

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1056

H. P. 968

House of Representatives, February 24, 1953.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Albert of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

AN ACT Redefining the Crime of Perjury.

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

Sec. 1. R. S., c. 122, § 1, repealed and replaced. Section 1 of chapter 122 of the revised statutes is hereby repealed and the following enacted in place thereof:

‘Sec. 1. Perjury by single statement. Whoever, in a trial, hearing, investigation, deposition, certification or declaration, in which the making or subscribing of a statement is required or authorized by law, makes or subscribes a statement under oath, affirmation or other legally binding assertion that the statement is true, when in fact the witness or declarant does not believe that the statement is true or knows that it is not true or intends thereby to avoid or obstruct the ascertainment of the truth, is guilty of perjury. It shall be a defense to the charge of perjury as defined in this section that the statement is true.’

Sec. 2. R. S., c. 122, §§ 1-A - 1-C, additional. Chapter 122 of the revised statutes is hereby amended by adding thereto 3 new sections to be numbered 1-A, 1-B and 1-C, to read as follows:

‘Sec. 1-A. Perjury by contradictory statements. Whoever, in one or

more trials, hearings, investigations, depositions, certifications or declarations, in which the making or subscribing of statements is required or authorized by law, makes or subscribes 2 or more statements under oath, affirmation or other legally binding assertion that the statements are true, when in fact 2 or more of the statements contradict each other, is guilty of perjury. It shall be a defense to the charge of perjury by contradictory statements as defined in this section that the accused at the time when he made each statement believed the statement was true.

Sec. 1-B. Perjury by subornation. Whoever procures another to commit perjury is guilty of perjury by subornation. Whoever does any act with the specific intent to commit perjury by subornation but fails to complete that offense is guilty of attempted perjury by subornation.

Sec. 1-C. Penalty. Whoever is found guilty of perjury or subornation of perjury, if the offense was committed in a trial of a crime punishable by imprisonment for life, shall be punished by imprisonment for any term of years not less than 10, and if the offense was committed in any other case by imprisonment for not more than 10 years.'

Sec. 3. R. S., c. 122, § 2-A, additional. Chapter 122 of the revised statutes is hereby amended by adding thereto a new section to be numbered 2-A, to read as follows:

'Sec. 2-A. Proof. Proof of guilt beyond a reasonable doubt is sufficient for conviction under the provisions of sections 1 to 2 inclusive, and it shall not be necessary also that proof be by a particular number of witnesses or by documentary or other type of evidence.

The question whether a statement was material shall include only whether the statement might affect some phase or detail of the trial, hearing, investigation, deposition, certification or declaration, and is a question of law to be determined by the court.

In a prosecution for perjury by contradictory statements, as defined in section 1-A, it is unnecessary to prove which, if any, of the statements is not true.'