

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1705

S. P. 675

In Senate, June 7, 1967

Reported by Majority from Committee on Judiciary. Printed under Joint Rules No. 18.

JERROLD B. SPEERS, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Revising the Laws Relating to Arson.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 17, c. 7, repealed. Chapter 7 of Title 17 of the Revised Statutes, relating to Arson, is repealed.

Sec. 2. R. S., T. 17, c. 8, additional. Title 17 of the Revised Statutes is amended by adding a new chapter 8, to read as follows:

CHAPTER 8

ARSON

§ 161. First degree

Any person who willfully and maliciously (1) sets fire to (2) burns (3) causes to be burned or (4) aids, counsels or procures, the burning of any dwelling house, mobile home or house trailer, whether occupied, unoccupied or vacant, or any kitchen, shop, barn, stable or other outhouse that is parcel thereof, or belonging to or adjoining thereto, whether the property of himself or of another, shall be guilty of arson in the first degree and upon conviction thereof, shall be punished by imprisonment for not more than 20 years. Should the life of any person be lost in consequence of any such burning, such offender shall be deemed guilty of murder and be punished accordingly.

§ 162. Second degree

Any person who willfully and maliciously (1) sets fire to (2) burns (3) causes to be burned, or (4) aids, counsels or procures the burning of any building or

structure of whatsoever class or character, whether the property of himself or of another, not included or described in section 151, shall be guilty of arson in the second degree, and upon conviction thereof, shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than 10 years, or by both.

§ 163. Third degree

Any person who willfully and maliciously (1) sets fire to (2) burns (3) causes to be burned or (4) aids, counsels or procures the burning of any personal or real property of whatsoever class or character, and the property of another person, shall be guilty of arson in the third degree and upon conviction thereof, shall be punished by a fine of not more than \$2,000 or by imprisonment for not more than 3 years, or by both.

§ 164. Fourth degree

Any person who willfully and maliciously (1) attempts to set fire to (2) attempts to burn (3) aids, counsels or procures the burning of any of the buildings or property mentioned in sections 161 to 163, or (4) commits any act preliminary thereto, in furtherance thereof shall be guilty of arson in the fourth degree and upon conviction thereof shall be punished by imprisonment for not more than 11 months, or by a fine of not more than \$1,000, or by both.

The placing or distributing of any flammable, explosive or combustible material or substance, or any device in, on or adjacent to any building or property mentioned in sections 161 to 163 in an arrangement or preparation with intent to eventually willfully and maliciously (1) set fire to (3) burn same, or (3) to procure the setting fire to or burning of same shall, for the purposes of this chapter, constitute an attempt to burn such building or property.

§ 165. Liability of wife

Sections 161 to 164 are applicable to a married woman committing any of such offenses without the consent of her husband, although the property set on fire and burned belonged wholly or in part to him.

§ 166. Assault with intent to commit

Whoever assaults another with intent to commit arson, if armed with a dangerous weapon, shall be punished by imprisonment for not more than 10 years; when not so armed, by a fine of not more than \$1,000 or by imprisonment for not more than 5 years.

§ 167. Burning to defraud insurer

Any person who willfully and with intent to injure or defraud the insurer (1) sets fire to (2) burns (3) causes to be burned (4) attempts any of the foregoing or (5) aids, counsels or procures, the burning of any building, structure or personal property, of whatsoever class or character, whether the property of himself or of another, which shall at the time be insured by any person, company or corporation against loss or damage by fire, shall be guilty of a felony and upon conviction thereof, be sentenced to imprisonment for not more than 5 years.