acceptance hereof upon receipt of a petition therefor signed by at least 100 registered voters in said city and shall hold such public hearings thereon as they may deem necessary. The selectmen or other municipal officers of towns shall insert an article in the warrant for the next annual town meeting for the acceptance of the provisions of this section after receipt of a petition therefor signed by at least 25 registered voters of such town.

Any person violating any of the provisions of this section, or any regulation of a city or town made in connection therewith, shall upon conviction be punished by a fine of \$5 and costs of prosecution.

See § 44.

Sec. 41. Sunday moving pictures, legalized; local option. 1939, c. 255. 1941, c. 53. In any city or town that shall vote as hereinafter provided, it shall be lawful for any moving picture theater to have an exhibition of moving pictures on Sunday between the hours of 3 P. M. and 11:30 P. M. This section shall not be effective in any city until a majority of the legal voters, present and voting, at any regular election so vote. The question in appropriate terms may be submitted to the voters at any such election by the municipal officers thereof and shall by them be so submitted when thereto requested in writing by 100 legal voters therein at least 21 days before such regular election; nor shall it be effective in any town until an article in such town warrant so providing shall have been adopted at an annual town meeting. When a city or town has voted in favor of adopting the provisions hereof, said provisions shall remain in effect

therein until repealed in the same manner as above provided for their adoption. It shall be unlawful for any person, firm, or corporation operating any theatrical or motion picture show on Sunday to require or permit any employe of said person, firm, or corporation to work or be on duty more than 6 days in any 1 week.

Sec. 42. Public outdoor sports where admission is charged on Memorial Day; penalty. R. S. c. 135, § 44. 1933, c. 118, § 1. Whoever on Memorial Day before 3:30 o'clock in the afternoon engages in any public outdoor game or sport where an admission is charged or collection is taken shall be punished by a fine of not more than \$25, or by imprisonment for not more than 10 days, or by both such fine and imprisonment. Trial justices shall have jurisdiction of all offenses under this section.

Sec. 43. Innholders and victualers not to allow gambling, diversion, or business on Lord's Day. R. S. c. 135, § 43. If an innholder or victualer, on the Lord's Day, suffers any persons, except travelers, strangers, or lodgers, to abide in his house, yard, or field, drinking or spending their time idly, at play, or doing any secular business, except works of charity or necessity, he shall be punished by a fine of not more than \$4 for each person thus suffered to abide; and if after conviction he is again guilty, by a fine of not more than \$10 for each offense; and upon a 3rd conviction, he shall also be incapable of holding any license; and every person so abiding shall be punished by a fine of not more than \$4 for each offense.

See § 44; 65 Me. 38.

Sec. 44. Prosecutions under §§ 37, 39, 40, and 43. R. S. c. 135, § 43. Any person may prosecute for all offenses described in sections 37, 39, 40, and 43 at any time within 6 months after the commission thereof.

CHAPTER 122.

CRIMES AGAINST PUBLIC JUSTICE AND OFFICIAL DUTY.

Sections 1-4	Perjury and Subornation of Perjury.
Sections 5-10	Bribery and Attempt to Corrupt Officials.
Sections 11-13	Compounding Felonies.
Sections 14-17	Malfesance of Public Officials.
Section 18	Corrupt Agreements by Attorneys and Others.
Sections 19-24	Refusing to Obey Magistrates. Obstructing, Assaulting, and Refusing to Aid Officers.
Sections 25-29	Escapes from Custody of Officer and Jail.
Section 30	Falsely Assuming to Be an Officer.
Section 31	Disguising to Obstruct or Intimidate Officer.

Perjury and Subornation of Perjury

Sec. 1. Perjury; subornation of perjury, definitions; penalty. R. S. c. 133, § 1. Whoever, when required to tell the truth on oath or affirmation lawfully administered, wilfully and corruptly swears or affirms falsely to a material matter, in a proceeding before any court, tribunal, or officer created by law, or in relation to which an oath or affirmation is authorized by law, is guilty of perjury;