

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1963 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 4

Discard Previous Supplement

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1963

owner in double the amount thereof in a civil action. Such owner has all the rights and is subject to all the liabilities provided for the owner of logs, masts and spars in sections 3 to 8. (R. S. c. 129, § 9. 1961, c. 317, § 482.)

Effect of amendment.—The 1961 amendment divided this section into two sentences, substituted “a civil action” for “an action of debt” at the end of the present first sentence and substituted “sections 3 to 8” for “the 6 preceding sections” at the end of the present second sentence.

Chapter 144.

Prevention of Crime. Private Detectives.

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

Proceedings for Prevention of Crime.

Sec. 1. Power of courts to keep the peace; security required.—The justices of the superior court and judges of the district court, in term time or in vacation, have power to cause all laws for the preservation of the public peace to be kept; and in the execution thereof may require persons to give security to keep the peace and be of good behavior, as provided. (R. S. c. 131, § 1. 1963, c. 402, § 233.)

Effect of amendment.—The 1963 amendment substituted “the district court” for “municipal courts,” deleted “and trial justices in their counties” preceding “have power” and deleted “hereinafter” preceding “provided” at the end of the section.

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.

Design.—This section coupled with §§ 2 and 4 of this chapter are procedures designed by statute for the prevention of crime and to keep the public peace, and have nothing whatever to do with a chargeable crime. *Haynes v. Robbins*, 158 Me. 17, 177 A. (2d) 352.

No inconsistency of purpose with c. 130, §§ 27 and 28.—There is no inconsistency in the purposes intended by the provisions of §§ 27 and 28 of c. 130 and §§ 1, 2 and 4 of this chapter. *Haynes v. Robbins*, 158 Me. 17, 177 A. (2d) 352.

Sec. 2. Complaint that offense threatened.—Any magistrate described in section 1, on complaint that any person threatens to commit an offense against the person or property of another, shall examine, on oath, the complainant and any other witnesses produced, reduce the complaint to writing and cause the complainant to sign it. If on examination of the facts he thinks that there is just cause to fear the commission of such offense, he shall issue a warrant reciting the substance of the complaint, and commanding the officer, to whom it is directed, forthwith to arrest the accused and bring him before such magistrate or court. (R. S. c. 131, § 2. 1963, c. 402, § 234.)

Effect of amendment.—The 1963 amendment divided the section into two sentences and deleted “subject to the provisions of section 9 of chapter 146” at the end of the present second sentence.

Application of amending act.—See note

to § 1.

Design.—See same catchline in note to § 1 of this chapter.

No inconsistency of purpose with c. 130, §§ 27 and 28.—See same catchline in note to § 1 of this chapter.

Sec. 4. Sureties to keep peace; costs; bound over.

Design.—See same catchline in note to § 1 of this chapter.

No inconsistency of purpose with c. 130,

§§ 27 and 28.—See same catchline in note to § 1 of this chapter.

Sec. 9. Recognizance returned to court, which may remit penalty.—All recognizances taken under this chapter shall be returned to the Superior

Court on or before the first day of the next term, and be there filed by the clerk as of record. In any action thereon, if the forfeiture is found or confessed, the court may remit so much of the penalty, and on such terms, as it thinks proper. (R. S. c. 131, § 9. 1961, c. 317, § 483.)

Effect of amendment.—The 1961 amendment divided this section into two sentences, deleted “the provisions of” preceding “this chapter” in the present first sentence and substituted “action” for “suit” near the beginning of the present second sentence.

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.

Felony.

Sec. 1. “Felony” defined.

Applied in *State v. Barnette*, 158 Me. 117, 179 A. (2d) 800.

Attempts to Commit Crime.

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

Quoted in *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. 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 the district court, the district court acting as a juvenile court 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 the district court acting as a juvenile court shall be as provided in chapter 152-A. (R. S. c. 132, § 5. 1959, c. 342, § 15. 1963, c. 402, § 235.)