

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1957 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES
VOLUME 4

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

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1957

evidence is to be carefully considered by the jury. *State v. Dipietrantonio*, 152 Me. 41, 122 A. (2d) 414.

Crime must be committed when woman drugged, etc.

In accord with original. See *State v. Dipietrantonio*, 152 Me. 41, 122 A. (2d) 414.

The words "without her consent" and "against her will" are used synonymously. *State v. Dipietrantonio*, 152 Me. 41, 122 A. (2d) 414.

Unchastity of the female is no defense, etc.

In accord with original. See *State v. Dipietrantonio*, 152 Me. 41, 122 A. (2d) 414.

However, it may be admissible to show consent, etc.

In accord with original. See *State v. Dipietrantonio*, 152 Me. 41, 122 A. (2d) 414.

In a prosecution under this section, etc.

In accord with original. See *State v. Dipietrantonio*, 152 Me. 41, 122 A. (2d) 414.

Instructions.—See *State v. Dipietrantonio*, 152 Me. 41, 122 A. (2d) 414.

Assault, Assault and Battery.

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

The ancient doctrine that one must "retreat to the wall" has been discarded by our courts and it is now the almost universal rule that in case of assault and battery the assaulted person may stand his ground and defend himself just as

long as he uses no more force than necessary to repel the attack. *State v. Lumbert*, 152 Me. 131, 124 A. (2d) 746.

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

Sec. 22-A. False report as to bomb.—Whoever calls out or causes to be called out any fire department, police department or other municipal department, or any portion or persons thereof, by intentionally giving a false report as to the deposit of any bomb or infernal machine in any public place, or in or upon any public conveyance, including but not limited to aircraft, or causes the evacuation of any public place or public conveyance by such false report, knowing such report to be false, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 5 years, or by both. (1957, c. 262.)

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.

Arson and Other Burnings.

Sec. 3. Burning of other buildings, vessels, bridges, etc. — Whoever willfully and maliciously burns any building of his wife or of another not mentioned in section 2, or any motor vehicle, aircraft, vessel, bridge, lock, dam or flume of his wife or of another, shall be punished by imprisonment for not less than one year nor more than 10 years. (R. S. c. 118, § 3. 1957, c. 62.)

Effect of amendment. — The 1957 amendment added motor vehicle and aircraft to the list of articles enumerated.

Malicious Mischiefs.**Sec. 26. Unlawful injuring of or tampering with vehicles or aircraft.**

—Whoever shall individually or in association with one or more others willfully break, injure, tamper with or remove any part or parts of any vehicle or aircraft for the purpose of injuring, defacing or destroying such vehicle or aircraft 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 aircraft, or who shall in any other manner willfully or maliciously interfere with or prevent the running or operation of such vehicle or aircraft shall be punished by a fine of not more than \$200 or by imprisonment for a term of not more than 3 months, or by both. Whoever is convicted the 2nd time for a violation of any of the provisions of this section shall be punished by a fine of not less than \$200 nor more than \$500, or by imprisonment for not more than 11 months, or by both. (R. S. c. 118, § 26. 1957, c. 87.)

Effect of amendment. — The 1957 “such fine and imprisonment” following amendment made this section applicable the word “both” in two places. also to aircraft and deleted the words

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.

Sections 1 to 10-A. 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, agent, public officer or tax collector, within such period of 6 months. (R. S. c. 119, § 8. 1955, c. 28.)

Effect of amendment.—The 1955 amendment made this section applicable to embezzlement of the money, etc., of a "municipal or quasi-municipal corporation, public officer or tax collector," and to embezzlement by a "public officer or tax collector."

Sec. 10-A. Willful concealment of merchandise. — Whoever, without authority, willfully conceals the goods or merchandise of any store, while still upon the premises of such store, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$100, or by imprisonment for not more than 6 months, or by both such fine and imprisonment. Goods or merchandise found concealed upon the person shall be prima facie evidence of a willful concealment. (1955, c. 66.)