

# MAINE STATE LEGISLATURE

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FIFTH REVISION.

THE  
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED SEPTEMBER 1, 1903, AND TAKING EFFECT JANUARY 1, 1904.

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BY THE AUTHORITY OF THE LEGISLATURE.



AUGUSTA :  
KENNEBEC JOURNAL PRINT,  
1904.

## TITLE ELEVEN.

## Crimes and Offenses, Proceedings in Criminal Cases, Punishments and Incidental Provisions.

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- CHAP. 118. Offenses against the sovereignty of the state.
119. Offenses against the lives and persons of individuals.
120. Offenses against habitations and other buildings.
121. Larceny, and receiving stolen goods.
122. Forgery and counterfeiting, and fraudulent stocks.
123. Offenses against public justice.
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125. Offenses against chastity, morality and decency.
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127. Cheating by false pretenses; frauds and conspiracies.
128. Malicious mischiefs, and trespasses on property.
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133. Appointment of municipal and police judges, and proceedings of magistrates in criminal cases.
134. Commencement of proceedings in criminal cases.
135. Proceedings in court in criminal cases.
136. Sentence, and its execution in criminal cases, and the liberation of poor convicts.
137. Collection and disposal of fines and costs in criminal cases.
138. Disposal of insane criminals.
139. Pardons, and fugitives from justice.
140. Coroners' inquests.
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## CHAPTER 118.

## OFFENSES AGAINST THE SOVEREIGNTY OF THE STATE.

Treason.  
R. S., c. 117, § 1.  
Const. Me.,  
definition  
Art. 1, § 12.  
Misprision of  
treason, its  
definition  
and punish-  
ment.  
R. S., c. 117, § 2.

SEC. 1. Whoever is guilty of treason against the state, shall be punished by imprisonment for life.

SEC. 2. Misprision of treason consists in a knowledge that treason has been, or is to be committed, and in the concealment of it, or in omission to give information thereof to the governor, a judge of a court of record, or a justice of the peace. No person can be convicted of it without the testimony of two witnesses, but one of them may testify to one, and another to a different overt act of the same species of treason; or by confession in open court. Whoever is guilty of misprision of treason shall be punished by imprisonment not exceeding five years, or fine not exceeding one thousand dollars.

SEC. 3. No person can be convicted of treason or misprision of treason, unless the indictment therefor is found within three years after the commission thereof.

SEC. 4. If a person, claiming authority from any foreign government or magistrate, enters upon any lands, cuts any timber, serves any process, exercises any jurisdiction, authority or ownership, claims any right, or threatens to do any of said acts within the limits of the state, as described by the treaties of seventeen hundred and eighty-three and eighteen hundred and forty-two, between the United States and Great Britain, he and every person aiding and encouraging the same shall be punished by imprisonment and fine.

SEC. 5. Whoever in any manner, for exhibition or display, places or causes to be placed any inscription, device, advertisement or notice whatever upon any flag, standard, color or ensign of the United States or state flag of this state, or displays or exhibits or causes to be displayed or exhibited any flag, standard, color or ensign of the United States or flag of this state upon which shall in any manner be placed or affixed any inscription, device, advertisement or notice whatever, or attaches to or represents upon any goods, wares or merchandise, any imitation or representation of the national flag of the United States, or uses any imitation or representation of the national flag of the United States for advertising purposes or in any manner mutilates, tramples upon or otherwise defaces or defiles any of said flags, standards, colors or ensigns, whether they are public or private property, shall be punished by a fine of not less than five, nor more than fifty dollars. *Provided, however,* that flags, standards, colors or ensigns, the property of or used in the service of the United States, or of this state, may have inscriptions, names of actions, words, marks or symbols, placed thereon pursuant to law or authorized regulations, and that associations organized by men who have served in the army or navy of the United States may place appropriate inscriptions upon flags borne by them or used for memorial purposes, and duly appointed and accredited committees of political parties, may during the campaign preceding any election for president and vice-president of the United States, attach the names of their respective candidates to the flag.

SEC. 6. Whoever knowingly and wilfully removes the seal of the State of Maine from the office or custody of the secretary of state at Augusta, or knowingly and wilfully secretes, defaces, injures or destroys it, or wilfully aids or assists in so doing, or, having the same in his possession, or under his control, wilfully neglects or refuses to deliver it to the secretary of state upon demand therefor, shall be punished by imprisonment for not less than one, nor more than five years, and by fine not exceeding five thousand dollars.

SEC. 7. Whoever knowingly and wilfully uses the seal of the State of Maine, or takes any impression therefrom, for any purpose, in any other place than the office of the secretary of state at Augusta, or knowingly and wilfully issues, or receives and acts under any commission, record, document, parchment, instrument or paper, bearing the impression of said seal, unless the same has been sealed in said office of said secretary of state at Augusta, shall be punished by imprisonment for not more than three years and by fine not exceeding three thousand dollars.

SEC. 8. Whoever knowingly and wilfully removes from the state house at Augusta, or from the custody of the secretary of state, or of the governor and council, or other officer or person in whose lawful custody the

Prosecution to be within three years.  
R. S., c. 117, § 3.

Usurpation of jurisdiction by a foreign power.  
R. S., c. 117, § 4.

—overt acts within the state, how to be punished.

Desecration of flag of U. S. or of this state.  
1899, c. 132.

—how punished.

—inscriptions, symbols, etc. may be placed on flag pursuant to law, etc.

State seal, removal of, injury to, and neglect or refusal to deliver up, prohibited.  
R. S., c. 117, § 5.

—punishment.

Use of great seal in any place but the office of secretary of state, prohibited.  
R. S., c. 117, § 6.

—punishment.

Books and papers, removal from state

## CHAP. 118.

offices,  
secretion,  
mutilation,  
or refusal  
to return,  
prohibited.  
R. S., c. 117, §7.

same are deposited and kept in said state house, any book of accounts, voucher, record, return, returned copies of lists of votes given for any public officer, certified copy of any record or other document or instrument, belonging to, or kept in any of the offices in said state house, except the books and documents kept and deposited in the state library, or knowingly and wilfully secretes, alters, mutilates, defaces or destroys any such book of accounts, voucher, record, return, returned copies of lists of votes given for any public officer, certified copy of any record or other document or instrument, or knowingly and wilfully aids or assists in so doing, or having any such book of accounts, voucher, record, return, returned copies of lists of votes given for any public officer, certified copy of any record or other such document or instrument in his possession, or under his control, wilfully neglects or refuses to return the same to said state house, or to deliver the same to the person in lawful charge of the office or room in said state house, where the same were kept or deposited, shall be punished by imprisonment, for not less than one, nor more than three years and by fine not exceeding five thousand dollars.

—punishment.

Persons who  
have held  
public office,  
shall on writ-  
ten demand,  
deliver  
moneys and  
other public  
property to  
their  
successors.  
R. S., c. 117, §8.

SEC. 9. When any person, having held any public office in this state, and having in his possession or under his control, any moneys, books of account, records, accounts, vouchers, documents or other property, or effects pertaining or belonging to said office, or to the state, or to any county or municipality in the state, and whose term of office has expired, and whose successor in said office has been elected or appointed and qualified, after a written demand for the same, wilfully refuses to deliver such moneys, books of account, records, accounts, vouchers, documents or other property or effects aforesaid to such successor in said office, he shall be punished by imprisonment not exceeding five years, and by fine not exceeding five thousand dollars.

—punishment  
for refusal.

Person,  
falsely  
assuming to  
act as a state  
officer, how to  
be punished.  
R. S., c. 117, §9.

SEC. 10. Whoever knowingly and falsely assumes to be a state officer of the State of Maine, and to act as such, or knowingly and falsely assumes to discharge any of the duties of such officer, or knowingly and wilfully invites or receives any communication, document, record or letter properly belonging to such state officer, or relating to the office or official business of said officer, or, in any way, knowingly and wilfully obstructs or delays such officer in the discharge of any of his official duties, shall be punished by imprisonment for not less than one, nor more than five years, and by fine not exceeding five thousand dollars.