

# MAINE STATE LEGISLATURE

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CHAPTER 59  
FRAUD AND FALSE PRETENSES

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SUBCHAPTER I

GENERAL PROVISIONS

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**§ 1601.    Cheating by false pretenses**

Whoever, designedly and by any false pretense or privy or false token and with intent to defraud, obtains from another any money, goods or other property, the making of a loan or credit, the extension of credit, the discount of an account receivable or

what is represented to be an account receivable, or the making, acceptance, discount, sale or indorsement of a bill of exchange, bank check or promissory note, or his signature to any written instrument, the false making of which is forgery, or whoever knowingly, and with intent to defraud, sells, conveys, mortgages or pledges to another personal property on which there is an existing mortgage or to which he has no title, without notice to the purchaser of such mortgage or of such want of title, is guilty of cheating by false pretenses and shall be punished by a fine of not more than \$500 or by imprisonment for not more than 7 years. A promise, if unconditional and made without present intention of performance, will constitute a false pretense within this section.

R.S.1954, c. 133, § 11; 1961, c. 40.

**§ 1602. Obtaining long distance telephone service without payment**

Whoever, with intent to cheat or defraud shall, by any impersonation, false pretense or false representation, wrongfully obtain, or attempt to obtain, any long-distance telephone service without paying the charge therefor, shall be punished by a fine of not more than \$100 or by imprisonment for not more than 30 days, or by both.

1961, c. 278.

**§ 1603. Uttering fraudulent receipts**

Whoever fraudulently makes or utters a receipt or other written evidence of the delivery or deposit of any grain, flour, pork, wool or other goods, wares or merchandise in any warehouse, mill, store or other building, when the quantity specified therein had not, in fact, been delivered or deposited in such building; or so makes or utters any receipt or other written evidence of the delivery or deposit with him of any bonds or other securities or evidences of debt, when the same have not, in fact, been so delivered and deposited, shall be punished by imprisonment for not less than one year nor more than 10 years.

R.S.1954, c. 133, § 12.

**§ 1604. False financial statements**

Whoever shall knowingly make or cause to be made, either directly or indirectly or through any agency whatsoever, any

false statement in writing by him signed, with intent that it shall be relied upon, respecting the financial condition or means or ability to pay of himself, or any other person, firm or corporation, of which firm he is a member or of which corporation he is an officer, or for which person, firm or corporation he is acting, for the purpose of procuring in any form whatsoever either the delivery of personal property, the payment of cash, the making of a loan or credit, the extension of a credit, the discount of an account receivable, or the making, acceptance, discount, sale or indorsement of a bill of exchange or promissory note, for the benefit of either himself or of such person, firm or corporation; or, whoever knowing that any such false statement in writing has been so made and signed, respecting the financial condition or means or ability to pay of himself, or such person, firm or corporation, of which firm he is a member or of which corporation he is an officer, or for which person, firm or corporation he is acting, procures upon the faith thereof, for the benefit either of himself or of such person, firm or corporation either or any of the things of benefit mentioned in this section; or, whoever knowing that any such statement in writing has been so made and signed, respecting the financial condition or means or ability to pay of himself or such person, firm or corporation, of which firm he is a member or of which corporation he is an officer, or for which person, firm or corporation he is acting, represents on a later day in writing by him signed that such statement theretofore made, if then again made on said day, would be then true, when in fact said statement if then made would be false, and procures upon the faith thereof, for the benefit either of himself or of such person, firm or corporation either or any of the things of benefit mentioned in this section, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months.

R.S.1954, c. 133, § 13.

### § 1605. Fraudulent checks

Any person individually or as an officer of a corporation or member of a partnership or firm who, with intent to defraud, makes or draws, or utters or delivers, any check, draft or order in the name of the individual or in the name of any corporation or partnership or under any name whatsoever for the payment of money upon any bank or other depository, knowing at the time of such making, drawing, uttering or delivering that the maker or drawer has not sufficient funds in or credit with such

bank or other depository for the payment of such check, draft or order in full upon its presentation, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both.

R.S.1954, c. 133, § 14.

**§ 1606. —Payment in 5 days or prima facie case of fraud**

As against the maker or drawer thereof, or as against the person signing a check, draft or order for, or in behalf of a corporation or partnership, or against a person signing a corporation, firm or business name by him, the making, drawing, uttering or delivery of a check, draft or order, payment of which is refused by the drawee for lack of sufficient funds, shall be prima facie evidence of intent to defraud and of knowledge of insufficient funds in, or credit with, such bank or other depository, provided such maker or drawer shall not have paid the drawee or holder thereof the amount due thereon, together with all costs and protest fees, within 5 days after receiving notice that such check, draft or order has not been paid by the drawee.

R.S.1954, c. 133, § 15.

**§ 1607. Credit defined**

The word "credit" as used in sections 1605 and 1606 shall be construed to mean an arrangement or understanding with the bank or depository for the payment of such check, draft or order.

R.S.1954, c. 133, § 16.

**§ 1608. Procuring money by false pretense of physical defects**

Whoever engages in soliciting, procuring or attempting to solicit or procure money or other thing of value, by falsely pretending and representing himself or herself to be deaf, dumb, blind, crippled or physically defective, shall be punished by imprisonment for not more than 90 days.

R.S.1954, c. 133, § 17.

**§ 1609. False representations of standard for sale of sterling and coin silver articles**

Whoever makes or sells, or offers to sell or dispose of, or has in his possession with intent to sell or dispose of, any article



of merchandise marked, stamped or branded with the words "sterling," "sterling silver," "coin" or "coin silver," or encased or enclosed in any box, package, cover or wrapper, or other thing in or by which the said article is packed, enclosed or otherwise prepared for sale or disposition, having thereon any engraving or printed label, stamp, imprint, mark or trademark, indicating or denoting by such marking, stamping, branding, engraving or printing that such article is silver, sterling silver, solid silver, coin or coin silver, shall, unless  $\frac{925}{1000}$  of the component parts of the metal, of which the said article so enclosed or so marked, stamped or branded with the words "silver," "sterling silver" or "solid silver" is manufactured, are pure silver, or unless  $\frac{900}{1000}$  of the component parts of the metal, of which the article so enclosed or so marked, stamped or branded with the words "coin" or "coin silver" is manufactured, are pure silver, be punished by a fine of not more than \$100 for each offense. District Courts shall have original jurisdiction in all cases arising under this section.

R.S.1954, c. 133, § 18; 1963, c. 402, § 210.

### § 1610. False registration of domestic animals

Whoever by any false pretense obtains from any club, association, society or company for improving the breed of cattle, horses, sheep, swine or other domestic animals the registration of any animal in the herd register or other register of any such club, association, society or company, or a transfer of any such registration, and whoever knowingly exhibits, makes or gives a false pedigree of any animal shall be punished by a fine of not more than \$300 or by imprisonment for not more than 90 days, or by both.

R.S.1954, c. 133, § 19.

### § 1611. Disguising horses in premium shows

Whoever, for the purpose of competing for purses or premiums, knowingly and designedly enters or drives any horse that shall have been painted or disguised, or that represents any other or different horse from the one which is purported to be entered, or shall knowingly and designedly, for the purpose of competing for premiums or purses, enter or drive a horse in a class to which it does not properly belong shall be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months, and such horse, after such notice to the owner as the court may order and a hearing thereon, may be forfeited in the discretion

of the court and sold;  $\frac{1}{2}$  of the net proceeds of such sale shall go to the informant and the other  $\frac{1}{2}$  to the county in which the offense is committed. The pecuniary penalty shall be enforced by indictment and the forfeiture by a libel filed by the informant and proceedings in the manner provided in Title 33, chapter 21.

R.S.1954, c. 133, § 20.

**§ 1612. Gross fraud at common law**

Whoever is guilty of a gross fraud or cheat at common law shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 7 years.

R.S.1954, c. 133, § 21.

**§ 1613. Fraudulent conveyances or assignments**

Whoever is knowingly a party to any conveyance or assignment of real estate or interest in lands, goods or things in action, or rents and profits arising therefrom, or to any charge thereon, made with intent to defraud prior or subsequent purchasers, or to hinder, delay or defraud creditors or others; or knowingly puts such fraudulent conveyance, assignment or charge into use, as genuine and made in good faith, shall be punished by a fine of not more than \$1,000 and by imprisonment for less than one year.

R.S.1954, c. 133, § 22.

**§ 1614. Removal or concealment of mortgaged personal property**

Whoever with fraudulent intent to place mortgaged personal property or property legally attached on original writ beyond the control of the mortgagee or the attaching officer, removes or conceals, or aids or abets in removing or concealing the same, and any mortgagor of such property, who assents to such removal or concealment, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months.

R.S.1954, c. 133, § 23.

**§ 1615. Defrauding garage owner; posting copy of law**

Whoever puts an automobile in a public garage or other place where automobiles are stored for hire, and without having an express agreement for credit, procures supplies, accessories

or accommodation for himself or said automobile, and with intent to defraud the owner or keeper of said garage, removes or causes to be removed any such automobile from such garage without paying the reasonable charges due for repairs, supplies, accessories and accommodation furnished thereon shall be punished by a fine of not more than \$100 or by imprisonment for not more than 3 months. In order for the owner or keeper of such a garage to obtain the benefits of this section, a printed copy thereof must be posted in some conspicuous place in said garage.

R.S.1954, c. 133, § 24.

### § 1616. Transfer tickets

Every conductor of a public conveyance, and every other person whose duty it is to collect fares on such vehicle or conveyance, or issue a transfer ticket, or written or printed instrument, giving or purporting to give the right of transfer to another person or persons from a public conveyance operated upon one line or route to a public conveyance upon the same or different lines or routes, who shall knowingly and with intent to defraud the person or corporation operating such public conveyance or vehicle issue, sell or give any such transfer ticket or instrument to another person not lawfully entitled thereto, or receive, use or return any such transfer ticket or instrument unlawfully issued or presented for fare in lieu of a regular cash fare, or substitute any such transfer ticket or instrument for any cash fare collected by him; and every person who shall fraudulently and with intent to evade the payment of fare receive and use or offer for passage any transfer ticket or instrument not originally issued to him; and every person, who shall sell or give any such transfer ticket or instrument originally issued to him to another person with intent to have such transfer ticket or instrument used or offered for passage by such other person, shall be punished by a fine of not more than \$50 or by imprisonment for not more than 30 days, or by both.

R.S.1954, c. 133, § 25; 1961, c. 395, § 49.

### § 1617. Tampering with street railway fare-box or use of mutilated coins

Whoever with intent to defraud opens, defaces or in any way tampers with any fare-box or fare-register of any public vehicles, or in any way disarranges the mechanism thereof; and whoever with intent to defraud deposits, causes to be deposited

or furnishes to another person with intent that same shall be deposited in such fare-box or register any coin which has been, or may hereafter be, coined at the mints of the United States, or any foreign coin, of a sort that is in actual use or circulation as money within this State, knowing that said coin has been defaced, mutilated or altered in shape in such fashion that it will not be properly registered in such fare-box or register, shall be punished by a fine of not less than \$25 nor more than \$100, and by imprisonment for not more than 60 days. Whoever with intent to defraud procures or has in his possession any such coin so defaced, mutilated or altered in shape knowing that said coin is so defaced, mutilated or altered in shape and with intent to deposit such coin or cause same to be deposited in any fare-box or fare-register of any public vehicles, or with intent to furnish same to any third person with intent that same shall be deposited in such fare-box or register, shall be punished by a fine of not less than \$25 nor more than \$100, and by imprisonment for not more than 60 days.

R.S.1954, c. 133, § 26; 1961, c. 395, § 50.

### § 1618. Corporate acts after forfeiture of charter

Whoever undertakes to do business or does business of any kind in behalf of any corporation, the charter of which has been forfeited or suspended, or holds out such corporation as doing business, or sells, transfers or puts upon the market any stocks or other evidence of indebtedness whatsoever of any such corporation, while the charter of said corporation remains forfeited or suspended, shall be punished by a fine of \$300.

R.S.1954, c. 133, § 27.

### § 1619. Circulating advertisements in similitude of bank bills

Whoever puts in circulation or distributes any notice, advertisement or shop bill, in the form and similitude of a bank bill, forfeits \$50 for each offense, to be recovered by civil action in the name and to the use of the prosecutor.

R.S.1954, c. 133, § 28; 1961, c. 317, § 461.

### § 1620. Fraudulent advertising; exemptions

Any person, firm, corporation or association who, with intent to sell or in anywise dispose of merchandise, service or anything offered by such person, firm, corporation or association, directly or indirectly, to the public for sale or distribution, or

with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto or an interest therein, makes, publishes, disseminates, circulates or places before the public, or causes, directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in this State, in a newspaper or other publication, or in the form of a book, notice, handbill, poster, sign, billboard, bill, circular, pamphlet or letter, photograph, motion picture, radio, loudspeaker, television, telephone, telegraph, or in any other way, an advertisement of any sort regarding merchandise, service or anything so offered to the public, which advertisement contains any assertion, representation or statement of fact which is untrue and designed to be deceptive or misleading, or is intended or designed not to sell the merchandise, commodities or service so advertised at the price stated therein, or otherwise communicated, or with intent not to sell the merchandise, commodities or service so advertised, may be enjoined from such advertising, and shall be punished by a fine of not more than \$500.

This section shall not apply to any radio station, publisher of a newspaper, magazine or other publication, or any other established and recognized advertising media, or printer who publishes or prints said advertisement without actual knowledge of its falsity. The fact of the publishing or printing of such advertisement shall not be prima facie evidence of such actual knowledge of falsity.

R.S.1954, c. 133, § 29; 1955, c. 54.

### § 1621. Use of false or unauthorized credit devices

Any person who knowingly obtains or attempts to obtain credit, or purchases or attempts to purchase any goods, property or service, by the use of any false, fictitious or counterfeit credit card, credit number, telephone number or other credit device, or by the use of any credit card, credit number, telephone number or other credit device of another without the authority of the person to whom such card, number or device was issued, or by the use of any credit card, credit number, telephone number or other credit device in any case where such card, number or device has been revoked and notice of revocation, as provided in section 1622, has been given to the person to whom issued, shall be punished by a fine of not more than \$100, or by imprisonment for not more than one year, or by both.

1963, c. 301.

**§ 1622. Notice of credit revocation**

The word "notice" as used in section 1621 includes either notice given in person or notice given in writing to the person to whom the credit card, number or device was issued. The sending of a notice in writing by registered or certified mail, duly stamped and addressed to the person at his last address known to the issuer, shall be prima facie evidence that such notice was duly received.

1963, c. 301.

## SUBCHAPTER II

## COMMERCIAL FRAUDS

## ARTICLE 1. BILLS OF LADING

Sec.

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- 1664. Negotiation of bill for mortgaged goods.
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## ARTICLE 2. WAREHOUSE RECEIPTS

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- 1702. Issue of receipt containing false statement.
- 1703. Issue of duplicate receipts not so marked.
- 1704. Issue for warehouseman's goods of receipts which do not so state.
- 1705. Delivery of goods without obtaining negotiable receipt.
- 1706. Negotiation of receipt for mortgaged goods.

## ARTICLE 1. BILLS OF LADING

**§ 1661. Issue of bill for goods not received**

Any officer, agent or servant of a carrier who, with intent to defraud, issues or aids in issuing a bill knowing that all or any part of the goods for which such bill is issued have not been received by such carrier, or by an agent of such carrier or by a connecting carrier, or are not under the carrier's control at the time of issuing such bill, shall be guilty of a crime, and upon conviction shall be punished for each offense by a fine of not more

than \$5,000 or by imprisonment for not more than 5 years, or by both.

R.S.1954, c. 186, § 44.

**§ 1662. Issue of bill containing false statement**

Any officer, agent or servant of a carrier who, with intent to defraud, issues or aids in issuing a bill for goods, knowing that it contains any false statement, shall be guilty of a crime, and upon conviction shall be punished for each offense by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both.

R.S.1954, c. 186, § 45.

**§ 1663. Issue of duplicate bills not so marked**

Any officer, agent or servant of a carrier who, with intent to defraud, issues or aids in issuing a duplicate or additional negotiable bill for goods in violation of Title 11, section 7-402, knowing that a former negotiable bill for the same goods or any part of them is outstanding and uncanceled, shall be guilty of a crime, and upon conviction shall be punished for each offense by a fine of not more than \$5,000 or by imprisonment for not more than 5 years, or by both.

R.S.1954, c. 186, § 46.

**§ 1664. Negotiation of bill for mortgaged goods**

Any person who ships goods to which he has not title, or upon which there is a lien or mortgage, and who takes for such goods a negotiable bill which he afterwards negotiates for value with intent to deceive and without disclosing his want of title or the existence of the lien or mortgage, shall be guilty of a crime, and upon conviction shall be punished for each offense by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both.

R.S.1954, c. 186, § 47.

**§ 1665. Negotiation of bill when not in carrier's possession**

Any person who with intent to deceive negotiates or transfers for value a bill knowing that any or all of the goods which by the terms of such bill appear to have been received for transportation by the carrier which issued the bill are not in the possession or control of such carrier, or of a connecting carrier, without

disclosing this fact, shall be guilty of a crime, and upon conviction shall be punished for each offense by a fine of not more than \$5,000 or by imprisonment for not more than 5 years, or by both.

R.S.1954, c. 186, § 48.

**§ 1666. Inducing carrier to issue bill when goods not received**

Any person who, with intent to defraud, secures the issue by a carrier of a bill, knowing that at the time of such issue any or all of the goods described in such bill as received for transportation have not been received by such carrier, or an agent of such carrier or a connecting carrier, or are not under the carrier's control, by inducing an officer, agent or servant of such carrier falsely to believe that such goods have been received by such carrier, or are under its control, shall be guilty of a crime, and upon conviction shall be punished for each offense by a fine of not more than \$5,000 or by imprisonment for not more than 5 years, or by both.

R.S.1954, c. 186, § 49.

**§ 1667. Issue of nonnegotiable bill not so marked**

Any person who, with intent to defraud, issues or aids in issuing a nonnegotiable bill without the words "not negotiable" placed plainly upon the face thereof shall be guilty of a crime, and upon conviction shall be punished for each offense by a fine of not more than \$5,000 or by imprisonment for not more than 5 years, or by both.

R.S.1954, c. 186, § 50.

ARTICLE 2. WAREHOUSE RECEIPTS

**§ 1701. Issue of receipt for goods not received**

A warehouseman, or any officer, agent, or servant of a warehouseman, who issues or aids in issuing a receipt knowing that the goods for which such receipt is issued have not been actually received by such warehouseman, or are not under his actual control at the time of issuing such receipt, shall be guilty of a crime, and upon conviction shall be punished for each offense by a fine of not more than \$5,000 or by imprisonment for not more than 5 years, or by both.

R.S.1954, c. 187, § 50.



**§ 1702. Issue of receipt containing false statement**

A warehouseman, or any officer, agent or servant of a warehouseman, who fraudulently issues or aids in fraudulently issuing a receipt for goods knowing that it contains any false statement, shall be guilty of a crime, and upon conviction shall be punished for each offense by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both.

R.S.1954, c. 187, § 51.

**§ 1703. Issue of duplicate receipts not so marked**

A warehouseman, or any officer's agent, or servant of a warehouseman, who issues or aids in issuing a duplicate or additional negotiable receipt for goods knowing that a former negotiable receipt for the same goods or any part of them is outstanding and uncanceled, without plainly placing upon the face thereof the word "Duplicate" except in the case of a lost or destroyed receipt after proceedings as provided for in Title 11, section 7-402, shall be guilty of a crime, and upon conviction shall be punished for each offense by a fine of not more than \$5,000 or by imprisonment for not more than 5 years, or by both.

R.S.1954, c. 187, § 52.

**§ 1704. Issue for warehouseman's goods of receipts which do not so state**

Where there are deposited with or held by a warehouseman goods of which he is owner, either solely or jointly or in common with others, such warehouseman, or any of his officers, agents or servants who, knowing this ownership, issues or aids in issuing a negotiable receipt for such goods which does not state such ownership, shall be guilty of a crime, and upon conviction shall be punished for each offense by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both.

R.S.1954, c. 187, § 53.

**§ 1705. Delivery of goods without obtaining negotiable receipt**

A warehouseman, or any officer, agent or servant of a warehouseman who delivers goods out of the possession of such warehouseman, knowing that a negotiable receipt the negotiation of which would transfer the right to the possession of such goods is outstanding and uncanceled, without obtaining the possession

of such receipt at or before the time of such delivery, shall, except in the cases provided for in Title 11, sections 7-402 and 7-403, be found guilty of a crime, and upon conviction shall be punished for each offense by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both.

R.S.1954, c. 187, § 54.

### § 1706. Negotiation of receipt for mortgaged goods

Any person who deposits goods to which he has not title, or upon which there is a lien or mortgage, and who takes for such goods a negotiable receipt which he afterwards negotiates for value with intent to deceive and without disclosing his want of title or the existence of the lien or mortgage shall be guilty of a crime, and upon conviction shall be punished for each offense by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both.

R.S.1954, c. 187, § 55.

## SUBCHAPTER III

### MARITIME FRAUDS

Sec.

1751. Fraudulent destruction of vessels.

1752. False invoices, bills of lading or estimates of property shipped.

1753. False affidavits or protests.

1754. Aiding sailors to desert.

### § 1751. Fraudulent destruction of vessels

Whoever in any county willfully casts away, burns, sinks or otherwise destroys a vessel, with intent to injure or defraud any owner thereof, the owner of any property on board, or any insurer of either, shall be punished by imprisonment for any term of not less than 5 years. If he lades, equips or fits out any vessel, or aids in so doing, intending that the same shall be destroyed in the manner and with the intent aforesaid, he shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than 20 years.

R.S.1954, c. 133, § 31.

**§ 1752. False invoices, bills of lading or estimates of property shipped**

If an owner of a vessel or of property laden or pretended to be laden on board thereof, or other person concerned in its lading or fitting out, makes out or exhibits, or causes to be made out or exhibited, any false or fraudulent invoice, bill of lading, bill of parcels or other false estimates of such property, with intent to injure or defraud any insurer of such vessel or property, he shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than 10 years.

R.S.1954, c. 133, § 32.

**§ 1753. False affidavits or protests**

If any master, other officer or mariner of any vessel makes, causes to be made or swears to any false affidavit or protest; or if any owner or other person concerned in such vessel, or in the property on board thereof, procures such false affidavit or protest to be made, or exhibits the same with intent to injure, deceive or defraud any insurer of such vessel or property, he shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than 10 years.

R.S.1954, c. 133, § 33.

**§ 1754. Aiding sailors to desert**

Whoever entices or persuades or attempts to entice or persuade, or aids, assists or attempts to aid or assist, a member of the crew of any vessel arriving in or about to sail from a port in this State to leave or desert such vessel before the expiration of his term of service therein shall be punished by a fine of not more than \$100, and by imprisonment for not less than 30 days nor more than 6 months. District Courts shall have original jurisdiction in all cases arising under this section.

R.S.1954, c. 133, § 34; 1963, c. 402, § 211.