

MAINE STATE LEGISLATURE

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CHAPTER 107

RIOTS AND UNLAWFUL ASSEMBLIES

Sec.

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§ 3351. Definition of affray

If 2 persons voluntarily or by agreement fight or use blows or force towards each other, in an angry or quarrelsome manner, in a public place to the terror or disturbance of others, they are guilty of an affray and shall be punished as for an assault and battery.

R.S.1954, c. 136, § 5.

§ 3352. Definition of unlawful assembly or riot; conviction of one without others

If 3 or more persons assemble in a violent or tumultuous manner to do an unlawful act or, being together, make any attempt or motion towards doing a lawful or unlawful act in a violent, unlawful or tumultuous manner, to the terror or disturbance of others, they are guilty of an unlawful assembly. If they commit such acts in the manner and with the effect aforesaid, they are guilty of a riot and shall, in either case, be punished by a fine of not more than \$500 and by imprisonment for less than one year. In case of a riot each offender shall suffer such punishment as he would be liable to if he had committed such act alone. Any person engaged in an unlawful assembly or riot may be indicted and convicted thereof alone, if it is alleged in the indictment and proved at the trial that 3 or more were engaged therein; but if known, they must be named, and if unknown, that fact must be alleged.

R.S.1954, c. 136, § 6.

§ 3353. Destruction of property and personal injuries

If any persons, unlawfully and riotously assembled as described in section 3355, 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.1954, c. 136, § 7; 1961, c. 317, § 464.

§ 3354. Liability of towns for mob action; remedy

When the injury to any property described in section 3353 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.1954, c. 136, § 8; 1961, c. 317, § 465.

§ 3355. Dispersion of unlawful assemblies; disobedience

When 12 or more persons, any of them armed with clubs or dangerous weapons, or 30 or more, armed or unarmed, are unlawfully, riotously or tumultuously assembled in any town, it shall be the duty of each of the municipal officers, constables, marshal, deputy marshal and police officers and of the sheriff of the county and his deputies to go among the persons so assembled, or as near to them as they can safely go, and in the name of the State command them immediately and peaceably to disperse. If they do not obey, such officers shall command the assistance of all persons present in arresting and securing the persons so unlawfully assembled. Every person refusing to disperse or to assist shall be deemed one of such unlawful assembly and shall be punished by a fine of not more than \$500 and by imprisonment for less than one year. Each such officer, having notice of such unlawful assembly in his town and refusing or neglecting to do his duty in relation thereto, shall be punished by a fine of not more than \$300.

R.S.1954, c. 136, § 9.

§ 3356. Refusal to disperse; use of armed forces; suppression of unlawful assembly

When persons, riotously or unlawfully assembled as described in section 3355, neglect or refuse, on command, to disperse without unnecessary delay, any 2 of the officers may require the aid of a sufficient number of persons in arms or otherwise and may proceed in such manner as they judge expedient to suppress such riotous assembly, and to arrest and secure the persons composing it. When an armed force is thus called out, it shall obey the orders for suppressing such assembly and arresting and securing the persons composing it which it receives from the Governor, any justice or judge of a court of record, the sheriff of the county or any 2 of the officers mentioned in section 3355.

R.S.1954, c. 136, § 10.

§ 3357. Killing or wounding; officers guiltless; liability of rioters

If, in the efforts made as provided in section 3356 to suppress such assembly and to arrest and secure the persons composing it who refuse to disperse, although the number remaining is less than 12, any such persons or any persons present as spectators or otherwise, are killed or wounded, said officers and persons acting with them by their order shall be held guiltless and justified in law; but if any of said officers or persons thus acting with them are killed or wounded, all persons so unlawfully or riotously assembled and all other persons who refused, when required, to aid such officers shall be answerable therefor.

R.S.1954, c. 136, § 11.