

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

E I G H T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 632

H. P. 1123

House of Representatives, Feb. 8, 1933.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Hill of South Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED THIRTY-THREE

AN ACT Relating to Offenses Against Habitations and Other Buildings.

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

Section 1. R. S. c. 130, § 1, amended. Section 1 of chapter 130 of the revised statutes is hereby amended to read as follows :

'Sec. 1. Burning of dwelling-houses; offense may constitute murder; penalties. Whoever wilfully and maliciously sets fire to, or causes fire to be set to, or who aids, counsels or procures the burning of the dwelling-house or any building, occupied in part for dwelling or lodging-house purposes and belonging wholly or in part to himself or to another, or to any building adjoining thereto owned wholly or in part by himself or another, with intent to burn such dwelling-house or building, shall be punished by imprisonment for not less than 1 year, nor more than 20 years. Whoever wilfully and maliciously sets fire to or causes fire to be set to a dwelling-house or any building owned by himself, and thereby endangers a dwelling-house or other property of another shall be punished by imprisonment for not less than 1 year, nor more than twenty years. Should the life of any person be lost in consequence of any such burning such offender shall be deemed guilty of murder, and punished accordingly.'

Sec. 2. R. S. c. 130, §§ 2, 3, 4, repealed. Sections 2, 3 and 4 of chapter 130 of the revised statutes are hereby repealed and the following sections enacted in place thereof :

'Sec. 2. Burning of other buildings. Whoever wilfully and maliciously sets fire to or burns or causes to be burned, or who aids, counsels or procures the burning of any building or structure of whatever class or character, whether the property of himself or of another, not included or described in the preceding section, shall be punished by imprisonment for not less than 1 year nor more than 10 years.'

'Sec. 3. Burning of other property. Whoever wilfully and maliciously sets fire to or burns or causes to be burned or who aids, counsels or procures the burning of any personal property of whatsoever class or character; (such property being of the value of \$25.00 and the property of another person), shall be punished by imprisonment for not less than 1 year nor more than 3 years.'

'Sec. 4. Attempts to burn buildings or property. Whoever wilfully and maliciously attempts to set fire to or attempts to burn or to aid, counsel or procure the burning of any of the buildings or property mentioned in the foregoing sections, or who commits any act preliminary thereto, or in furtherance thereof, shall be punished by a fine of not more than \$1,000 or by imprisonment for not less than 1 year nor more than 2 years.'

Sec. 3. R. S. c. 130 additional. Chapter 130 of the revised statutes is hereby further amended by adding thereto after section 4 a new section to be numbered section 4-A and to read as follows:

'Sec. 4-A. Definition of an attempt to burn. The placing or distributing of any flammable, explosive or combustible material or substance, or any device in or against any building, structure or other property mentioned in the foregoing sections in an arrangement or preparation with intent to eventually wilfully and maliciously set fire to or burn same, or to procure the setting fire to or burning of same shall constitute an attempt to burn such building or property.'

Sec. 4. R. S. c. 130, § 9, repealed. Section 9 of chapter 130 of the revised statutes is hereby repealed and the following section enacted in place thereof:

'Sec. 9. Dwelling-house defined. The words "dwelling-house", as used in this chapter, shall mean and include all buildings used as dwellings such as apartment houses, tenement houses, hotels, boarding houses, dormitories, hospitals, institutions, sanatoria or other buildings where persons are domiciled.'

Sec. 5. R. S. c. 138, § 24, repealed. Section 24 of chapter 138 of the revised statutes is hereby repealed and the following section enacted in place thereof:

'Sec. 24. Burning to defraud insurer. Whoever wilfully and with intent to injure or defraud the insurer sets fire to or burns or attempts so to do or

who causes to be burned or who 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 punished by imprisonment for not less than 1 year nor more than 5 years.'