

MAINE STATE LEGISLATURE

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EIGHTH REVISION

THE
REVISED STATUTES

OF THE
STATE OF MAINE

PASSED SEPTEMBER 20, 1944, AND TAKING EFFECT
DECEMBER 30, 1944

VOLUME II



By the Authority of the Legislature

AUGUSTA
KENNEBEC JOURNAL PRINT

return of his doings thereon to said clerk forthwith. If the owner, or part owner, is unknown or resides without the state, such notice shall be given by publication in the state paper, or in a paper published in the county, 3 weeks successively.

See § 27; c. 80, § 83, sub-§ IX, re buildings constructed, repaired, etc., contrary to by-laws; c. 85, § 19, re entrance to buildings by officers, for examination.

Sec. 24. Town officers may order nuisance abated. R. S. c. 26, § 37. If no application is made to a justice of the supreme judicial court or the superior court, as is hereafter provided, the municipal officers of such town shall cause said nuisance to be abated, removed, or altered in compliance with their order, and all expenses thereof shall be repaid to the town within 30 days after demand, or may be recovered of such person by an action for money paid.

See § 27.

Sec. 25. Owner may apply to supreme judicial or superior court. R. S. c. 26, § 38. Any owner aggrieved by such order may apply to a justice of the supreme judicial or superior court, in term time or vacation, who shall forthwith, after notice and hearing, affirm, annul, or alter such order. If the court is not in session, the action shall be entered on the docket of the preceding term.

See § 27.

Sec. 26. Costs. R. S. c. 26, § 39. If the court affirms such order, costs shall be recovered by the town. If it wholly annuls such order, costs shall be recovered by the applicant; and if it alters it in part, the court may render such judgment as to costs as justice requires.

See § 27.

Sec. 27. Sections 23-26 require vote of town. R. S. c. 26, § 40. The 4 preceding sections shall not be in force in any town unless adopted at a legal meeting thereof.

CHAPTER 129.

TIMBER UPON RIVERS, STREAMS, AND ADJACENT LANDS.

Sec. 1. Penalty for unlawful conversion of lumber. R. S. c. 52, § 1. Whoever takes, carries away, or otherwise converts to his own use, without the consent of the owner, any log suitable to be sawed or cut into the boards, clapboards, shingles, joists, or other lumber, or any mast or spar the property of another, whether the owner is known or unknown, lying in any river, pond, bay, stream, or inlet, or on or near the bank or shore thereof, or cuts out, alters, or destroys any mark made thereon, without the consent of the owner, and with intent to claim the same, forfeits for every such log, mast, or spar, \$20, to be recovered on complaint; one-half for the state and one-half for the complainant.

2 Me. 131; 3 Me. 203; 16 Me. 68; *64 Me. 442.

Sec. 2. Such unlawful conversion declared larceny. R. S. c. 52, § 2. Whoever fraudulently and wilfully takes and converts to his own use, either by himself or by another in his employment, any such log, mast, or spar lying, as

aforesaid, for the purpose of being driven to a market or place of manufacture is guilty of larceny, and shall be punished accordingly.

See c. 119, §§ 1, 7, re larceny; *64 Me. 443.

Sec. 3. Presumptive evidence of guilt; double damages recoverable. R. S. c. 52, § 3. In prosecutions under the provisions of sections 1 and 2, if such log, mast, or spar is found in the possession of the accused partly destroyed, partly sawed or manufactured, or with the marks cut out or altered, not being his property, it is presumptive evidence of his guilt; and the burden of proof is then on him; and whoever is guilty of the offense described in either section is also liable to the owner, in an action of debt, for double the value of the log, mast, or spar so dealt with.

*64 Me. 442.

Sec. 4. Right of owner to search mill, boom, or raft for lost logs; penalty for obstructing. R. S. c. 52, § 4. The owner of such logs, masts, or spars may at any time, by himself or his agent, enter in a peaceable manner upon any mill, mill-brow, boom, or raft of logs, or other timber in search of such lost property; and whoever wilfully prevents or obstructs such search forfeits for each offense not less than \$20, nor more than \$50, to the person by whom or on whose account such entry was claimed, to be recovered in an action of debt.

Sec. 5. Logs or timber in Saco river or tributaries; special provisions. R. S. c. 52, § 5. If any boom on the Saco river, or any of the waters connected therewith, is so placed or constructed as to prevent the free and usual passage of timber down the river, the owner or occupant thereof, at his own expense, shall release and turn out the timber so detained, when requested to do so by the owner thereof, if it can be done with safety; and if, for 2 days after request, he neglects or refuses to do so, he is liable to the owner of the timber in an action on the case for all damages by him sustained.

Sec. 6. Logs and timber of different owners intermixed, how driven; lien for expenses; libel. R. S. c. 52, § 6. Any person whose timber in any waters of the state is so intermixed with the logs, masts, or spars of another, that it cannot be conveniently separated for the purpose of being floated to the market or place of manufacture, may drive all timber with which his own is so intermixed toward such market or place, when no special and different provision is made by law for driving it; and is entitled to a reasonable compensation from the owner, to be recovered after demand therefor on said owner or agent, if known, in an action on the case; he has a prior lien thereon until 30 days after it arrives at its place of destination to enable him to attach it; and if the owner cannot be ascertained, the property may be libeled according to law and enough of it disposed of to defray the expenses thereof, the amount to be determined by the court hearing the libel.

*46 Me. 365; 71 Me. 39; 78 Me. 274; *88 Me. 415, 423; 93 Me. 525; *116 Me. 107.

Sec. 7. Logs or timber lodged on banks, forfeiture; advertisement. R. S. c. 52, § 7. Logs or other timber carried by freshets or otherwise lodged upon lands adjoining any waters are forfeited to the owner or occupant thereof, after they have so remained for 2 years, if such lands during that time were improved; otherwise, after 6 years; provided that such owner or occupant, within 1 year after the same were found so lodged, advertises, as nearly as practicable, the number of pieces of timber, the time when lodged, together with the marks

thereon, and the place where found, 3 weeks successively in some newspaper in the county, if any, otherwise in the state paper.

*110 Me. 16.

Sec. 8. Owner may remove timber on tender of damages; otherwise, damages for land owner. R. S. c. 52, § 8. The owner of said timber may enter on said land and remove it at any time before forfeiture, having previously tendered to the owner or occupant thereof a reasonable compensation for all damages occasioned by the lodging, remaining, or removal of said timber and the expense of advertising it; but if the timber is removed by the owner, or otherwise, without such tender, the owner of the land may recover, in an action of trespass, the damages aforesaid.

31 Me. 24; *57 Me. 276; 62 Me. 44; *76 Me. 386; *110 Me. 16; *114 Me. 251.

Sec. 9. Penalty for unlawful conversion of railroad sleepers, ship knees, or cedar lumber on ponds and streams; double damages. R. S. c. 52, § 9. Whoever wilfully and fraudulently takes, carries away, or otherwise converts to his own use any railroad sleeper, knee, or other ship timber, or cedar for shingles or other purposes, the property of another, whether known or not, without his consent, lying in any river, stream, pond, bay, or inlet, or on or near the shore thereof; or cuts out, alters, or destroys any mark thereon, forfeits \$10 for each offense, to be recovered and appropriated as provided in section 1; and is liable to the owner in double the amount thereof in an action of debt; and such owner has all the rights and is subject to all the liabilities provided for the owner of logs, masts, and spars in the 6 preceding sections.

See c. 118, § 28, re maliciously driving nails into logs intended for manufacture, penalty; c. 118, § 29, re letting loose rafts or logs; 57 Me. 9.

CHAPTER 130.

CRIMES AGAINST THE SOVEREIGNTY OF THE STATE.

- Sections 1-3 Treason, Misprision of Treason.
- Section 4 Usurpation of Jurisdiction by Foreign Power.
- Sections 5-7 State Seal.
- Section 8 Documents in Custody of State, Removal or Mutilation Forbidden.
- Section 9 Falsely Assuming to be State Official.

Treason, Misprision of Treason

Sec. 1. Treason. R. S. c. 127, § 1. Whoever is guilty of treason against the state shall be punished by imprisonment for life.

See Const. of Me., Art. I, § 12, re definition of treason.

Sec. 2. Misprision of treason, definition and penalty. R. S. c. 127, § 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 2 witnesses, but one of