

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1955 SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 4

**Place in Pocket of Corresponding
Volume of Main Set**

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1955

8:00 P. M. and prior to 8:00 A. M. of the following day he shall be permitted to receive a charge of up to \$10 for the occasion of taking such bail, but said charge shall not be in addition to the charge in each case otherwise authorized in this section but shall be inclusive of such charge or charges.

(1955, c. 356.)

Effect of amendment.—The 1955 amendment added the proviso at the end of the first paragraph. As the second paragraph was not changed, it is not set out.

Chapter 130.

Crimes against the Person.

Murder, Assault with Intent and Attempt to Murder.

Sec. 6. Assault with intent to murder or kill.

A reckless and wanton disregard of rights of others may, under some circumstances be an assault even where no particular person was singled out or aimed at. State v. Barnett, 150 Me. 473, 114 A. (2d) 245.

Intent to kill or do bodily harm may be inferred from circumstances where one acts in a reckless or wanton disregard of the safety of others. State v. Barnett, 150 Me. 473, 114 A. (2d) 245.

Assault, Assault and Battery.

Sec. 21. Assault, and assault and battery, definitions.

Cited in State v. Barnett, 150 Me. 473, 114 A. (2d) 245.

Conspiracies, Blacklisting, Threatening Communications and Malicious Vexations.

Sec. 25. Conspiracies in other cases.

Conspiracy to bribe public officer.—See State v. Papalos, 150 Me. 370, 113 A. (2d) 624.

Chapter 131.

Crimes against Habitations, Buildings and Property.

Trespass.

Sec. 37. Trespass upon lands appurtenant to certain State institutions.—Whoever willfully 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, state school for boys or the Maine state prison, or whoever shall unlawfully interfere with the inmates of any of said institutions, or, after notice from an officer of any of said institutions to leave said lands, remains thereon, shall be punished by a fine of not more than \$50 or by imprisonment for not more than 3 months. (R. S. c. 118, § 38. 1955, c. 183.)

Effect of amendment.—The 1955 amendment made this section applicable to the Maine state prison.

Sec. 39. Trespass on commercial or residential property.—Whoever willfully enters in and upon any land commercially used, including parking lots, or whoever willfully enters in and upon residential property or the improved lands appertaining to any farm, summer camp or cottage, or whoever parks any

motor vehicle in any private drive or way in a manner to block the same or on a public highway in such a manner as to block the entrance to a private driveway, gate or barway, or whoever willfully permits his cattle, horses, sheep or swine to enter in and upon residential property, including summer residences and cottages after having been forbidden to do so by the owner or occupant thereof, either personally or by an appropriate notice posted conspicuously on the premises, shall be guilty of trespass and shall be punished by a fine of not more than \$100 or by imprisonment for not more than 90 days, or by both such fine and imprisonment. (1949, c. 327, § 1. 1953, c. 325. 1955, c. 165.)

Effect of amendment.—The 1955 amendment inserted the provision as to permitting cattle, horses, sheep or swine to enter on residential property.

Sec. 39-A. Trespass on certain buildings. — Whoever willfully enters any dwelling house, camp, cottage or locked building, without the permission of the owner or occupant thereof, shall be punished by a fine of not more than \$100, or by imprisonment for not more than 90 days, or by both such fine and imprisonment. (1955, c. 407.)

Sec. 41. Trespass on timber or wood standing, etc. — Whoever, except a road commissioner acting within the scope of his lawful authority, willfully 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 \$100 and by imprisonment for not more than 2 months. (R. S. c. 118, § 41. 1955, c. 198.)

Effect of amendment.—The 1955 amendment increased the maximum fine from \$50 to \$100.

Chapter 132.

Larceny, Embezzlement and Receiving Stolen Goods.

Larceny, Embezzlement and Common Thief.

Sec. 8. Prosecutions for embezzling, or fraudulently converting money, etc., by cashier or other officer.—In prosecutions for embezzling, fraudulently converting to one's own use, or taking and secreting with intent so to embezzle or fraudulently convert, the bullion, money, notes, bank notes, checks, drafts, bills of exchange, obligations or other securities for money, of any person, bank, incorporated company, copartnership, municipal or quasi-municipal corporation, public officer or tax collector, by a cashier or other officer, clerk, agent or servant of such person, bank, incorporated company, copartnership, municipal or quasi-municipal corporation, public officer or tax collector, or by such public officer or tax collector, it is sufficient to allege generally in the indictment an embezzlement, fraudulent conversion or taking with such intent, of money to a certain amount, without specifying any particulars of such embezzlement; and at the trial, evidence may be given of such embezzlement, fraudulent conversion or taking with such intent, committed within 6 months before the time stated in the indictment; and it is sufficient to maintain the charge in the indictment, and is not a variance, if it is proved that any bullion, money, note, bank note, check, draft, bill of exchange or other security for money, of such person, bank, incorporated company, copartnership, municipal or quasi-municipal corporation, public officer or tax collector, of whatever amount, was fraudulently embezzled, converted or taken with such intent by such cashier or other officer, clerk, servant,