

MAINE STATE LEGISLATURE

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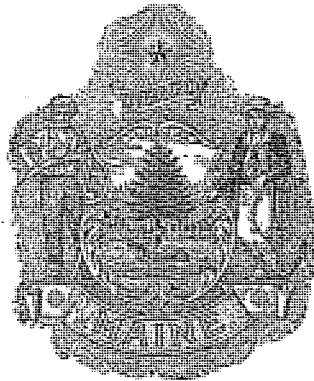
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CHAPTER 120.

Offenses Against the Lives and Persons of Individuals.

- Sections 1-13 Offenses against Human Lives.
 Sections 14-26 Offenses against the Person.
 Sections 27-37 Crimes against Children.
 Sections 38-41 Desertion and Non-Support of Families.

Offenses Against Human Lives.

Sec. 1. Murder defined and punished. R. S. c. 119, § 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.

37 Me. 469; 39 Me. 66, 87; 51 Me. 222; 54 Me. 415; 57 Me. 582; 58 Me. 567-589; 95 Me. 372; 109 Me. 202.

Sec. 2. Manslaughter defined and punished. R. S. c. 119, § 2. 1905, c. 153. Whoever unlawfully kills a human being in the heat of passion, on sudden provocation, without express or implied malice aforethought, or, being under the legal duty to care and provide for any child or other person, wilfully fails or neglects to provide for such child or other person, necessary food, clothing, treatment for the sick, or other necessaries of life, thereby causing or hastening the death of such child or other person, 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.

32 Me. 374; 33 Me. 55; 39 Me. 67; 109 Me. 207.

Sec. 3. Carelessly shooting a human being while engaged in hunting. R. S. c. 119, § 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 in the discretion of the court, by imprisonment for not more than ten years, or by fine not exceeding one thousand dollars.

Sec. 4. County attorney and sheriff shall investigate violations. R. S. c. 119, § 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.

Sec. 5. Destruction of human life by obstructing railroads; endangering life, or injuring property. R. S. c. 119, § 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 en-

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dangered and not destroyed, or if property is injured, he shall be punished by imprisonment for not less than ten years.

107 Me. 479.

Sec. 6. Misconduct or gross neglect, respecting steam in steamboats, and boilers; interference with safety valve; punishment. R. S. c. 119, § 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.

Sec. 7. Murder by duelling, defined and punished. R. S. c. 119, § 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 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.

Sec. 8. Murder, by a second to such duel. R. S. c. 119, § 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.

Sec. 9. Trial in another state, effect. R. S. c. 119, § 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.

Sec. 10. Duelling. R. S. c. 119, § 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.

Sec. 11. Accepting a challenge, or aiding a duel. R. S. c. 119, § 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 im-

prisonment 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.

Sec. 12. Leaving state to elude two preceding sections and then doing such acts. R. S. c. 119, § 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.

Sec. 13. Posting for not fighting a duel. R. S. c. 119, § 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.

Offenses Against the Person.

Sec. 14. Mayhem, defined and punished. R. S. c. 119, § 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.

Sec. 15. Robbery, defined and punished. R. S. c. 119, § 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.

86 Me. 430.

Sec. 16. Rape, defined and punished. R. S. c. 119, § 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.

39 Me. 323; 63 Me. 210.

Sec. 17. Abduction, defined and punished. R. S. c. 119, § 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.

Sec. 18. Kidnapping; jurisdiction; consent. R. S. c. 119, § 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

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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.

Sec. 19. Shipmasters, carrying apprentices and minors out of state. R. S. c. 119, § 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.

11 Me. 106.

Sec. 20. Enlistment of minors into the army of U. S. R. S. c. 119, § 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.

Sec. 21. Extortion or compulsion, by threats, or maliciously vexing or tormenting another; by means of telephone. R. S. c. 119, § 23. 1905, c. 167. 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, and whoever without reasonable cause or provocation shall wilfully and wantonly or maliciously vex, irritate, harass or torment any person by communications to, or conversation with, such person over or by means of any telephone, or shall call out any fire department, police department or other municipal department, or any portion or persons thereof, by intentionally giving a false alarm or call to such department or to any officer or member thereof by means of any telephone line or lines shall be punished by imprisonment not exceeding two years, or by fine not exceeding five hundred dollars.

See c. 129, § 27; 24 Me. 72; 68 Me. 474; 85 Me. 195; 99 Me. 227; 104 Me. 125; 111 Me. 230.

Sec. 22. Assault with intent to commit rape. R. S. c. 119, § 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 be for not less than one, nor more than twenty years.

Sec. 23. Assault with intent to murder, maim, rob, etc. R. S. c. 119, § 25. Whoever assaults another with intent to murder, kill, maim, rob, steal or to commit arson or burglary, if armed with a dangerous 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.

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

Sec. 24. Assault with intent to commit other felony. R. S. c. 119, § 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.

69 Me. 182.

Sec. 25. Attempt to murder, without assault. R. S. c. 119, § 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. 26. Assault, and assault and battery. R. S. c. 119, § 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.

59 Me. 575; 69 Me. 182; 73 Me. 281; 98 Me. 424.

Crimes Against Children.

Sec. 27. Protection of girls between the ages of fourteen and sixteen. R. S. c. 119, § 17. Whoever, being more than twenty-one years of age, has carnal knowledge of the body of any unmarried female child, between the ages 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 section sixteen of this chapter.

Sec. 28. Abandonment of children. R. S. c. 119, § 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.

Sec. 29. Cruelty to children. R. S. c. 61, § 44. Any parent, guardian or other person, having the care and custody of any child, who cruelly treats such child by abuse, neglect, overwork or extreme punishment, shall be punished by fine not exceeding one hundred dollars, or by imprisonment not exceeding one year.

Sec. 30. Admitting to or allowing children in disorderly house, etc. 1905, c. 123, § 7. Whoever admits or allows to remain in any disorderly house, house of ill fame, gambling place or place where intoxicating liquors are sold, or other place injurious to health or morals, owned, kept, maintained, managed or controlled by him in whole or in part, any child under the age of sixteen years, shall be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding sixty days.

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Sec. 31. Offering for sale, selling or giving intoxicating liquors to children. 1905, c. 123, § 8. Whoever by himself, his clerk, servant or agent, directly or indirectly has in his possession with intent to sell, offers for sale, sells or gives away to any child under the age of sixteen years, or to any such child for any other person, any intoxicating liquors, and whoever by himself, his clerk, servant or agent, directly or indirectly employs or permits any such child to aid or assist him in the illegal keeping or the illegal sale of intoxicating liquors, shall be punished in addition to the penalties otherwise provided against the illegal keeping for sale or illegal sale of intoxicating liquors, by fine not less than one hundred dollars or by imprisonment not less than sixty days.

See c. 127, §§ 21-27.

Sec. 32. Exhibiting children under sixteen years of age, or permitting begging by the same. 1905, c. 123, § 9. No person shall employ or cause to be employed, exhibit, use or have in custody, or train for use, employment or exhibition, any child under sixteen years of age, and no parent, guardian or other person, having care, custody and control of such child, shall procure or permit the training, use, employment or exhibition of any such child, in begging or soliciting or receiving alms in any manner or under any pretense, or in any illegal, indecent or immoral exhibition or practice, or in any exhibition of any such child when insane or idiotic, or when possessing any deformity and unnatural physical formation, or in any practice, exhibition or place dangerous or injurious to the life, limb, health or morals of such child. Whoever violates this section shall be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding sixty days.

Sec. 33. Selling or giving cigarettes, tobacco, liquor or narcotic drugs to children. 1909, c. 166, § 1. Whoever sells or gives to any child under the age of sixteen years, or furnishes any such child with cigarettes, cigarette papers, tobacco, liquor or narcotic drugs in any form, or encourages such child to use the same, unless prescribed by a physician or otherwise used in case of sickness, shall be deemed guilty of encouraging, causing or contributing to the delinquency or distress of such child, and upon conviction shall be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding thirty days.

See c. 130, § 23.

Sec. 34. Selling firearms or dangerous weapons to children forbidden except in certain cases. 1909, c. 166, § 2. Whoever gives, furnishes or sells to any such child any dangerous weapon or firearm, except in cases where the parents, guardians, teachers or instructors of children may furnish them with such weapons for hunting or target shooting outside the thickly settled portions of any town or city, or where such weapons may be used in any licensed shooting gallery, shall be deemed guilty of encouraging, causing or contributing to the delinquency or distress of such child and upon conviction shall be punished as provided in the preceding section.

Sec. 35. Other laws not affected. 1909, c. 166, § 3. Sections thirty-three and thirty-four of this chapter shall not be construed to repeal any criminal law of this state forbidding the sale of tobacco, liquor, narcotic drugs or firearms to minors, or any law of this state for the protection of children

or minors, or to forbid proceedings under such laws in cases which may also come within the provisions of the two preceding sections.

Sec. 36. Court may suspend sentence. 1909, c. 166, § 4. The court may suspend any sentence, stay or postpone the execution thereof, or release from custody any person found guilty in any case under sections thirty-three and thirty-four upon such conditions as shall be imposed by the court.

Sec. 37. Evidence required to find person guilty. 1909, c. 166, § 5. In order to find any person guilty of violating sections thirty-three and thirty-four it shall not be necessary to prove that the child is actually in delinquency or distress, provided it appears from the evidence that through any act or neglect or omission of duty or by any improper act or conduct on the part of the accused the distress or delinquency of any child may have been caused or merely encouraged.

Note. Proceedings when child under sixteen years of age is arrested and charged with crime, c. 137, §§ 15-21.

Desertion and Non-Support of Families.

Sec. 38. Desertion of wife or children in destitute circumstances; court may direct fine to be paid to wife; or may order respondent to make weekly payments; condition of recognizance. 1907, c. 42, § 1. 1909, c. 178, § 1. Whoever shall without lawful excuse desert his wife when such wife is in destitute or necessitous circumstances, or, being able by means of his property or labor to provide for the necessary support and maintenance of his wife, shall without lawful excuse, wilfully, neglect or refuse to provide such support and maintenance when such wife is in destitute or necessitous circumstances, or whoever shall without lawful excuse desert his or her minor child or children under the age of sixteen years, or, being able by means of his or her property or labor to provide for the necessary support and maintenance of his or her minor child or children under said age, shall wilfully neglect or refuse to provide such support and maintenance when such child or children are in destitute or necessitous circumstances, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine of not more than five hundred dollars or by imprisonment with or without hard labor for not more than two years, or by both such fine and imprisonment; and if a fine is imposed, the court may direct that it be paid in whole or in part to the wife or to the guardian or custodian of the minor child or children; provided that, before the trial, with the consent of the defendant, or after conviction, instead of imposing the punishment hereinbefore provided, or in addition thereto, the court in its discretion having regard to the circumstances and to the financial ability or earning capacity of the defendant, may make an order, which shall be subject to change by it from time to time as circumstances may require, directing the defendant to pay a certain sum weekly for the space of one year to the wife, or to the guardian or custodian of the minor child or children, or to an organization or individual approved by the court, as trustee, and to release the defendant from custody on probation, for the space of one year upon his or her entering into a recognizance, with sureties, in such sum as the court may direct. The condition of the recognizance shall be such that if the defendant shall make his or her personal appearance in court whenever ordered to do so

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within the year, and shall further comply with the terms of the order and of any subsequent modification thereof, then the recognizance shall be void, otherwise in full force and effect.

104 Me. 352.

Sec. 39. On proof of violation of order court may proceed under original indictment; amount recovered may be paid to wife or guardian. 1907, c. 42, § 1. If the court shall be satisfied by information or evidence under oath, that at any time during the year the defendant has violated the terms of such order, it may forthwith proceed with the trial of the defendant under the original indictment, or sentence him under the original conviction, or enforce the original sentence, as the case may be. In case of forfeiture of a recognizance, and enforcement thereof by execution, the sum recovered may, in the discretion of the court, be paid in whole or in part to the wife or to the guardian or custodian of the minor child or children.

Sec. 40. Earnings of persons sentenced, how disposed of. 1907, c. 42, § 2. 1909, c. 178, § 2. 1911, c. 144. When any person is sentenced to hard labor and actually employed in such labor in a county jail or any other county correctional institution or reformatory on account of any sentence imposed under the two preceding sections, the keeper of said jail or other institution or reformatory, shall certify at the end of each week to the county commissioners the number of days during which such persons shall have been actually employed in said jail as aforesaid, and the county commissioners shall thereupon draw their order upon the county treasurer for a sum equal to fifty cents for each day's hard labor so performed by such person and the same shall thereupon be paid forthwith by the county treasurer to the wife of such person or to the guardian or custodian of his or her minor child or children, or to any organization or individual as trustee which shall be approved by the court imposing such sentence.

Sec. 41. Fines and penalties, how recovered. 1905, c. 123, § 10. 1907, c. 42, § 3. 1909, c. 54; c. 178, § 3. 1911, c. 144. All fines or penalties provided for by the terms of the eleven preceding sections of this chapter may be recovered or enforced by complaint or indictment and in all prosecutions under said sections, judges of municipal and police courts and trial justices within their respective counties shall have original and concurrent jurisdiction with the supreme judicial court and superior courts.