

MAINE STATE LEGISLATURE

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CHAPTER 73

LARCENY AND EMBEZZLEMENT

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§ 2101. Definition of larceny

Whoever steals, takes and carries away, of the property of another, money, goods or chattels, or any writ, process, public record, bond, bank bill or note, promissory note, bill of exchange, order, certificate, book of accounts, conveyance of real estate, valuable contract, receipt, release, defeasance or instrument in writing whereby any demand, right or obligation is created, increased, diminished or extinguished is guilty of larceny; and shall be punished, when the value of the property exceeds \$100, by imprisonment for not more than 5 years; and when the value of the property does not exceed \$100, by a fine of not more than \$100 or by imprisonment for not more than 6 months, or by both.

R.S.1954, c. 132, § 1; 1963, c. 21, § 2.

§ 2102. Larceny from the person

Whoever commits larceny from the person of another shall be punished by a fine of not more than \$500 or by imprisonment for not more than 6 years.

R.S.1954, c. 132, § 2.

§ 2103. Larceny of dwelling house by night or breaking and entering

Whoever, without breaking, commits larceny in the nighttime in a dwelling house or building adjoining and occupied therewith, or breaks and enters any office, bank, shop, store, warehouse, barn, stable, vessel, railroad car of any kind, courthouse, jail, meetinghouse, college, academy or other building for public use or in which valuable things are kept, and commits larceny therein, shall be punished by imprisonment for not more than 15 years; and when the offense is committed in the daytime, by a fine of not more than \$1,000 or by imprisonment for not more than 6 years.

R.S.1954, c. 132, § 3; 1963, c. 21, § 3.

§ 2104. Larceny at fire

Whoever commits larceny in a building on fire, or steals property removed on account of an alarm of fire, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 5 years.

R.S.1954, c. 132, § 4.

§ 2105. False personation

Whoever falsely personates or represents another and thereby receives anything intended to be delivered to the party personated, with intent to convert the same to his own use, is guilty of larceny and shall be punished accordingly.

R.S.1954, c. 132, § 5.

§ 2106. Taking beasts or birds kept in confinement

Whoever without the consent of the owner and with a felonious intent takes any beast or bird ordinarily kept in a state of confinement, and not the subject of larceny at common law, shall be deemed guilty of larceny.

R.S.1954, c. 132, § 6.

§ 2107. Embezzlement or fraudulent conversion; receiver liable

If an officer, agent, clerk or servant of a person, copartnership or corporation, except an apprentice or a person not having attained his 16th birthday, embezzles or fraudulently converts to

his own use, or takes and secretes with intent to do so, without the consent of his employer or master, any property of another in his possession or under his care, by virtue of his employment; or, if a public officer, collector of taxes, or an agent, clerk or servant of a public officer or tax collector, embezzles or fraudulently converts to his own use, or loans or permits any person to have or use for his own benefit without authority of law, any money in his possession or under his control by virtue of his office or employment by such officer, he is guilty of larceny and shall be punished accordingly. Whoever knowingly receives from a public officer, collector of taxes, or his clerk, servant or agent, with intent to convert the same to his own use without authority of law, any money in the possession or under the control of such officer by virtue of his office, is guilty of larceny and shall be punished accordingly. The foregoing provisions in relation to public officers, collectors of taxes, their clerks, servants or agents shall not apply to deposits by such officer in any bank, nor to any advances made towards the salary of such officer, nor to any person in the employment of the State or to whom the State is indebted, if the sums advanced do not exceed the sum due him.

R.S.1954, c. 132, § 7; 1963, c. 331, § 6.

§ 2108. Prosecution for embezzlement or conversion 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. 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. 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 per-

son, 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.1954, c. 132, § 8; 1955, c. 28.

§ 2109. Larceny by one trusted with property; conversion by insurance agents

Whoever embezzles, or fraudulently converts to his own use, or secretes with intent to embezzle or fraudulently convert to his own use, money, goods or property delivered to him, or any part thereof, which may be the subject of larceny, shall be deemed guilty of larceny and shall be punished accordingly. Any insurance agent, or agent of any corporation doing business in the State, who fraudulently appropriates to his own use any money, or substitutes for money, received by him as such agent, or refuses or neglects to pay over and deliver the same to the party entitled to receive it, for 30 days after written demand upon him therefor, is guilty of larceny and shall be punished accordingly.

R.S.1954, c. 132, § 9.

§ 2110. Larceny by trustee in trust receipt transaction

Any trustee who fraudulently appropriates to his own use any money, goods or documents received by him in connection with a trust receipt transaction, or refuses or neglects to pay over and deliver the same to the party entitled to receive it, for 30 days after written demand upon him therefor, is guilty of larceny and shall be punished accordingly.

1961, c. 267.

§ 2111. Larceny by officer, partner or agent of trustee in trust receipt transactions

In any case in which the trustee in a trust receipt transaction would be guilty of larceny under section 2110, and the trustee is a corporation or partnership, any officer or director, partner or agent of such a trustee who willfully and wrongfully sells or disposes of or causes the trustee to sell or dispose of the goods, documents or instruments involved in a trust receipt transaction in which the trustee had no liberty of sale or other disposition, or

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who willfully or wrongfully diverts or causes the trustee to fail to account to the entruster for the proceeds of sale or other disposition or to pay to the entruster the amount due to the entruster under the trust receipt after such sale or other disposition where the trustee had liberty of sale or other disposition, shall be guilty of larceny and shall be punished as provided.

1961, c. 267.

§ 2112. Common thieves

Whoever, after being convicted of larceny as principal or as accessory before the fact, is again convicted thereof, or is convicted of 3 distinct larcenies at the same term of court, shall be deemed a common thief and be punished by imprisonment for not less than one year nor more than 15 years.

R.S.1954, c. 132, § 10.