

MAINE STATE LEGISLATURE

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SEVENTH REVISION

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CHAPTER 138.

Cheating by False Pretenses; Frauds, Conspiracies, Monopolies, and Profiteering.

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False Pretenses and Frauds.

Sec. 1. Cheating by false pretenses; penalty. R. S. c. 128, § 1. Whoever, designedly and by any false pretense or privy or false token, and with intent to defraud, obtains from another any money, goods or other property, or his signature to any written instrument, the false making of which is forgery, or whoever knowingly, and with intent to defraud, sells, conveys, mortgages, or pledges to another, personal property on which there is an existing mortgage, or to which he has no title, without notice to the purchaser, of such mortgage, or of such want of title, is guilty of cheating by false pretenses and shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than seven years.

17 Me. 216; 24 Me. 77; 33 Me. 499; *64 Me. 157; 87 Me. 465; 98 Me. 286; 107 Me. 527; 116 Me. 332; *117 Me. 254.

Sec. 2. Uttering forged receipts of delivery or deposit of goods, bonds, or securities; penalty. R. S. c. 128, § 2. Whoever fraudulently makes or utters a receipt or other written evidence of the delivery or deposit of any grain, flour, pork, wool, or other goods, wares, or merchandise in any warehouse, mill, store, or other building, when the quantity specified therein had not, in fact, been delivered or deposited in such building; or so makes or utters any receipt or other written evidence of the delivery or deposit with him of any bonds or other securities or evidences of debt, when the same have not, in fact, been so delivered and deposited, shall be punished by imprisonment for not less than one year, nor more than ten years.

*73 Me. 156.

Sec. 3. False statements in writing for the purpose of obtaining credit; penalty. R. S. c. 128, § 3. Whoever shall knowingly make or cause to be made, either directly or indirectly, or through any agency, whatsoever, any false statement in writing, by him signed, with intent that it shall be relied upon, respecting the financial condition, or means or ability to pay, of himself, or any other person, firm, or corporation, of which firm he is a member, or of which corporation he is an officer, or for which person, firm, or corporation he is acting, for the purpose of procuring in any form whatsoever, either the delivery of personal property, the payment of cash, the making of a loan or credit, the extension of a credit, the discount of an account receivable, or the making, acceptance, discount, sale, or indorsement of a bill of exchange, or promissory note, for the

benefit of either himself, or of such person, firm or corporation; or, whoever knowing that any such false statement in writing has been so made and signed respecting the financial condition, or means or ability to pay, of himself, or such person, firm, or corporation, of which firm he is a member, or of which corporation he is an officer, or for which person, firm, or corporation he is acting, procures upon the faith thereof, for the benefit either of himself, or of such person, firm, or corporation, either or any of the things of benefit mentioned in the first subdivision of this section; or, whoever knowing that any such statement in writing has been so made and signed respecting the financial condition or means or ability to pay, of himself or such person, firm, or corporation, of which firm he is a member or of which corporation he is an officer, or for which person, firm, or corporation he is acting, represents on a later day in writing by him signed, that such statement theretofore made, if then again made on said day, would be then true, when in fact, said statement if then made would be false, and procures upon the faith thereof, for the benefit either of himself or of such person, firm, or corporation, either or any of the things of benefit mentioned in the first subdivision of this section, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than eleven months.

116 Me. 332.

Sec. 4. Parties to fraudulent conveyances, or assignments; penalty. R. S. c. 128, § 4. Whoever is knowingly a party to any conveyance or assignment of real estate or interest in lands, goods, or things in action, or rents and profits arising therefrom, or to any charge thereon, made with intent to defraud prior or subsequent purchasers, or to hinder, delay, or defraud creditors or others; or knowingly puts such fraudulent conveyance, assignment or charge into use, as genuine and made in good faith, shall be punished by a fine of not more than one thousand dollars, and by imprisonment for less than one year.

61 Me. 365; 68 Me. 477; *75 Me. 474.

Sec. 5. Removal or concealment of mortgaged personal property; penalty. R. S. c. 128, § 5. 1921, c. 158. Whoever with fraudulent intent to place mortgaged personal property, or property legally attached on original writ beyond the control of the mortgagee or the attaching officer, removes or conceals, or aids or abets in removing or concealing the same, and any mortgagor of such property, who assents to such removal or concealment, shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than eleven months.

Sec. 6. Defrauding owner of garage; penalty; printed copy of this section to be posted in garage. R. S. c. 128, § 6. Whoever puts an automobile in a public garage or other place where automobiles are stored for hire, and without having an express agreement for credit, procures supplies, accessories, or accommodation for himself or said automobile, and with intent to defraud the owner or keeper of said garage, removes or causes to be removed any such automobile from such garage without paying the reasonable charges due for repairs, supplies, accessories, and accommodation furnished thereon, shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than three months. In order for the owner or keeper of such a garage to obtain the benefits of this section, a printed copy thereof must be posted in some conspicuous place in said garage.

Sec. 7. Gross fraud at common law; penalty. R. S. c. 128, § 7. Whoever is guilty of a gross fraud or cheat at common law shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than seven years.

Sec. 8. Procuring of money under false pretense of physical defects; penalty. R. S. c. 128, § 8. Whoever engages in soliciting, procuring, or attempting to solicit or procure money or other thing of value, by falsely pretending and representing himself or herself to be deaf, dumb, blind, crippled, or physically defective, shall be punished by imprisonment for not more than ninety days.

Sec. 9. Circulating advertisements in the similitude of bank-bills; penalty. R. S. c. 128, § 9. Whoever puts in circulation or distributes any notice, advertisement or shop-bill, in the form and similitude of a bank-bill, forfeits fifty dollars for each offense, to be recovered by action of debt in the name and to the use of the prosecutor.

Sec. 10. Unauthorized use of badge of certain organizations; penalty. R. S. c. 128, § 10. 1921, c. 99. 1927, c. 6. Whoever wilfully wears the badge, button, or other insignia, of the Grand Army of the Republic, of the Sons of Union Veterans of the Civil War, of the United Spanish War Veterans, of the Veterans of Foreign Wars, or of the American Legion, or the official discharge button of the army, navy, or marine corps, or of any other military, naval, or patriotic organization legally incorporated, or uses or wears the same to obtain aid or assistance thereby within the state, unless he shall be entitled to use or wear the same under the rules and regulations respectively of the Department of Maine of the Grand Army of the Republic, of the Sons of Union Veterans of the Civil War, of the United Spanish War Veterans, of the Veterans of Foreign Wars, or of the American Legion, or under the regulations of the army, navy, or marine corps, or of any other military, naval, or patriotic organization legally incorporated, shall be punished by a fine of not more than twenty dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

See c. 70, § 9.

Sec. 11. Fraudulent issue of transfer tickets. R. S. c. 128, § 11. Every conductor of a street railroad-car or other public conveyance, and every other person whose duty it is to collect fares on such car or conveyance, or issue a transfer ticket, or written or printed instrument, giving, or purporting to give, the right of transfer to another person or persons from a public conveyance operated upon one line or route of a street railroad, to a public conveyance upon another line or route of a street railroad, or from one car to another car upon the same line of a street railroad, who shall knowingly and with intent to defraud the person or corporation operating such public conveyance or car, issue, sell, or give any such transfer ticket or instrument to another person not lawfully entitled thereto, or receive, use, or return any such transfer ticket or instrument unlawfully issued or presented for fare in lieu of a regular cash fare, or substitute any such transfer ticket or instrument for any cash fare collected by him; and every person who shall fraudulently and with intent to evade the payment of fare receive and use or offer for passage any transfer ticket or instrument not originally issued to him; and every person who shall sell or give any such transfer ticket or instrument originally issued to him, to another person with intent to have such transfer ticket or instrument used or offered for passage by such other person, shall be punished by a fine of not more than fifty dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

Sec. 12. Tampering with fare-box or fare-register of street railway company or depositing mutilated coins therein with intent to defraud; penalty. 1921, c. 121. Whoever, with intent to defraud, opens, defaces, or in any way tampers with any fare-box or fare register of any street railway company, or in any way

disarranges the mechanism thereof; and whoever, with intent to defraud, deposits, causes to be deposited, or furnishes to another person with intent that same shall be deposited in such fare-box or register any coin which has been, or may hereafter be, coined at the mints of the United States, or any foreign coin, of a sort that is in actual use or circulation as money within this state, knowing that said coin has been defaced, mutilated, or altered in shape in such fashion that it will not be properly registered in such fare-box or register, shall be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars, and by imprisonment for not more than sixty days. Whoever, with intent to defraud, procures, or has in his possession any such coin so defaced, mutilated, or altered in shape knowing that said coin is so defaced, mutilated, or altered in shape and with intent to deposit such coin, or cause same to be deposited, in any fare-box or fare register of any street railway company, or with intent to furnish same to any third person with intent that same shall be deposited in such fare-box or register, shall be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars, and by imprisonment for not more than sixty days.

Sec. 13. Issuing a fraudulent check; penalty. 1917, c. 95, § 1. 1923, c. 7, § 1. Any person individually or as an officer of a corporation or member of a partnership or firm, who, with intent to defraud, makes or draws, or utters or delivers, any check, draft or order, in the name of the individual or in the name of any corporation or partnership, or under any name whatsoever for the payment of money, upon any bank or other depository, knowing at the time of such making, drawing, uttering, or delivering, that the maker, or drawer, has not sufficient funds in, or credit with, such bank or other depository, for the payment of such check, draft, or order, in full, upon its presentation, such person shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than eleven months, or by both such fine and imprisonment.

Sec. 14. Prima facie evidence to defraud unless payment is made within five days. R. S. c. 128, § 13. 1917, c. 95, § 2. 1923, c. 7, § 2. 1925, c. 84. 1929, c. 198. As against the maker or drawer thereof, or as against the person signing a check, draft, or order for, or in behalf of a corporation or partnership, or against a person signing a corporation, firm, or business name by him, the making, drawing, uttering, or delivery of a check, draft, or order, payment of which is refused by the drawee for lack of sufficient funds, shall be prima facie evidence of intent to defraud and of knowledge of insufficient funds in, or credit with, such bank or other depository, provided such maker or drawer shall not have paid the drawee or holder thereof the amount due thereon, together with all costs and protest fees, within five days after receiving notice that such check, draft, or order has not been paid by the drawee.

Sec. 15. Term "credit" defined. 1917, c. 95, § 3. The word "credit" as used in the two preceding sections, shall be construed to mean an arrangement or understanding with the bank or depository, for the payment of such check, draft, or order.

Sec. 16. Securing false registration, etc., of domestic animals; penalty. R. S. c. 128, § 14. Whoever by any false pretense, obtains from any club, association, society, or company for improving the breed of cattle, horses, sheep, swine, or other domestic animals, the registration of any animal in the herd register or other register of any such club, association, society, or company, or a transfer of any such registration, and whoever knowingly exhibits, makes, or gives a false pedigree of any animal, shall be punished by a fine of not more than three

hundred dollars, or by imprisonment for not more than ninety days, or by both such fine and imprisonment.

See c. 40, § 26.

Sec. 17. Entering for premiums any horse that has been disguised, etc.; penalty. R. S. c. 128, § 15. Whoever, for the purpose of competing for purses or premiums, knowingly and designedly enters or drives any horse that shall have been painted or disguised, or that represents any other or different horse from the one which is purported to be entered, or shall knowingly and designedly, for the purpose of competing for premiums or purses, enter or drive a horse in a class to which it does not properly belong, shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than six months, and such horse, after such notice to the owner as the court may order, and a hearing thereon, may be forfeited in the discretion of the court and sold; one-half of the net proceeds of such sale shall go to the informant and the other half to the county in which the offense is committed. The pecuniary penalty shall be enforced by indictment and the forfeiture by a libel filed by the informant and proceedings in the manner provided in chapter one hundred twelve.

Sec. 18. Standard for sale of sterling and coin silver, false representation; penalty. R. S. c. 128, § 16. Whoever makes or sells, or offers to sell or dispose of, or has in his possession with intent to sell or dispose of, any article of merchandise marked, stamped or branded with the words "sterling," "sterling silver," "coin," or "coin silver," or encased or enclosed in any box, package, cover, or wrapper or other thing in or by which the said article is packed, enclosed, or otherwise prepared for sale or disposition, having thereon any engraving or printed label, stamp, imprint, mark, or trade-mark, indicating or denoting by such marking, stamping, branding, engraving, or printing that such article is silver, sterling silver, solid silver, coin, or coin silver, shall, unless nine hundred and twenty-five one-thousandths of the component parts of the metal of which the said article so enclosed or so marked, stamped or branded with the words "silver," "sterling silver" or "solid silver," is manufactured are pure silver, or unless nine hundred one-thousandths of the component parts of the metal of which the article so enclosed or so marked, stamped, or branded with the words "coin" or "coin silver" is manufactured are pure silver, be punished by a fine of not more than one hundred dollars for each offense. Municipal and police courts and trial justices shall have original jurisdiction in all cases arising under this section.

Suppression of Wills.

Sec. 19. Suppression of last wills and testaments; penalty. R. S. c. 128, § 17. Whoever wilfully suppresses, secretes, defaces, or destroys any last will and testament of a deceased person, in his possession or under his control, with intent to injure or defraud any person interested therein, shall be punished as provided in section four.

Maritime Frauds.

Sec. 20. Fraudulent destruction of vessels, and fitting them out for that purpose; penalty. R. S. c. 128, § 18. Whoever, in any county, wilfully casts away, burns, sinks, or otherwise destroys a vessel, with intent to injure or defraud any owner thereof, the owner of any property on board, or any insurer of either, shall be punished by imprisonment for any term of years not less

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than five; and if he lades, equips, or fits out any vessel, or aids in so doing, intending that the same shall be destroyed in the manner and with the intent aforesaid, he shall be punished by a fine of not more than five thousand dollars, or by imprisonment for not more than twenty years.

Sec. 21. Making false invoices, bills of lading, or false estimates of property shipped; penalty. R. S. c. 128, § 19. If an owner of a vessel, or of property laden or pretended to be laden on board thereof, or other person concerned in its lading or fitting out, makes out or exhibits, or causes to be made out or exhibited, any false or fraudulent invoice, bill of lading, bill of parcels, or other false estimates of such property, with intent to injure or defraud any insurer of such vessel or property, he shall be punished by a fine of not more than five thousand dollars, or by imprisonment for not more than ten years.

Sec. 22. False affidavits and protests by master, officer, mariner, or owner of vessel or cargo; penalty. R. S. c. 128, § 20. If any master, other officer, or mariner of any vessel makes, causes to be made or swears to any false affidavit or protest; or if any owner or other person concerned in such vessel, or in the property on board thereof, procures such false affidavit or protest to be made, or exhibits the same with intent to injure, deceive, or defraud any insurer of such vessel or property, he shall be punished by a fine of not more than five thousand dollars, or by imprisonment for not more than ten years.

Sec. 23. Aiding sailors to desert; penalty. R. S. c. 128, § 21. Whoever entices or persuades or attempts to entice or persuade, or aids, assists, or attempts to aid or assist a member of the crew of any vessel arriving in or about to sail from a port in this state to leave or desert such vessel before the expiration of his term of service therein, shall be punished by a fine of not more than one hundred dollars and by imprisonment for not less than thirty days nor more than six months. Municipal and police courts and trial justices shall have original jurisdiction in all cases arising under this section.

Burning Property for Insurance.

Sec. 24. Persons burning their own property to defraud insurers; penalty. R. S. c. 128, § 22. If an owner or person in any way concerned, interested or in possession of any building, goods, or other property, insured against loss or damage by fire, wilfully burns the same or causes it to be burned, with intent to defraud the insurer, he shall be punished by imprisonment for not less than one year, nor more than twenty years.

117 Me. 474.

Conspiracies.

Sec. 25. Conspiracies to prosecute an innocent person; penalty. R. S. c. 128, § 23. 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 a fine of not more than one thousand dollars, or by imprisonment for not more than five years.

*81 Me. 256.

Sec. 26. Conspiracies in other cases; penalty. R. S. c. 128, § 24. 1923, c. 98. 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 for one or more of them to sell intoxi-

cating liquor in this state in violation of law to one or more of the others; 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 a fine of not more than one thousand dollars, or by imprisonment for not more than three years.

15 Me. 102; 30 Me. 134; 31 Me. 388, 400; 34 Me. 321; 48 Me. 235; 64 Me. 370;
121 Me. 368; 123 Me. 318.

Sec. 27. Preventing by threats, any person from entering or leaving employment; penalty. R. S. c. 128, § 25. 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 a fine of not more than five hundred dollars, or by imprisonment for not more than two years.

Monopolies.

Sec. 28. Contracts in restraint of trade declared illegal; penalty. R. S. c. 128, § 26. Every contract, combination in the form of trusts or otherwise, or conspiracy, in restraint of trade or commerce in this state is hereby declared to be illegal. Whoever shall make any such contract or engage in any such combination or conspiracy shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than six months, or by both such fine and imprisonment.

See c. 56, § 60.

Sec. 29. Conspiring to monopolize trade; penalty. R. S. c. 128, § 27. Whoever shall monopolize or attempt to monopolize or combine or conspire with any other person or persons to monopolize any part of the trade or commerce of this state shall be punished upon conviction thereof by a fine of not more than one thousand dollars or by imprisonment for not more than six months or by both such fine and imprisonment.

Sec. 30. Persons injured by violation may recover damages. R. S. c. 128, § 28. Whoever shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by the two preceding sections may sue therefor in an action on the case and shall recover three times the damages by him sustained.

Profiteering.

Sec. 31. Penalty prescribed for profiteering in the necessities of life; term "necessities of life" defined. 1919, c. 256, § 1. 1921, c. 76, § 1. Any dealer, trader, manufacturer, or warehouseman who with intent to enhance the price or restrict the supply of the necessities of life wilfully destroys or permits preventable waste in the production, manufacture, storage, or distribution of the same, or, with such intent, prevents, limits, lessens, or restricts the manufacture, production, supply, or distribution of said necessities or hoards said necessities, or enters into any contract, combination, or conspiracy in restraint of trade or commerce, or exacts or demands any unjust or unreasonable profit in the sale, exchange, or handling of the said necessities, or unreasonably discriminates against any person in the sale of such necessities, or in any way aids or abets the doing of any act hereinbefore mentioned, shall be punished

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

The term "necessities of life" shall include food for human consumption, food for domestic animals, wearing apparel, shoes, building materials, gas and electricity for light, heat, and power, ice, fuel of all kinds, fertilizer and fertilizer ingredients, together with tools, utensils, implements, machinery, and equipment required for the actual production or manufacture of the same.

Sec. 32. Profiteering in rents; penalty. 1919, c. 256, § 2. Whoever demands or collects an unreasonable or unjust rent or charge, taking into due consideration the actual market value of the property at the time, with a fair return thereon, or imposes an unreasonable or unjust term or condition, for the occupancy of any building or any part thereof, rented or hired for dwelling purposes, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than eleven months, or by both such fine and imprisonment.

Sec. 33. Attorney-general to investigate. 1919, c. 256, § 3. 1921, c. 76, § 2. The attorney-general upon his own initiative or upon petition of fifty or more citizens of this state shall investigate all seeming violations of sections thirty-one to thirty-three inclusive, all contracts, combinations, or conspiracies in restraint of trade or commerce and all monopolies, and may require, by summons, the attendance and testimony of witnesses and the production of books and papers before him relating to any such matter under investigation. Such summons shall be served in the same manner as summons for witnesses in criminal cases, and all provisions of law relating thereto shall apply to summonses issued under this section so far as they are applicable. All investigations or hearings thereunder or connected therewith to which witnesses are summoned or called upon to testify or to produce books, records, or correspondence, shall be public and shall be held in the county wherein the act to be investigated is alleged to have been committed, or if the investigation is on petition it shall be held in the county where the petitioners reside. The expense of such investigation shall be paid from the appropriation provided by section eighty-seven of chapter ninety-one.

If upon investigation, it appears to the attorney-general that the laws of this state, including the provisions of sections thirty-one to thirty-three, inclusive, have been violated in any respect, he shall forthwith prosecute the guilty parties, and present all available information bearing upon such apparent violation to the proper prosecuting officer of the United States.

Any justice of the superior court may by order, upon application of the attorney-general, compel the attendance of witnesses, the production of books and papers, including correspondence, and the giving of testimony, before the attorney-general in the same manner and to the same extent as before said courts; and any failure to obey such order may be punished by such court as a contempt thereof.