

# MAINE STATE LEGISLATURE

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REVISED STATUTES  
OF THE  
STATE OF MAINE  
1954

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1959 CUMULATIVE SUPPLEMENT

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ANNOTATED

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IN FIVE VOLUMES  
VOLUME 4

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Place in Pocket of Corresponding  
Volume of Main Set

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THE MICHIE COMPANY  
CHARLOTTESVILLE, VIRGINIA  
1959

**Sec. 14.** Repealed by Public Laws 1955, c. 405, § 46.

**Sec. 17-A. Certain lights prohibited along highways.**—No person shall place or maintain upon or in view of any highway any light so that its beams or rays are directed at any portion of a public street or highway when the light is of such brilliance and so positioned as to blind, dazzle or otherwise impair the vision of the driver of any motor vehicle upon said street or highway; or any rotating or flashing light or signal which imitates or simulates the flashing or rotating lights used on school buses, police, fire or highway vehicles, except safety signaling devices required by law. Whoever violates this section shall be punished by a fine of not more than \$100. (1959, c. 208.)

**Sec. 18. Action for damages caused by nuisance.**

Cited in *Verreault v. Lewiston*, 150 Me. 67, 104 A. (2d) 538.

**Sec. 20. Warrant stayed, if defendant gives security to discontinue nuisance.**—Instead of issuing the warrant required by section 19, the court or trial justice may order it to be stayed on motion of the defendant, and on his entering into recognizance in such sum and with such surety as the court or justice directs, in case of an indictment, to the state, or in case of a complaint or action, to the plaintiff, conditioned that the defendant will either discontinue said nuisance, or that within a time limited by the court and not exceeding 6 months, he will cause it to be abated and removed, as may be directed by the court. On failing to perform such condition, the recognizance shall be deemed forfeited, and the court, or said trial justice on being satisfied of such default, may forthwith issue a warrant and entertain an action to enforce the recognizance. (R. S. c. 128, § 18. 1959, c. 317, § 284.)

**Effect of amendment.**—The 1959 amendment divided this section into two sentences, substituted "section 19" for "the preceding section" in the first sentence, deleted "or any justice thereof, in term time or in vacation" after the word "court" and substituted "entertain an action to enforce" for "scire facias or" in the second sentence.

**Effective date and applicability of Public Laws 1959, c. 317.**—Section 420, chapter 317, Public Laws 1959, provides as follows:

"This act shall become effective December 1, 1959. It shall apply to all actions brought after December 1, 1959 and also to all further proceedings in actions at law or suits in equity then pending, except to the extent that in the opinion of the court the application of this act in a particular action pending on December 1, 1959 would not be feasible or would work injustice, in which event the laws in effect prior to December 1, 1959 would prevail."

## Chapter 144.

### Prevention of Crime. Private Detectives.

Sections 12-A to 12-C. Possession of Firearms by Felons.

#### Possession of Firearms by Felons.

**Sec. 12-A. Possession of firearms by felons prohibited.**—It shall be unlawful for any person who has been convicted of a felony under the laws of the United States or of the state of Maine, or of any other state, to have in his possession any pistol, revolver or any other firearm capable of being concealed upon the person. Anyone violating any of the provisions of sections 12-A to 12-C, inclusive, shall be guilty of a felony, and upon conviction thereof, shall be punished by imprisonment for not less than one nor more than 5 years. (1955, c. 310.)

**Sec. 12-B. Definitions.**—The following words and phrases when used in sections 12-A to 12-C, inclusive, are defined as follows:

“Pistol,” “revolver” and “firearm” mean a weapon capable of being concealed upon the person and shall include all firearms having a barrel of less than 12 inches in length. (1955, c. 310.)

**Sec. 12-C. Application.**—The penal provisions of section 12-A shall not apply to any person commissioned as a peace officer, employed as a guard or watchman nor to any person who has not been convicted of a penal offense during the 5-year period next immediately following his discharge or release from prison. (1955, c. 310.)

## Chapter 145.

### General Provisions Relating to Crimes.

#### Attempts to Commit Crime.

##### Sec. 4. Attempt with overt act to commit offense.

Cited in *State v. Michaud*, 150 Me. 479,  
114 A. (2d) 352.

#### Jurisdiction of Crimes.

**Sec. 5. Jurisdiction.**—The superior court shall have original jurisdiction, exclusive or concurrent, of all offenses except those of which the original exclusive jurisdiction is conferred by law on municipal courts, municipal courts acting as juvenile courts, and trial justices, and appellate jurisdiction of these, except that the appellate jurisdiction of the superior court regarding offenses of which the original exclusive jurisdiction is conferred upon municipal courts acting as juvenile courts shall be as provided in chapter 152-A. (R. S. c. 132, § 5. 1959, c. 342, § 15.)

**Effect of amendment.**—The 1959 amendment added the words “municipal courts acting as juvenile courts” following “on municipal courts,” and added the exception at the end of the section.

**Sec. 7. Offenses committed on or near boundary of 2 counties; offenses committed in one and death ensues in another county.**

Cited in *State v. Dipictrantonio*, 152 Me. 41, 122 A. (2d) 414.

#### Sufficiency of Complaints and Warrants.

##### Sec. 11. Sufficient indictment for murder or manslaughter.

Applied in *State v. Arsenault*, 152 Me. 121, 124 A. (2d) 741.

##### Sec. 12. Owner of property, as used in indictment.

Proof of bailment is evidence of ownership under this section. *State v. Jutras*, 154 Me. 198, 144 A. (2d) 865.

**Sec. 14. Unimportant variance between written or printed matter in evidence and indictment not material; process, except for felony, amended.**

The amendment of a complaint and warrant as to a material matter must be supported by oath or affirmation under article I, § 5, of the Constitution of Maine and this section. *State v. Chapman*, 154 Me. 53, 141 A. (2d) 630.