

MAINE STATE LEGISLATURE

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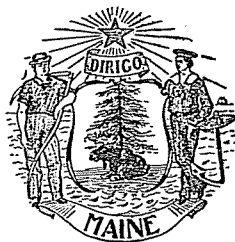
THE
REVISED STATUTES

OF THE

STATE OF MAINE,

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

BY THE AUTHORITY OF THE LEGISLATURE.



AUGUSTA :
KENNEBEC JOURNAL PRINT,
1904.

CHAPTER 119.

OFFENSES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS.

SEC. 1. Whoever unlawfully kills a human being with malice aforethought, either express or implied, is guilty of murder, and shall be punished by imprisonment for life. (a)

Murder defined and punished.
R. S., c. 118, §§ 1-4.
1887, c. 133, § 1.
Manslaughter defined and punished.
R. S., c. 118, § 5.

SEC. 2. Whoever unlawfully kills a human being in the heat of passion, on sudden provocation, without express or implied malice aforethought, or commits manslaughter as defined by the common law, shall be punished by imprisonment for not more than twenty years, or by fine not exceeding one thousand dollars. (b)

SEC. 3. Whoever while on a hunting trip, or in the pursuit of wild game or game birds, negligently or carelessly shoots and wounds, or kills any human being, shall be punished by imprisonment for not more than ten years, or by fine not exceeding one thousand dollars.

Penalty for carelessly shooting a human being while engaged in hunting.
1901, c. 263, § 1.

SEC. 4. County attorneys and sheriffs, in their respective counties, shall promptly investigate any alleged violations of the preceding section and prosecute every person accused thereof; for failure so to investigate and prosecute, each of said officers shall be punished by fine not exceeding one thousand dollars, and shall be removed from office.

County attorney and sheriff shall investigate violations of § 3.
1901, c. 263, § 2.
—penalty.

SEC. 5. Whoever wilfully and maliciously displaces a switch or rail, disturbs, injures or destroys any part of an engine, car, signal, track or bridge of any railroad, or places an obstruction thereon with intent that any person or property passing on the same should be thereby injured, and human life is thereby destroyed, is guilty of murder and shall be punished accordingly. If human life is thereby endangered and not destroyed, or if property is injured, he shall be punished by imprisonment for not less than ten years.

Penalty for destroying human life by obstructing railroads.
R. S., c. 118, § 6.

—endangering life, or injuring property.

SEC. 6. Whoever, having charge of a steamboat used for conveyance of passengers, or of the boiler or other apparatus for generating steam therein, through ignorance, gross neglect or for the purpose of racing, creates or allows to be generated such a quantity of steam as to break such boiler, apparatus or machinery connected therewith, or whoever intentionally loads or obstructs or causes to be loaded or obstructed in any way the safety valve of the boiler, or employs any other means or device whereby the boiler may be subjected to a greater pressure than the amount allowed by the inspectors' certificate, or intentionally deranges or hinders the operation of any machinery or device employed to denote the stage of the water or steam in any boiler or to give warning of approaching danger, or intentionally permits the water to fall below the prescribed low water line of the boiler, or is directly or indirectly concerned therein, and thereby human life is destroyed, is guilty of manslaughter and shall be punished accordingly. And if human life is thereby endangered and not destroyed he shall be punished by fine not exceeding five hundred dollars, or by imprisonment for not more than five years.

Misconduct or gross neglect, respecting steam in steamboats, and boilers.
R. S., c. 118, § 7.

—interference with safety valve, etc.
R. S., c. 52, § 19.

—penalty.

SEC. 7. Any person residing in the state, who within it engages to fight a duel and fights such duel without the state, and thereby inflicts a mortal

Murder by duelling, defined and punished.
R. S., c. 118, § 8.

(a) 37 Me., 469; 39 Me., 66, 87; 51 Me., 222; 54 Me., 415; 57 Me., 582; 58 Me., 567-589; 95 Me., 372.

(b) 32 Me., 374; 33 Me., 55; 39 Me., 67.

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wound on any person, of which he dies in the state, is guilty of murder, and shall be punished accordingly; and he may be indicted and tried in the county where the death happened.

Murder, by a second to such duel.
R. S., c. 118, § 9.

SEC. 8. A person who, by an engagement made in the state, is second to either party in such duel and is present when a mortal wound is inflicted, of which the person dies within the state, is an accessory before the fact, to murder, and may be indicted, tried and punished the same as the principal may be.

Trial in another state, bars indictment here.
R. S., c. 118, § 10.

SEC. 9. A person indicted under sections seven, eight or twelve, may plead a former conviction or acquittal of the same offense, in another state, which, being admitted or established, entitles him to an acquittal in this state.

Duelling, how punished.
R. S., c. 118, § 11.

SEC. 10. Whoever fights a duel with deadly weapons, or is present thereat as aid, second, surgeon, or as advising, encouraging or promoting it, although no homicide ensues; or sends, or delivers a verbal or written message intended to be a challenge, although no duel ensues, shall be punished by imprisonment for not more than twenty years, or by fine not exceeding one thousand dollars; and be incapable of holding any office or place of honor, trust or profit, for twenty years after conviction.

Accepting a challenge, or aiding a duel, how punished.
R. S., c. 118, § 12.

SEC. 11. Whoever accepts such a challenge, or engages to act as second, or surgeon, to one accepting, or knowingly delivers such acceptance, or advises, encourages or promotes it, although no duel ensues, shall be punished by imprisonment for less than one year, and by fine not exceeding one thousand dollars; and be incapable, as in the preceding section, for five years after conviction.

Leaving state to elude two preceding sections and then doing such acts, punished.
R. S., c. 118, § 13.

SEC. 12. If a resident of the state leaves it to elude either of the two preceding sections, with intent to do acts out of the state which would be a violation of either of their provisions if done within the state, and does such acts, he shall be subject to the same punishment as if the offense had been committed in the state; and he may be indicted and tried in the county where he resides.

Posting for not fighting a duel, etc.
R. S., c. 118, § 14.

SEC. 13. Whoever posts another, or uses, in writing or in print, reproachful or contemptuous language concerning him for not fighting a duel, or for not sending or accepting a challenge, shall be punished by imprisonment for less than one year, and by fine not exceeding one hundred dollars.

Mayhem, defined and punished.
R. S., c. 118, § 15.

SEC. 14. Whoever, with malicious intent to maim or disfigure, cuts or maims the tongue, puts out or destroys an eye, cuts or tears off an ear, cuts, slits or mutilates the nose or lip, or cuts off or disables a limb or other member of another person, shall be punished by imprisonment for not less than one, nor more than twenty years.

Robbery, defined and punished.
R. S., c. 118, § 16.
1889, c. 250.
86 Me., 430.

SEC. 15. Whoever, by force and violence, or by putting in fear, feloniously steals and takes from the person of another, property that is the subject of larceny, is guilty of robbery and shall be punished by imprisonment for any term of years.

Rape, defined and punished.
R. S., c. 118, § 17.
1889, c. 180, § 1.

SEC. 16. Whoever ravishes, and carnally knows, any female of fourteen or more years of age, by force and against her will, or unlawfully and carnally knows and abuses a female child under fourteen years of age, shall be punished by imprisonment for any term of years. (a)

Protection of girls between the ages of

SEC. 17. Whoever, being more than twenty-one years of age, has carnal knowledge of the body of any unmarried female child, between the ages

(a) 39 Me., 323; 63 Me., 210.

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of fourteen and sixteen years, shall be punished by fine not exceeding five hundred dollars or by imprisonment for not more than two years. The provisions of this section shall not apply to cases of rape as defined in the preceding section.

fourteen and
sixteen.
1897, c. 213.

SEC. 18. Whoever takes a woman unlawfully and against her will, and by force, menace or duress, compels her to marry him, or any other person, or to be defiled, shall be punished by imprisonment for any term of years. And whoever so takes a woman, with intent by such means to compel her to do so, shall be punished by imprisonment for not less than one, nor more than ten years.

Abduction,
defined and
punished.
R. S., c. 118, § 18.

SEC. 19. Whoever unlawfully confines or imprisons another, or forcibly transports or carries him out of the state, or from place to place within it, or so seizes, conveys, inveigles or kidnaps any person, with intent to cause him to be so dealt with; or sells as a slave, or transfers, for any term of time, the service of any person of color, who has been so seized, inveigled, or kidnapped, shall be punished by imprisonment for not more than twenty years, or by a fine not exceeding one thousand dollars. Indictments for these offenses may be found and tried in the county where such person was carried or brought, or in the county where the offense was committed; and on trial the consent of such person shall not be a defense, unless it appears that it was not obtained by fraud, threats or duress.

Kidnapping,
how
punished.
R. S., c. 118, § 19.
1901, c. 139.

—jurisdiction.

—consent.

SEC. 20. If the father or mother of a child under the age of six years, or a person to whom such child is confided, exposes it in any place with intent wholly to abandon it, he shall be punished by imprisonment for not more than five years, or by fine not exceeding five hundred dollars.

Abandonment
of children.
R. S., c. 118, § 20.

SEC. 21. If the master of a vessel carries out of the state an apprentice, indented servant, or person under twenty-one years of age, without the consent of his parent, master or guardian, he shall be punished by fine not exceeding two hundred dollars; and be liable in an action on the case, to such parent, master or guardian, for all damages thereby sustained.

Shipmasters,
carrying
apprentices
and minors
out of state.
R. S., c. 118, § 21.
11 Me., 106.

SEC. 22. Whoever in this state enlists or causes to be enlisted into the army of the United States, a minor, knowing him to be such, without the written consent of his parent, master or guardian, and he is removed out of the state within six months after his enlistment; or persuades him to leave the state with intent thus to enlist him, shall be punished by imprisonment for less than one year, or by fine not exceeding five hundred dollars.

Enlistment
of minors
into the army
of U. S.
R. S., c. 118, § 22.

SEC. 23. Whoever, verbally, or by written or printed communication maliciously threatens to accuse another of a crime or offense, or to injure his person or property, with intent thereby to extort money or procure any advantage from him, or to compel him to do any act against his will, and whoever being more than sixteen years of age shall wilfully and wantonly or maliciously vex, irritate, harass or torment any person, in any way, after having been forbidden so to do, by any sheriff, deputy sheriff, constable, police officer or justice of the peace, shall be punished by imprisonment not exceeding two years, or by fine not exceeding five hundred dollars.

Extortion or
compulsion,
by threats, or
mischievously
vexing or tor-
menting
another.
R. S., c. 118, § 23.
1893, c. 302.
24 Me., 72.
68 Me., 474.
85 Me., 195.

SEC. 24. Whoever assaults a female of fourteen years of age or more, with intent to commit a rape, shall be punished by imprisonment not exceeding ten years, or by fine not exceeding five hundred dollars. If such assault is made on a female under fourteen years, such imprisonment shall not be for less than one, nor more than twenty years.

Assault on a
female with
intent to
commit a
rape.
R. S., c. 118, § 24.
1889, c. 180, § 2.

SEC. 25. Whoever assaults another with intent to murder, kill, maim, rob, steal or to commit arson or burglary, if armed with a dangerous

Assault with
intent to mur-
der, maim,

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rob, etc.
R. S., c. 118, § 25.

To commit
other felony.
R. S., c. 118, § 26.
69 Me., 182.

Attempt to
murder, with-
out assault.
R. S., c. 118, § 27.

Assault, and
assault and
battery.
R. S., c. 118, § 28.
69 Me., 575.
69 Me., 182.
73 Me., 281.

weapon, shall be punished by imprisonment for not less than one, nor more than twenty years; when not so armed, by imprisonment for not more than ten years, or by fine not exceeding one thousand dollars. (a)

SEC. 26. Whoever commits an assault not before described, with intent to commit a felony, shall be punished by imprisonment for not more than five years, or by fine not exceeding one thousand dollars.

SEC. 27. Whoever, without an assault, unlawfully attempts by any means or in any form to murder or kill a human being, shall be punished by imprisonment for not less than one, nor more than twenty years.

SEC. 28. Whoever unlawfully attempts to strike, hit, touch, or do any violence to another however small, in a wanton, wilful, angry or insulting manner, having an intention and existing ability to do some violence to such person, is guilty of an assault; and if such attempt is carried into effect, he is guilty of an assault and battery, and for either offense, he shall be punished by imprisonment not exceeding five years, or by fine not exceeding one thousand dollars, when no other punishment is prescribed.

CHAPTER 120.

OFFENSES AGAINST HABITATIONS AND OTHER BUILDINGS.

Arson of a
dwelling-
house.
R. S., c. 119, § 1.
55 Me., 367.
63 Me., 135.
66 Me., 307.
71 Me., 355.

SEC. 1. Whoever wilfully and maliciously sets fire to the dwelling-house of another, or to any building adjoining thereto, or to any building owned by himself or another, with intent to burn such dwelling-house, and it is thereby burned, in the night time, shall be punished by imprisonment for life. If he proves, and the jury find, that there was no person lawfully in such dwelling-house at the time, or if the offense was committed in the day time, he shall be punished by imprisonment for any term of years.

Arson of a
dwelling-
house, owned
by himself.
R. S., c. 119, § 2.
See c. 127, § 18.

SEC. 2. Whoever wilfully and maliciously sets fire to a dwelling-house owned wholly or partly by himself, or to any other building owned by himself or another, with intent to burn such dwelling-house, another person being lawfully therein, and it is thereby burned, shall be punished by imprisonment for life.

Burning of
public and
private
buildings.
R. S., c. 119, § 3.
12 Me., 215.
45 Me., 329.
58 Me., 243.

SEC. 3. Whoever wilfully and maliciously sets fire to any meeting-house, court-house, jail, town house, college, academy or other building erected for public use, or to any store, shop, office, barn or stable of another within the curtilage of a dwelling-house, so that such dwelling-house is thereby endangered, and such public or other building is thereby burned in the night time, shall be punished by imprisonment for any term of years; but if such offense was committed in the day time, or without the curtilage of, and without endangering a dwelling-house, by imprisonment for not less than one, nor more than ten years.

Burning of
other build-
ings, vessels,
bridges, etc.
R. S., c. 119, § 4.
45 Me., 329.

SEC. 4. Whoever wilfully and maliciously burns any building of another not mentioned in the preceding section, or any vessel, bridge, lock, dam or flume, of another, shall be punished by imprisonment for not less than one, nor more than ten years.

Burning of
produce,
trees, etc.
R. S., c. 119, § 5.

SEC. 5. Whoever wilfully and maliciously burns any corn, grain, hay, vegetables or other produce, or any soil, trees, underwood or other prop-

(a) 37 Me., 469; 39 Me., 66; 42 Me., 385; 84 Me., 250; 87 Me., 76; 88 Me., 197; 90 Me., 273.