

# MAINE STATE LEGISLATURE

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REVISED STATUTES  
OF THE  
STATE OF MAINE  
1954

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1963 CUMULATIVE SUPPLEMENT

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ANNOTATED

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IN FIVE VOLUMES

VOLUME 4

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**Discard Previous Supplement**

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THE MICHIE COMPANY  
CHARLOTTESVILLE, VIRGINIA  
1963

**Effect of amendment.**—The 1963 amendment divided the first sentence into two sentences and added the present third sentence.

**The effect of this section** is not the creation of a new and distinct offense, it merely provides a specific penalty for certain common-law escapes which are brought within its terms by the other requirements as to the place from which the escape is made and the clause of the detention. It makes certain escapes felonies which were misdemeanors. *Duncan v. State*, 158 Me. 265, 183 A. (2d) 209, cert. den. 371 U. S. 867, 83 S. Ct. 129, 9 L. Ed. (2d) 104.

**Facts stated in indictment, etc.**

In accord with original. See *Couture v. State*, 156 Me. 231, 163 A. (2d) 646.

Unless the allegations of fact set forth in the indictment show the "lawful detention" of the escapee, and that the detention was "for a criminal offense," the indictment is fatally defective so far as setting forth a violation of this section is concerned. *Duncan v. State*, 158 Me. 265, 183 A. (2d) 209, cert. den. 371 U. S. 867, 83 S. Ct. 129, 9 L. Ed. (2d) 104.

**And mere allegation, etc.**

In accord with original. See *Couture v. State*, 156 Me. 231, 163 A. (2d) 646.

## Chapter 136.

### Crimes against Public Peace and Tranquility.

Section 4-A. Disorderly Conduct.

Section 35. Plant Protection.

#### Disorderly Conduct.

**Sec. 4-A. Disorderly conduct; penalty.**—Any person who shall by any offensive or disorderly conduct, act or language annoy or interfere with any person in any place or with the passengers of any public conveyance, although such conduct, act or language may not amount to an assault or battery, is guilty of a breach of the peace and shall be punished by a fine of not more than \$100 or by imprisonment for not more than 6 months, or by both. (1957, c. 133.)

#### Injuries by Mobs.

**Sec. 7. Riotous assemblies destroying certain properties or causing personal injuries.** — If any persons, unlawfully and riotously assembled as described in section 9, pull down or begin to pull down or destroy any dwelling house, building, ship or vessel; or perpetrate any premeditated injury, not a felony, on any person, each shall be punished by a fine of not more than \$500 or by imprisonment for not more than 5 years; and shall be answerable to any person injured, in a civil action, to the full amount of damages by him sustained. (R. S. c. 123, § 7. 1961, c. 317, § 464.)

**Effect of amendment.**—The 1961 amendment deleted "also" preceding "be answerable" and substituted "a civil action" for

"an action of trespass" near the end of this section.

**Sec. 8. Liability of towns for property injury by mobs; town's remedy against rioters.**—When the injury to any property described in section 7 amounts to \$50 or more, the town where such property is situated shall indemnify the owner thereof for  $\frac{3}{4}$  of the value of such injury, to be recovered in a civil action, if he uses all reasonable diligence to prevent such injury and to procure the conviction of the offenders. The town paying such sum may recover it in a civil action against the persons doing the injury. (R. S. c. 123, § 8. 1961, c. 317, § 465.)

**Effect of amendment.**—The 1961 amendment divided this section into two sentences, substituted "section 7" for "the preceding section" near the beginning of

the present first sentence and substituted "a civil action" for "an action on the case" in both the present first and second sentences.

### Prize Fights. Boxing Contests.

**Sec. 14. Complaint, warrant and proceedings to prevent and to punish such offense.** — If any person competent to testify in civil actions makes complaint on oath before the proper officer of the district court that an offense specified in section 12 is about to be committed, setting forth in such complaint the grounds of his belief, such magistrate may issue his warrant directed to any competent officer, therein reciting the name and residence of the complainant and the substance of his complaint, and directing such officer to prevent the violation of said section by arresting any persons whom he finds willfully violating the same and by bringing the respondents before the court for trial. (R. S. c. 123, § 14. 1961, c. 317, § 466. 1963, c. 402, § 216.)

**Effect of amendments.**—The 1961 amendment substituted “actions” for “suits” near the beginning of this section.

The 1963 amendment substituted “the proper officer of the district court” for “any judge of a municipal court or trial justice” near the beginning of the section and substituted “the court” for “such mag-

istrate” near the end of the section.

**Application of 1963 amending act.**—Section 280 of c. 402, P. L. 1963, provides that the act shall apply only to the district court when established in a district and that the laws in effect prior to the effective date of the act shall apply to all municipal and trial justice courts.

### Disturbance of Public Meetings and Lawful Assemblies. False Alarm to Municipal Departments.

**Sec. 16. False alarm to fire, police or other municipal department.** —Whoever calls out any fire department, police department or other municipal department, or any portion or persons thereof, by intentionally giving a false alarm or call to such department, or to any officer or member thereof by means of any telephone line or lines, or knowingly and willfully gives or causes to be given by any other means a false alarm of fire in any city, town or village corporation maintaining any organized fire department, when such offense is of a high and aggravated nature, shall be deemed guilty of a felony and on conviction thereof shall be punished by a fine of not more than \$500 or by imprisonment for not more than 2 years; but when such offense is not of a high and aggravated nature, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than \$100 or by imprisonment for not more than 11 months. (R. S. c. 123, § 16. 1963, c. 402, § 217.)

**Effect of amendment.**—The 1963 amendment deleted the former last sentence in the section, giving to trial justices jurisdiction of all prosecutions for misdemean-

ors under the section.

**Application of amending act.**—See note to § 14.

### Plant Protection.

**Sec. 35. Mass picketing or force to prevent plant maintenance or movement of perishable food product.** — It shall be unlawful for any person, acting individually or in concert with others, by mass picketing, force, coercion, physical obstruction at the entrance to any place of employment or physical obstruction in any street, sidewalk or railway, to prevent or attempt to prevent the delivery to any public, commercial or industrial enterprise of any supply, commodity or service necessary for the proper maintenance of any of the buildings, equipment, machinery or fixtures constituting such enterprise or necessary to keep any of such buildings, equipment, machinery or fixtures from deteriorating or being damaged by fire, freeze up or other casualties, or the harvesting, the storing, the transportation to storage and market of a perishable food product. For the purpose of this section, “person” means any individual, corporation or unincorporated association, including partnerships and labor organizations. Whoever

violates this section shall be punished by a fine of not more than \$250 or by imprisonment for not more than 30 days, or by both. (1961, c. 298.)

## Chapter 137.

### Crimes against Public Health, Safety and Policy.

Section 18-A. Electric Fences.  
 Section 20-A. Dangerous Knives.  
 Section 20-B. X-ray Shoe-fitting Machines.  
 Section 32-A. Abandonment of Airtight Containers.  
 Sections 32-B to 32-C. Unprotected Wells.  
 Section 41-A. Peeking in Nighttime.  
 Section 49-A. Settlements or Releases from Injured Persons.  
 Sections 51-53. Budget Planning Commission.  
 Section 54. Blind Persons with Guide Dogs.

#### Unwholesome Provisions and Drinks.

**Sec. 11. Bread offered for sale enclosed in sanitary wrapper; jurisdiction.**—No person, firm or corporation shall distribute, transport or sell for distribution or transportation any bread, in loaf form, which is not properly enclosed in a sanitary wrapper. Any person, firm or corporation who violates any provision of this section shall be punished by a fine of not more than \$100 for the 1st offense and by a fine of not more than \$200 for each subsequent offense. The district court shall have original jurisdiction, concurrent with the superior court, of the above offenses. (R. S. c. 124, § 12. 1963, c. 402, § 218.)

**Effect of amendment.**—The 1963 amendment substituted “The district court” for “Trial justices” at the beginning of the last sentence and deleted “municipal courts and” following “concurrent with” in that sentence.

**Application of amending act.**—Section

280 of c. 402, P. L. 1963, provides that the act shall apply only to the district court when established in a district and that the laws in effect prior to the effective date of the act shall apply to all municipal and trial justice courts.

**Sec. 13. Swelling of scallop meats; jurisdiction.**—No person shall swell or expand scallop meats by the use of fresh water, baking soda or by any other artificial means. Whoever violates the provisions of this section shall be punished by a fine of \$5 for each gallon of scallops so treated. The district court shall have original jurisdiction, concurrent with the superior court, of prosecutions for offenses under this section. (R. S. c. 124, § 14. 1963, c. 402, § 219.)

**Effect of amendment.**—The 1963 amendment substituted “The district court” for “Trial justices” at the beginning of the last sentence, deleted “municipal courts and” following “concurrent with” therein

and deleted “the provisions of” preceding “this section” at the end of that sentence.

**Application of amending act.**—See note to § 11.

#### Expectoration in Public Places.

**Sec. 17. Spitting in public places.** — No person shall expectorate or spit on any public sidewalk, or public street crossing or cross walk, or, except in receptacles provided for the purpose, in any city or town hall, in any courthouse or courtroom, in any factory, in any public library or museum, in any church or theatre, in any lecture or music hall, in any ferry boat or steamboat, in any railroad car except a smoking car, in any interurban railroad car, in any public conveyance, in any railroad station or waiting room, or any sidewalk or platform con-