

# **MAINE STATE LEGISLATURE**

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## CHAPTER 134.

### Offenses Against the Public Peace.

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#### Affrays and Riots.

**Sec. 1. Affrays.** R. S. c. 125, § 1. If two persons voluntarily or by agreement, fight or use blows or force towards each other, in an angry or quarrelsome manner, in a public place to the terror or disturbance of others, they are guilty of an affray, and shall be punished as for an assault and battery.

125 Me. 452.

**Sec. 2. Unlawful assembly and riot.** R. S. c. 125, § 2. If three or more persons assemble in a violent or tumultuous manner to do an unlawful act, or, being together, make any attempt or motion towards doing a lawful or unlawful act in a violent, unlawful or tumultuous manner, to the terror or disturbance of others, they are guilty of an unlawful assembly; if they commit such acts in the manner and with the effect aforesaid, they are guilty of a riot, and shall, in either case be punished by a fine of not more than five hundred dollars, and by imprisonment for less than one year; and in case of a riot, each offender shall also suffer such punishment as he would be liable to if he had committed such act alone.

18 Me. 347; 33 Me. 556; 34 Me. 236; \*104 Me. 282; \*125 Me. 452.

**Sec. 3. One person may be convicted, without the others.** R. S. c. 125, § 3. Any person, engaged in an unlawful assembly or riot, may be indicted and convicted thereof alone, if it is alleged in the indictment and proved at the trial that three or more were engaged therein; but if known, they must be named, and if unknown, that fact must be alleged.

#### Prize-Fights.

**Sec. 4. Participation in prize-fights, or premeditated fights.** R. S. c. 125, § 4. Whoever instigates, engages in, encourages, or does any act to further a contention or fight or premeditated fight without weapons between two or more persons, or a fight commonly called a ring-fight or prize-fight, or who engages in a public or private exhibition, or who sends or publishes a challenge or acceptance of a challenge for such contention, exhibition or fight, or carries or delivers such a challenge for acceptance, or trains or assists any person in training or preparing for such contention, exhibition or fight, or acts as umpire or judge, or is in any way connected therewith shall be punished by a fine of not more than two

hundred dollars, or by imprisonment for not less than ten days, nor more than six months.

See c. 135, § 31.

**Sec. 5. Exception of boxing contests.** R. S. c. 125, § 5. 1925, c. 207. Section four shall not apply to amateur boxing contests of not more than four rounds of three minutes each, in which new six-ounce gloves are used which have not been broken, or tampered with by pushing back the padding from the knuckles of said gloves, and where there is not more than five pounds difference in the weight of the contestants and where contestants have had a rigid physical examination by a reputable physician just prior to said contest and said physician certifies that each of said contestants is in good physical condition. Decisions may be given in such amateur boxing contests conducted by any organization incorporated under section one of chapter seventy, provided the receipts from such amateur boxing contests are to be paid into the treasury of such organization or to some public charity. For the purposes of this paragraph an amateur boxing contest is a contest between boxers who never have taken cash prizes in boxing contests, in which no other prizes than medals or merchandise are awarded.

And section four shall not apply to purely boxing contests consisting of not more than six rounds, of three minutes each, in which new six-ounce gloves are used which have not been broken, or tampered with by pushing back the padding from the knuckles of said gloves, and where there is not more than five pounds difference in the weight of the contestants and where contestants have had a rigid physical examination by a reputable physician just prior to said contest and said physician certifies that each of said contestants is in good physical condition; and in which contest no decision is given.

**Sec. 6. Complaint, warrant, and proceedings to prevent and to punish such offense.** R. S. c. 125, § 6. If any person competent to testify in civil suits makes complaint on oath before any judge of a municipal or police court or trial justice, that an offense specified in section four or in section fifty-one of chapter one hundred thirty-five, is about to be committed, setting forth in such complaint the grounds of his belief, such magistrate may issue his warrant directed to any competent officer, therein reciting the name and residence of the complainant and the substance of his complaint, and directing such officer to prevent the violation of said sections, by arresting any persons whom he finds wilfully violating the same, and by bringing the respondents before such magistrate for trial.

See c. 135, § 51.

#### Printed Notices Discriminating Against Persons Prohibited.

**Sec. 7. Places of public accommodation prohibited from issuing or distributing printed notices discriminating against persons on account of religious sect or nationality.** 1917, c. 225, § 1. No person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, resort or amusement, shall directly or indirectly, by himself or another, publish, issue, circulate, distribute or display, in any way, any advertisement, circular, folder, book, pamphlet, written or painted or printed notice or sign, of any kind or description, intended to discriminate against or actually discriminating against persons of any religious sect, creed, class, denomination, or nationality, in the full enjoyment of the accommodations, advantages, facilities or privileges offered to the general public by such places of public accommodation, resort or amusement.

**Sec. 8. Place of public accommodation defined.** 1917, c. 225, § 2. A place of public accommodation, resort or amusement within the meaning of section seven shall be deemed to include any inn, whether conducted for the entertainment, housing, or lodging of transient guests, or for the benefit, use or accommodation of those seeking health, recreation or rest, any restaurant, eating-house, public conveyance on land or water, bath-house, barber-shop, theatre and music-hall.

**Sec. 9. Specific inquiries may be answered by mail.** 1917, c. 225, § 3. Nothing in section seven contained shall be construed to prohibit the mailing of a private communication in writing, sent in response to specific written inquiry.

**Sec. 10. Penalty for violations.** 1917, c. 225, § 4. Any person who shall violate any of the provisions of section seven, or who shall aid in or incite, cause or bring about, in whole or in part, the violation of the provisions of section seven, shall, for each and every violation be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

#### Strikes and Unlawful Combinations Against Public Service Corporations.

**Sec. 11. Combinations of employees to stop or delay trains, or injure property of railroads prohibited; penalty.** R. S. c. 125, § 7. Any employee of a railroad corporation who, in pursuance of an agreement or combination by two or more persons to do, or procure to be done, any act in contemplation or furtherance of a dispute between such corporation and its employees, unlawfully, or in violation of his duty or contract, stops or unnecessarily delays or abandons, or in any way injures a locomotive or any car or train of cars on the railroad track of such corporation, or in any way hinders or obstructs the use of any locomotive, car or train of cars on the railroad of such corporation, shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than eleven months.

**Sec. 12. Malicious obstruction of any engine or car, or abandonment of the same on a railroad; penalty.** R. S. c. 125, § 8. Whoever, by any unlawful act, or by any wilful omission or neglect, obstructs or causes to be obstructed an engine or carriage on any railroad, or aids or assists therein; or whoever, having charge of any locomotive or carriage while upon or in use on any railroad, wilfully stops, leaves or abandons the same, or renders, or aids or assists in rendering the same unfit for or incapable of immediate use, with intent thereby to hinder, delay, or in any manner to obstruct or injure the management and operation of any railroad, or the business of any corporation operating or owning the same, or of any other corporation or person, and whoever aids or assists therein, shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than two years.

See c. 65, § 34.

**Sec. 13. Gross carelessness and neglect or malicious delay, in the management or control of railroad trains prohibited; penalty.** R. S. c. 125, § 9. Whoever, having any management of, or control, either alone or with others, over any railroad locomotive, car, or train, while it is used for the carriage of persons or property, or is at any time guilty of gross carelessness or neglect thereon, or in relation to the management or control thereof; or maliciously stops or delays the same, in violation of the rules and regulations then in force for the operation thereof; or abstracts therefrom the tools or appliances pertaining thereto, with intent thereby maliciously to delay the same, shall be

punished by a fine of not more than one thousand dollars, or by imprisonment for not more than three years.

**Sec. 14.** Violence or intimidation to promote a controversy between a public service company and its workmen prohibited; penalty. R. S. c. 125, § 10. Whoever, alone, or in pursuance or furtherance of any agreement or combination with others, to do, or procure to be done, any act in contemplation or furtherance of a dispute or controversy between a gas, telegraph, telephone, electric light, electric power, or railroad corporation and its employees or workmen, wrongfully and without legal authority, uses violence towards, or intimidates any person, in any way or by any means, with intent thereby to compel such person against his will to do, or abstain from doing, any act which he has a legal right to do or abstain from doing; or, on the premises of such corporation, by bribery, or in any manner or by any means, induces, or endeavors or attempts to induce, such person to leave the employment and service of such corporation with intent thereby to further the objects of such combination or agreement; or in any way interferes with such person while in the performance of his duty; or threatens or persistently follows such person in a disorderly manner, or injures or threatens to injure his property with either of said intents, shall be punished by a fine of not more than three hundred dollars, or by imprisonment for not more than three months.

**Sec. 15.** Unlawful refusal of railroad employees to perform duty prohibited; penalty. R. S. c. 125, § 11. Any person in the employment of a railroad corporation, who, in furtherance of the interests of either party to a dispute between another railroad corporation and its employees, refuses to aid in moving the cars of such other corporation, or trains in whole or in part made up of the cars of such other corporation, over the tracks of the corporation employing him; or refuses to aid in loading or discharging such cars, in violation of his duty as such employee, shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than eleven months.

#### Suppression of Mobs by Officers and Armed Force.

**Sec. 16.** Duty of officers to disperse unlawful assembly; disobedience punished; penalty for neglect of duty by officer. R. S. c. 125, § 12. When twelve or more persons, any of them armed with clubs or dangerous weapons, or thirty or more, armed or unarmed, are unlawfully, riotously or tumultuously assembled in any town, it shall be the duty of each of the municipal officers, constables, marshal, deputy marshal and police officers and of the sheriff of the county and his deputies, to go among the persons so assembled, or as near to them as they can safely go, and in the name of the state, command them immediately and peaceably to disperse; and if they do not obey, such officers shall command the assistance of all persons present, in arresting and securing the persons so unlawfully assembled; and every person refusing to disperse, or to assist as aforesaid, shall be deemed one of such unlawful assembly, and shall be punished by a fine of not more than five hundred dollars, and by imprisonment for less than one year; and each such officer, having notice of such unlawful assembly in his town and refusing or neglecting to do his duty in relation thereto as aforesaid, shall be punished by a fine of not more than three hundred dollars.

**Sec. 17.** When rioters refuse to disperse, officers may require aid of armed force; orders for suppressing unlawful assembly. R. S. c. 125, § 13. When persons, so riotously or unlawfully assembled, neglect or refuse, on command as aforesaid, to disperse without unnecessary delay, any two of the officers afore-

said, may require the aid of a sufficient number of persons in arms or otherwise, and may proceed in such manner as they judge expedient, to suppress such riotous assembly, and to arrest and secure the persons composing it; and when an armed force is thus called out, it shall obey the orders for suppressing such assembly and arresting and securing the persons composing it, which it receives from the governor, any justice or judge of a court of record, the sheriff of the county, or any two of the officers mentioned in the preceding section.

Sec. 18. If any person is killed or wounded, officers to be held guiltless; liability of rioters. R. S. c. 125, § 14. If, in the efforts made as aforesaid to suppress such assembly, and to arrest and secure the persons composing it who refuse to disperse, although the number remaining is less than twelve, any such persons, or any persons present as spectators or otherwise, are killed or wounded, said officers and persons acting with them by their order, shall be held guiltless and justified in law; but if any of said officers or persons thus acting with them, are killed or wounded, all persons so unlawfully or riotously assembled, and all other persons who refused, when required, to aid such officers, shall be answerable therefor.

#### Punishment and Remedy for Injuries by Mobs.

Sec. 19. Punishment for pulling down houses, or premeditated personal injuries. R. S. c. 125, § 15. If any persons, thus unlawfully and riotously assembled, pull down, or begin to pull down, or destroy any dwelling-house, building, ship or vessel; or perpetrate any premeditated injury, not a felony, on any person, each shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than five years; and shall also be answerable to any person injured, in an action of trespass, to the full amount of damages by him sustained.

63 Me. 48; 65 Me. 429.

Sec. 20. Liability of towns for injury by mobs; town's remedy against rioters. R. S. c. 125, § 16. When the injury to any property described in the preceding section amounts to fifty dollars or more, the town where such property is situated shall indemnify the owner thereof for three-fourths of the value of such injury, to be recovered in an action on the case, if he uses all reasonable diligence to prevent such injury, and to procure the conviction of the offenders; and the town paying such sum may recover it in an action on the case against the persons doing the injury.

63 Me. 48; \*65 Me. 429, 438.

#### Insurrection and Invasion.

Sec. 21. Governor may call out militia to suppress insurrection. R. S. c. 125, § 17. When an insurrection exists to obstruct the course of justice, or the due execution of the laws, the governor is empowered to detach and call into actual service such part of the militia, as in his opinion is adequate to suppress the same.

Sec. 22. Governor and council may employ armed vessels to protect the coast of the state. R. S. c. 125, § 18. When the governor and council deem it necessary to protect the coast of the state from invasion, they may procure, equip, officer and man, such armed vessels as they think expedient, to cruise along the coast of the state, for the purpose of protecting the inhabitants thereof; and fix the relative rank and compensation of the officers, and the number and compensation of seamen employed.