

MAINE STATE LEGISLATURE

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FIFTH REVISION.

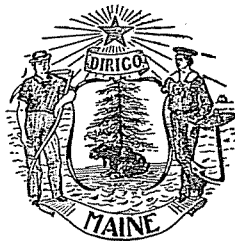
THE
REVISED STATUTES

OF THE

STATE OF MAINE,

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

BY THE AUTHORITY OF THE LEGISLATURE.



AUGUSTA :
KENNEBEC JOURNAL PRINT,
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CHAP. 128.

with intent to defraud the insurer, he shall be punished by imprisonment for not less than one, nor more than twenty years.

CONSPIRACIES.

Conspiracies,
to prosecute
an innocent
person.
R. S., c. 126, § 17.
81 Me., 256.

SEC. 19. If two or more persons conspire and agree together, with intent falsely, fraudulently and maliciously to cause another person to be indicted or in any way prosecuted for an offense of which he is innocent, whether he is prosecuted or not, they are guilty of a conspiracy, and each shall be punished by imprisonment for not more than five years, or by fine not exceeding one thousand dollars.

Conspiracies
in other
cases.
R. S., c. 126, § 18.
15 Me., 102.
30 Me., 134.
31 Me., 388, 400.
34 Me., 321.
48 Me., 235.
64 Me., 370.

SEC. 20. If two or more persons conspire and agree together, with the fraudulent or malicious intent wrongfully and wickedly to injure the person, character, business or property of another; or to do any illegal act injurious to the public trade, health, morals, police or administration of public justice; or to commit a crime punishable by imprisonment in the state prison, they are guilty of a conspiracy, and every such offender, and every person convicted of conspiracy at common law, shall be punished by imprisonment for not more than three years, or by fine not exceeding one thousand dollars.

Penalty for
preventing, by
threats, any
person from
entering or
leaving em-
ployment of
any person or
corporation.
1891, c. 127.

SEC. 21. Any employer, employee or other person, who by threats of injury, intimidation or force, alone or in combination with others, prevents any person from entering into, continuing in or leaving the employment of any person, firm or corporation, shall be punished by imprisonment for not more than two years, or by fine not exceeding five hundred dollars.

CHAPTER 128.

MALICIOUS MISCHIEFS AND TRESPASSES ON PROPERTY.

MALICIOUS MISCHIEFS AND TRESPASSES.

Maliciously
killing or in-
juring domes-
tic animals.
R. S., c. 127, § 1.
See c. 30, § 20.
75, Me., 563.

SEC. 1. Whoever wilfully or maliciously kills, wounds, maims, disfigures or poisons any domestic animal, or exposes any poisonous substance with intent that the life of such animal should be destroyed thereby, shall be punished by imprisonment for not more than four years, or by fine not exceeding five hundred dollars.

Unlawful
taking of a
saddled or
harnessed
horse.
R. S., c. 127, § 2.

SEC. 2. Whoever unlawfully, wilfully and with intent to injure the owner, takes away any horse, saddled or harnessed, or attached to a vehicle, and standing in any highway or other place, shall be punished by fine not exceeding one hundred dollars, or imprisonment in jail for not more than three months.

Penalty for
the unlawful
taking of
boats, vehicles
or draft
animals, in
other situ-
ations.
R. S., c. 127, § 3.
1887, c. 148.

SEC. 3. Whoever in any other case, wilfully and mischievously takes or uses any boat or vehicle, or takes, drives, rides or uses any horse, ox or other draft animal, the property of another, without the consent of the owner, or person having the legal custody, care and control thereof; or whoever hires with intent to and does so use or drive any horse, ox or other draft animal in excess of any contract made with the owner or keeper thereof, shall be punished by fine not exceeding three hundred dollars, or by imprisonment not exceeding one year; but this and the preceding section do not apply to any case of taking the property of another with

intent to steal the same, or when such property is taken under a claim of right, or with the presumed consent of the owner or person having the legal control thereof.

SEC. 4. Whoever wilfully injures any property of any water company or of any city or town, used by it in supplying water to its inhabitants, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year; and such person shall also forfeit and pay to such water company, city or town three times the amount of actual damages sustained, to be recovered in an action on the case.

Penalty for
injuring prop-
erty of any
water com-
pany.
1891, c. 82, § 2.
See c. 56, § 7.

SEC. 5. Whoever wilfully and wantonly or maliciously cuts, injures, mars or otherwise destroys or damages ice upon any waters from which ice is or may be taken as an article of merchandise, whereby the taking thereof is hindered or the value of the same is diminished for that purpose; or whoever wilfully and wantonly or maliciously incites or procures another to do so, shall be punished by fine not exceeding five hundred dollars, or by imprisonment not exceeding one year; and it is not necessary to allege or prove the title or ownership of the ice so cut, injured, marred, damaged or destroyed.

Penalty for
wilful,
wanton or
malicious
injuries to ice.
R. S., c. 127, § 5.
1901, c. 242, § 1.

SEC. 6. Whoever wilfully, mischievously or maliciously breaks and enters any railroad car on any railroad in the state, or destroys, injures, defiles or defaces any railroad car on any railroad in the state, or mischievously or maliciously releases the brakes upon, moves or sets in motion any railroad car on the track or side track of any railroad in the state, shall be punished by imprisonment not exceeding two years, or by fine not exceeding five hundred dollars, and shall also be liable to the corporation injured in an action of trespass for the amount of injury so done, and for a further sum not exceeding in all three times such amount, as the jury deems reasonable.

Penalty for
wilful or
malicious
injury to
property of
any railroad.
1895, c. 5.

SEC. 7. Whoever wilfully or maliciously disturbs, removes or destroys any transit point, or bench-marks of any railroad location or survey, shall be punished by a fine not exceeding twenty-five dollars, or imprisonment not exceeding thirty days; and in addition shall be liable in an action of debt for the amount of damage done.

Penalty for
injury to
transit points
or bench-
marks of
railroad.
1902, c. 201.

SEC. 8. Whoever wilfully or maliciously injures, removes or destroys any dam, reservoir, canal, trench or their appurtenances, or the gear or machinery of a mill or manufactory; draws off the water from a mill pond, canal or trench; destroys or injures any engine or its apparatus for the extinguishment of fire, or any posts, glass caps, wires or other material used in the construction and operation of a telegraph, telephone, electric light or electric power line; removes, injures or destroys any public or toll bridge, or places any obstruction on such bridge or on any public road, with intent to injure persons or property passing thereon, shall be punished by imprisonment for not more than three years or by fine not exceeding five hundred dollars.

Penalty for
injuries to
dams, canals,
mill machin-
ery, ponds,
engines and
electrical
fixtures.
R. S., c. 127, § 6.
1885, c. 373, § 10.
See c. 21, § 35.

—obstruction
of bridges
and ways.
30 Me., 183.
40 Me., 594.

SEC. 9. Whoever wilfully or maliciously drives or causes to be driven into any log or logs intended to be sawed or manufactured, any nail, spike, bolt or other article such as is likely to cause injury to or destruction of any saw or instrument used in the manufacture of such logs, or endanger the life or person of any one engaged in such manufacture, shall be punished by fine of not less than one hundred, nor more than five hundred dollars, and imprisonment for not less than one, nor more than five years; and shall also be liable to any person injured in an action on the case for double the damages sustained by such person.

Penalty for
injuries to
logs intended
for manu-
facture.
1891, c. 69.

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Penalty for injuring or cutting loose booms, rafts, vessels or boats; civil action for double damages.
R. S., c. 127, § 7.

Penalty for mooring vessels or rafts to buoys or beacons, and for destroying them; how recoverable.
R. S., c. 127, § 8.

Malicious injuries to trees, fences, gates or produce.
R. S., c. 127, § 9.
1901, c. 242, § 2.
See c. 97, § 9.
3 Me., 178.
5 Me., 409.
37 Me., 331.
60 Me., 410.
73 Me., 31.

Advertising on fences, rocks, etc., without permission.
R. S., c. 127, § 10.
—penalty.

Trespasses on improved lands, how to be punished.
R. S., c. 127, § 11.
See c. 97, § 11.

Wilfully entering or passing over the land of another after being forbidden.
is trespass.
R. S., c. 127, § 12.
—§ 17 applies.

Injuries to fruit gardens, how to be punished.
R. S., c. 127, § 13.
See c. 97, § 11.

—fines shall be given to the poor.

SEC. 10. Whoever wilfully or maliciously, without consent of the owner, cuts away, lets loose, injures or destroys any boom, raft of logs or other lumber, or any vessel, gondola, scow or other boat, fastened to any place of which he is not the owner or legal possessor, shall be punished by fine not exceeding five hundred dollars, and imprisonment for less than one year; and shall also be liable to the person injured in an action of trespass for double the damages by him sustained.

SEC. 11. Whoever moors a vessel, boat, scow or raft, to any buoy or beacon, placed by the United States in any of the navigable waters of the state, or in any manner makes the same fast thereto, forfeits fifty dollars; and whoever wilfully destroys any such buoy or beacon, shall forfeit one hundred dollars and be imprisoned for three months. Said forfeitures may be recovered by complaint or action of debt; half to the plaintiff or informer, and half to the county in which the trial is had.

SEC. 12. Whoever wilfully and wantonly or maliciously cuts down, destroys or otherwise injures any shrub or tree for ornament or use; breaks, injures or defaces any fence; throws down or opens any gates or bars; injures, destroys or severs from the land of another, any produce thereof or thing attached thereto, such articles not being his own, shall be punished by imprisonment for less than one year, and by fine not exceeding one hundred dollars.

SEC. 13. Whoever advertises his wares or occupation by painting notices of the same on, or affixing them to fences or other private property, or to rocks or other natural objects, without consent of the owner, or if in the highway or any other public place, without permission of the municipal officers, forfeits ten dollars for each offense, to be recovered on complaint, half to the prosecutor, and half to the town in which the offense is committed.

SEC. 14. Whoever wilfully commits any trespass, or knowingly authorizes or employs another to do so, by entering the garden, orchard, pasture, cranberry ground or improved land, of another, with intent to take, carry away, destroy or injure trees, shrubs, grain, grass, hay, fruit, vegetables, turf or soil thereon, shall be punished by fine not exceeding twenty dollars, and imprisonment for not more than thirty days.

SEC. 15. Whoever wilfully enters on or passes over the garden, orchard, mowing land or other enclosed or cultivated land of another, between the first days of April and December, after being forbidden so to do by the owner or occupant of said land or his agent, either personally or by notice posted conspicuously on the premises, is guilty of trespass, and shall be punished by fine not exceeding twenty dollars, and section seventeen applies to violations of this section.

SEC. 16. Whoever enters an orchard, fruit garden, vineyard or any field or enclosure, kept for the purpose of cultivating any domestic fruit therein, without consent of the owner or occupant, and with intent to take, injure or destroy anything there growing; and whoever wilfully cuts down, injures or destroys any tree, shrub or vine, within any of the places before named, or injures any building, trellis, framework or appurtenance belonging to or upon any of said places, shall be punished by a fine of twenty dollars and costs, and imprisonment for not less than thirty days, and in default of payment of said fine and costs, shall be further imprisoned at the rate of two days for each dollar of said fine and costs. Fines imposed by this section, shall be paid over to the overseers of the poor, for the poor of the town where such conviction is had.

SEC. 17. The owner of such place, or any person employed in its cultivation, or rightfully in the possession thereof, may arrest any person found violating the preceding section, and carry him before any magistrate within the county where the arrest is made.

The owner or occupant may arrest offenders.
R. S., c. 127, § 14.

SEC. 18. Whoever, except a road commissioner acting within the scope of his lawful authority, wilfully commits any trespass by cutting, destroying or carrying away timber or wood, on the land of another; by digging up, taking and carrying away therefrom earth, stone, grass, corn, grain, fruit, hay or other vegetables, or by carrying away from any wharf or landing place goods in which he has no interest, shall be punished by imprisonment for not more than two months, and by fine not exceeding fifty dollars.

Trespass on timber, or wood standing, etc.
R. S., c. 127, § 15
5 Me., 409.

SEC. 19. Whoever wilfully and wantonly or maliciously injures or removes any monument erected, or tree marked as a boundary of any land or town; destroys, defaces or alters the marks thereon, made for the purpose of designating such boundary; injures or defaces any mile-stone or guide-board erected on a public way or railroad; removes, defaces or injures any sign-board, lamp or lamp-post; or extinguishes any lamp on any bridge, street, way or passage, shall be punished by imprisonment for less than one year, and by fine not exceeding one hundred dollars.

Malicious injuries to monuments, landmarks, guide-boards, lamps.
R. S., c. 127, § 16.
1901, c. 242, § 3.

SEC. 20. Whoever wilfully and wantonly or maliciously destroys, injures or defaces any building or fixture attached thereto, without consent of the owner; or destroys, injures or secretes, any goods, chattels or valuable papers of another, shall be punished by imprisonment for less than one year, or by fine not exceeding five hundred dollars; and shall also be liable to the party injured, in an action of trespass, for the amount of injury so done, and for a further sum, not exceeding, in all, three times such amount, as the jury deems reasonable. (a)

Malicious injury to buildings, fixtures, goods or valuable papers.
R. S., c. 127, § 17.
1901, c. 242, § 4.

SEC. 21. Whoever wantonly mars, defaces or injures a book, picture, statue or painting, belonging to any public library, or library of any association open to the public, or to any literary or educational institution, or any statue erected in any public park or square, or upon any ground open to the public, shall be punished by imprisonment for not more than three months, or by a fine not exceeding fifty dollars.

Wanton injury to books, pictures, and statues.
1903, c. 62.

SEC. 22. Whoever places rocks, stones or other obstructions, in a traveled road, and leaves them there, shall be fined one dollar for each offense, to be recovered on complaint, to the use of the town where the offense is committed.

Placing obstructions on any traveled road.
R. S., c. 127, § 19.

SEC. 23. Whoever rides in the highways or in any lanes, streets or alleys with a naked scythe, sharpened and hung in a snath, forfeits two dollars for each offense.

Penalty for riding with a naked scythe.
R. S., c. 25, § 11.

SEC. 24. If three or more persons, between sunset and sunrise, assemble in any street or lane in a town and have any imagery or pageantry for a public show, whether armed or disguised, or requiring or receiving money, or other valuable things or not, on account thereof; and if any person sets fire to a pile of combustible stuff, or is concerned in making or causing a bonfire in any street, lane or other part of the town within ten rods of any building, all such offenders shall forfeit eight dollars, or be imprisoned not more than one month for each offense.

Certain pageantry prohibited in streets in the night.
R. S., c. 25, § 12.

—bonfires in streets and towns prohibited.

SEC. 25. Prosecutions for offenses hereinbefore described, except those set forth in sections one, eight and ten, must be commenced within four years after the commission thereof; and trial justices, and municipal and police courts, shall have jurisdiction when the property destroyed or

Limitations of prosecutions and jurisdiction of offenses.
R. S., c. 127, § 20.
See c. 41, § 56.

(a) 12 Me., 215; 21 Me., 345; 30 Me., 477, 485; 33 Me., 147, 362; 66 Me., 64.

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injury done, is not alleged to exceed ten dollars in value, in which case the punishment shall be by fine not exceeding ten dollars and imprisonment for not more than thirty days, unless otherwise specially provided.

TRANSPORTATION OF BAGGAGE AND WILFUL INJURY THEREOF.

Wilful
destruction
of, or injury
to baggage;
punishment.
R. S., c. 127, § 21.

SEC. 26. Any baggage-master, express agent, stage driver, hackman or other person whose duty it is to handle, remove or take care of trunks, valises, boxes, packages or parcels, whether in the employment of a railroad, steamboat or stage company or not, who, while loading, transporting, unloading, delivering or storing such property wantonly or recklessly injures or destroys the same, shall be punished by imprisonment for less than one year or by fine not exceeding one hundred dollars; and such offenders may be prosecuted by the owner of property so destroyed or injured, or by his authorized agent, within one year from the day of the offense, half of the fine to be paid to such owner, and half to the county in which the offense was committed.

Jurisdiction
of offenses.
R. S., c. 127, § 22.

SEC. 27. Trial justices, and municipal and police courts, have jurisdiction of offenses described in the preceding section, when the property destroyed or injury done is not alleged to exceed twenty dollars.

WEARING OF SPIKED BOOTS.

Wearing of
spiked boots
and shoes in
public places,
forbidden.
1899, c. 5, § 1.

SEC. 28. No person wearing boots or shoes with spikes or calks in the sole or heel thereof shall enter any public building, hotel, railroad station, railroad car or steamboat, without special permission from the owner, lessee, person in charge thereof, or some officer, agent or servant of either of them, or having entered, shall remain therein after having been requested to leave such public building, hotel, railroad station, railroad car or steamboat, by the owner, lessee, person in charge thereof or some officer, agent or servant of either of them.

Penalty for
violation.
1899, c. 5, § 2.

SEC. 29. Whoever violates either of the provisions of section twenty-eight shall, on complaint and conviction, be fined not less than one, nor more than ten dollars, but a person having entered as aforesaid without permission and remaining after having been requested to leave as above provided, shall only be convicted of violating one of the provisions of section twenty-eight.

Printed copies
of §§ 28 to 31
must be
posted in
public places.
1899, c. 5, § 3.

SEC. 30. No person shall be convicted of any offense under section twenty-eight unless a printed copy of sections twenty-eight to thirty-one inclusive shall have been posted in a conspicuous place in the public building, hotel, railroad station, railroad car or steamboat where said offense is committed, for at least thirty days prior to the commission of said offense, and is also posted at the time of said offense.

Penalty for
destroying
notices.
1899, c. 5, § 4.

SEC. 31. Whoever wilfully destroys, defaces or tears down any such printed copy posted under the preceding section, shall forfeit not less than one, nor more than ten dollars to be recovered on complaint.

Note. Malicious injury to the structures of meridian lines, c. 44, § 25; to toll gate or toll bridge, c. 50, § 6.