

MAINE STATE LEGISLATURE

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FIFTY-FIFTH LEGISLATURE.

HOUSE.

No. 139.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX.

AN ACT for the proper gradation of punishments.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECTION 1. The punishment of crimes and misdemeanors is hereby reduced, as follows :

SECT. 2. Murder in the second degree ; robbery by
2 a person armed with a dangerous weapon, with intent,
3 if resisted, to kill or maim his victim ; arson of a
4 dwelling-house or of any other building with intent to
5 burn a dwelling-house, in the day-time or when no
6 person was lawfully in said dwelling-house ; and
7 burglary, when armed with a dangerous weapon, or
8 in case of assaulting any person lawfully in the
9 dwelling-house broken and entered, or with any con-
10 federate present aiding or abetting ; hitherto punished
11 by imprisonment for life, shall hereafter be by im-

12 imprisonment and hard labor in the state prison not
13 exceeding twenty years.

SECT. 3. Simple robbery ; rape ; abduction ; the
2 wilful and malicious burning of any building described
3 in section three of chapter one hundred and nineteen
4 of the revised statutes, within the curtilage of a
5 dwelling-house, so that it is thereby endangered, and
6 such public or other building described in said last-
7 named section is thereby burned in the night-time ;
8 forgery or counterfeiting as described in section two
9 of chapter one hundred and twenty-one of the revised
10 statutes ; and persons convicted of crimes punishable
11 by imprisonment in the state prison who have been
12 before convicted and sentenced to a state prison by
13 any court of this state, of any other state, or of the
14 United States, as provided in section three of chapter
15 one hundred and thirty-six of the revised statutes,
16 offences hitherto punished by imprisonment for life or
17 any term of years, shall hereafter be punished by
18 imprisonment in the state prison not exceeding ten
19 years.

SECT. 4. All other offences hitherto punishable by
2 imprisonment in the state prison or in the county jail
3 for a given term of years, or for a period not exceed-
4 ing a given term of years, shall have the maximum
5 penalty hereafter reduced one-half.

SECT. 5. The maximum of fines imposed for offences
2 shall be reduced one-half.

SECT. 6. In all misdemeanors where imprisonment
2 or fine has hitherto been imposed at the discretion of
3 the court, fine only shall hereafter be imposed ; and in
4 all cases where imprisonment is imposed instead of or
5 in addition to a fine for the second offence, imprison-
6 ment shall hereafter be imposed only for the third and
7 subsequent offences ; and where imprisonment is so
8 imposed for the third offence, it shall hereafter be im-
9 posed only for the fourth and subsequent offences.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 21, 1876. }

Presented by Mr. ANDERSON of Portland, and on his motion
ordered printed.

ORAMANDAL SMITH, *Clerk.*