

MAINE STATE LEGISLATURE

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

Legislative Document

No. 852

H. P. 1316

House of Representatives, February 22, 1951.

Referred to Committee on Judiciary. Sent up for concurrence and 1,000 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Gay of Damariscotta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE

AN ACT Enacting the Sabotage Prevention Act.

Emergency preamble. Whereas, the present world situation with reference to armed invasion and aggression is such that our national government has deemed it of vital necessity to provide a program for a complete national defense; and

Whereas, during the period immediately prior to the last World War our country was infested with alien supporters and spies and is now confronted with a similar situation; and

Whereas, the prevention of all types of sabotage is a vital cog in the machinery of a complete national defense; and

Whereas, it is necessary to provide more stringent laws for the protection of the state and nation in times of peril; and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of the constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

R. S., c. 123, §§ 22-34, additional. Chapter 123 of the revised statutes

is hereby amended by adding at the end thereof 13 new sections to be numbered 22 to 34, inclusive, to read as follows:

'Sabotage Prevention Act

Sec. 22. Definitions. As used in sections 22 to 34, inclusive:

"Highway" includes any private or public street, way or other place used for travel to or from property.

"Highway commissioners" means any individual, board or other body having authority under then existing law to discontinue the use of the highway which it is desired to restrict or close to public use and travel.

"Public utility" includes any pipe line, gas, electric, heat, water, oil, sewer, telephone, telegraph, radio, railway, railroad, airplane, transportation, communication or other system, by whomsoever owned or operated for public use.

Sec. 23. Intentional injury to or interference with property. Whoever intentionally destroys, impairs, injures, interferes or tampers with real or personal property with reasonable grounds to believe that such act will hinder, delay or interfere with the preparation of the United States or of any of the states for defense or for war, or with the prosecution of war by the United States, or with preparations and plans for civil defense and public safety, or with the execution thereof under the provisions of the Maine Civil Defense and Public Safety Act of 1949, shall be punished by imprisonment for not more than 10 years, or by a fine of not more than \$10,000, or by both such fine and imprisonment: Provided, if such person so acts with the intent to hinder, delay or interfere with the preparation of the United States or of any of the states for defense or for war, or with the prosecution of war by the United States, or with preparations and plans for civil defense and public safety, or with the execution thereof under the provisions of the Maine Civil Defense and Public Safety Act of 1949, the minimum punishment shall be imprisonment for not less than 1 year.

Sec. 24. Intentionally defective workmanship. Whoever intentionally makes or causes to be made or omits to note on inspection any defect in any article or thing with reasonable grounds to believe that such article or thing is intended to be used in connection with the preparation of the United States or any of the states for defense or for war, or for the prosecution of war by the United States, or with preparations and plans for civil defense and public safety, or with the execution thereof under the provisions of the Maine Civil Defense and Public Safety Act of 1949, or that such article or thing is one of a number of similar articles or things, some of which are in-

tended so to be used, shall be punished by imprisonment for not more than 10 years, or a fine of not more than \$10,000, or by both such fine and imprisonment: Provided, if such person so acts or so fails to act with the intent to hinder, delay or interfere with the preparation of the United States or of any of the states for defense or for war, or with the prosecution of war by the United States, or with preparations and plans for civil defense and public safety, or with the execution thereof under the provisions of the Maine Civil Defense and Public Safety Act of 1949, the minimum punishment shall be imprisonment for not less than 1 year.

Sec. 25. Attempts. Whoever attempts to commit any of the crimes defined by sections 22 to 34, inclusive, shall be liable to $\frac{1}{2}$ the punishment prescribed for the completed crime. In addition to the acts which constitute an attempt to commit a crime under the law of this state, the solicitation or incitement of another to commit any of the crimes defined by sections 22 to 34, inclusive, not followed by the commission of the crime, the collection or assemblage of any materials with the intent that the same are to be used then or at a later time in the commission of such crime, or the entry, with or without permission, of a building, enclosure or other premises of another with the intent to commit any such crime therein or thereon shall constitute an attempt to commit such crime.

Sec. 26. Conspirators. If 2 or more persons conspire to commit any crime defined by sections 22 to 34, inclusive, each of such persons is guilty of conspiracy and subject to the same punishment as if he had committed the crime which he conspired to commit, whether or not any act be done in furtherance of the conspiracy. It shall not constitute any defense or ground of suspension of judgment, sentence or punishment on behalf of any person prosecuted under the provisions of this section, that any of his fellow conspirators has been acquitted, has not been arrested or convicted, is not amenable to justice or has been pardoned or otherwise discharged before or after conviction.

Sec. 27. Witnesses' privileges. No person shall be excused from attending and testifying, or producing any books, papers or other documents before any court, magistrate, referee or grand jury upon any investigation, proceeding or trial, for or relating to or concerned with a violation of any of the provisions of sections 22 to 34, inclusive, or attempt to commit such violation, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him by the state may tend to convict him of a crime or to subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or

on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be received against him, upon any criminal investigation, proceeding or trial, except upon a prosecution for perjury or contempt of court based upon the giving or producing of such testimony.

Sec. 28. Unlawful entry on property. Any individual, partnership, association, corporation, municipal corporation or state or any political subdivision thereof engaged in, or preparing to engage in, the manufacture, transportation or storage of any product to be used in the preparation of the United States or of any of the states for defense or for war or in the prosecution of war by the United States, or with preparations and plans for civil defense and public safety, or with the execution thereof under the provisions of the Maine Civil Defense and Public Safety Act of 1949, or the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or any of said natural or artificial persons operating any public utility, whose property, except where it fronts on water or where there are entrances for railway cars, vehicles, persons or things, is surrounded by a fence or wall, or a fence or wall and buildings, may post around his or its property at each gate, entrance, dock or railway entrance and every 100 feet of water front a sign reading "No Entry Without Permission." Whoever without permission of such owner shall wilfully enter upon premises so posted shall be punished by imprisonment for not more than 10 days, or by a fine of not more than \$50, or by both such fine and imprisonment.

Sec. 29. Questioning and detaining suspected persons. Any peace officer or any person employed as watchman, guard, or in a supervisory capacity on premises posted as provided in section 28 may stop any person found on any premises to which entry without permission is forbidden by section 28 and may detain him for the purpose of demanding, and may demand, of him his name, address and business in such place. If said peace officer or employee has reason to believe from the answers of the person so interrogated that such person has no right to be in such place, said peace officer shall forthwith release such person or he may arrest such person without a warrant on the charge of violating the provisions of section 28; and said employee shall forthwith release such person or turn him over to a peace officer, who may arrest him without a warrant on the charge of violating the provisions of section 28.

Sec. 30. Closing and restricting use of highway. Any individual, part-

nership, association, corporation, municipal corporation or state or any political subdivision thereof engaged in or preparing to engage in the manufacture, transportation or storage of any product to be used in the preparation of the United States or any of the states for defense or for war or in the prosecution of war by the United States, or with preparations and plans for civil defense and public safety, or with the execution thereof under the provisions of the Maine Civil Defense and Public Safety Act of 1949, or in the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or any of said natural or artificial persons operating any public utility, who has property so used which he or it believes will be endangered if public use and travel is not restricted or prohibited on one or more highways or parts thereof upon which such property abuts, may petition the highway commissioners of any city, town or county to close one or more of said highways or parts thereof to public use and travel or to restrict by order the use and travel upon one or more of said highways or parts thereof.

Upon receipt of such petition, the highway commissioners shall set a day for hearing and give notice thereof by publication in a newspaper having general circulation in the city, town or county in which such property is located, such notice to be at least 7 days prior to the date set for hearing. If after hearing the highway commissioners determine that the public safety and the safety of the property of the petitioner so require, they shall by suitable order close to public use and travel, or reasonably restrict the use of and travel upon one or more of said highways or parts thereof: Provided, the highway commissioners may issue written permits to travel over the highways so closed or restricted to responsible and reputable persons for such term, under such conditions and in such form as said commissioners may prescribe. Appropriate notices in letters at least 3 inches high shall be posted conspicuously at each end of any highway so closed or restricted by such order. The highway commissioners may at any time revoke or modify any order so made.

Sec. 31. Penalty for going upon closed or restricted highway. Whoever violates any order made under the provisions of section 30 shall be punished by imprisonment for not more than 10 days, or by a fine of not more than \$50, or by both such fine and imprisonment.

Sec. 32. Rights of labor. Nothing in sections 22 to 34, inclusive, shall be construed to impair, curtail or destroy the lawful rights of employees and their representatives, to self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own

choosing, to strike, to picket, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection.

Sec. 33. Relation to other statutes. All acts and parts of acts inconsistent with the provisions of sections 22 to 34, inclusive, are hereby suspended in their application to any proceedings under the provisions of sections 22 to 34, inclusive. If conduct prohibited by the provisions of sections 22 to 34, inclusive, is also made unlawful by another or other laws, the offender may be convicted for the violation of the provisions of sections 22 to 34, inclusive, or of such other law or laws.

Sec. 34. Short title. Sections 22 to 34, inclusive, may be cited as the "Sabotage Prevention Act."

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.