

# MAINE STATE LEGISLATURE

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SEVENTH REVISION

THE  
REVISED STATUTES

OF THE  
STATE OF MAINE

PASSED AUGUST 5, 1930, AND TAKING  
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By the Authority of the Legislature

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## CHAP. 143

offenses under chapters one hundred and thirty-one and the first thirteen sections of chapter one hundred and thirty-six, and of felonies in any part of the state, and shall receive the same fees as sheriffs in similar cases. No extra compensation shall be paid to them in any case from the state or county treasury.

**Sec. 19. License fee payable by private detectives.** R. S. c. 116, § 3. 1921, c. 2, § 2. Every person licensed as a private detective shall, before receiving his license, pay to the secretary of state ten dollars.

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## CHAPTER 143.

### Jurisdiction of Offenses and General Provisions Relating Thereto.

Sections 1-9 Jurisdiction of Crimes.

Section 10 Attempts to Commit Offenses.

Sections 11-17 General Provisions.

Sections 18-20 Finger Prints and Photographs of Persons Charged with Crime.

### Jurisdiction of Crimes.

**Sec. 1. Jurisdiction of the superior court.** R. S. c. 133, § 1. 1929, c. 141. The superior court shall have original jurisdiction, exclusive or concurrent, of all offenses except those of which the original exclusive jurisdiction is conferred by law on municipal and police courts and trial justices, and appellate jurisdiction of these.

\*72 Me. 468; \*73 Me. 281; \*112 Me. 248.

**Sec. 2. Offenses committed near the boundary of two counties.** R. S. c. 133, § 2. When an offense is committed on the boundary between two counties or within one hundred rods thereof; or a mortal wound or other violence or injury is inflicted, or poison is administered, in one county, whereby death ensues in another, the offense may be alleged in the complaint or indictment as committed, and may be tried, in either.

\*84 Me. 461; \*85 Me. 193; 119 Me. 541.

**Sec. 3. County lines terminating at or in tide-waters; course.** R. S. c. 133, § 3. The lines of the several counties of the state which terminate at or in tide-waters shall run by the principal channel in such directions as to include, within the counties to which they belong, the several islands in said waters, and after so including such islands shall run in the shortest and most direct line to the extreme limit of the waters under the jurisdiction of this state, and all waters between such lines off the shores of the respective counties shall be a part of, and held to be within such counties, respectively.

**Sec. 4. Warrants for offenses at or in tide-waters; authority of officers.** R. S. c. 133, § 4. Any official authorized to issue warrants within any county may issue warrants for offenses committed in or upon the waters so made a part of such county, or the waters of any adjoining county; and said warrant shall be returnable in the county where issued, and the courts in such county shall have jurisdiction of the offense. Officers have the same authority upon all such waters as they have upon land within the county where the warrant is issued.

119 Me. 535.

**Sec. 5. Death within the state, from an injury inflicted without the state.** R. S. c. 133, § 5. If a mortal wound or other violence or injury is inflicted, or poison administered, on the high seas or without the state, whereby death ensues within the state, such offense may be tried in the county where the death ensues; and if such act is done within and death ensues without the state, the offense may be tried in the county where the act was done, as if death had there ensued.

\*76 Me. 334; 119 Me. 535.

**Sec. 6. Acquittal of part of an indictment, and conviction of the residue.** R. S. c. 133, § 6. When a person, indicted for an offense, is acquitted of a part by verdict of the jury, and found guilty of the residue thereof, such verdict may be received and recorded by the court; and he may be considered as convicted of the offense, if any, which is substantially charged by such residue, and be punished accordingly, although such offense would not otherwise be within the jurisdiction of said court.

39 Me. 68, 70; \*87 Me. 78.

**Sec. 7. Trial of an accessory, before or after the fact.** R. S. c. 133, § 7. Every accessory, before or after the fact, may be tried in the county having jurisdiction of the principal offense, although the accessory offense was committed on the high seas or without the state; and if the principal offense was committed in one county and the accessory offense in another, the latter may be tried in either.

**Sec. 8. Accessory before or after the fact; punishment; conviction with or without principal.** R. S. c. 133, § 8. Whoever aids in the commission of a felony, or is accessory thereto before the fact, by counseling, hiring or otherwise procuring the same, shall be punished in the manner prescribed for the punishment of the principal felon; and such accessory, when a felony is committed within or without the state by his procurement in the state, may be indicted and convicted as an accessory with the principal, or after his conviction; or he may be indicted for and convicted of a substantive felony, whether the principal is convicted or is amenable to justice or not, and shall be punished as aforesaid. Whoever is accessory after the fact to a felony, may be indicted, tried, and sentenced, whether his principal has or has not been convicted.

29 Me. 86; 39 Me. 68; 68 Me. 546.

**Sec. 9. Who are accessories after the fact; penalty.** R. S. c. 133, § 9. Every person, not standing in the relation of husband or wife, parent or child, to the principal offender, who harbors, conceals, maintains, or assists any principal felon or accessory before the fact, knowing him to be such, with intent that he may escape detection, arrest, trial, or punishment, is an accessory after the fact, and shall be punished by a fine of not more than one thousand dollars, and by imprisonment for not more than seven years; but in no case shall such punishment exceed the punishment to which the principal felon on conviction would be liable.

92 Me. 73.

#### Attempts to Commit Offenses.

**Sec. 10. Attempt with an overt act to commit an offense, how punishable.** R. S. c. 133, § 10. Whoever attempts to commit an offense, and does anything towards it, but fails, or is interrupted, or is prevented in its execution, where no punishment is expressly provided for such attempt, shall, if the offense thus attempted is punishable with imprisonment for life, be imprisoned for not less than one, nor more than ten years; and in all other cases, he shall receive the

same kind of punishment that might have been inflicted, if the offense attempted had been committed, but not exceeding one-half thereof.

32 Me. 599; 70 Me. 198; \*99 Me. 331; \*101 Me. 517.

### General Provisions.

**Sec. 11. Definition of felony.** R. S. c. 133, § 11. The term felony, includes every offense punishable by imprisonment in the state prison.

29 Me. 86; 32 Me. 373; 33 Me. 57; 48 Me. 236; \*69 Me. 182; \*99 Me. 334; 116 Me. 421; 117 Me. 336; 121 Me. 96; 123 Me. 414.

**Sec. 12. Owner of property, as used in an indictment.** R. S. c. 133, § 12. In an offense in any way relating to real or personal estate, it is sufficient and not a variance, if it is proved at the trial that, when the offense was committed, the actual or constructive possession of, or the general or special property in the whole of such estate or in any part thereof, was in the person or community alleged in the indictment to be the owner thereof.

\*119 Me. 146.

**Sec. 13. Unimportant variance between written or printed matter in evidence and indictment is not material; process, except for infamous crime, may be amended.** R. S. c. 133, § 13. 1927, c. 133. No variance between any matter in writing or in print, produced in evidence on the trial of a criminal cause, and the recital or setting forth thereof in the complaint, indictment, or other criminal process whereon trial is had, is material, provided, that the identity of the instrument is evident, and the purport thereof is sufficiently described to prevent prejudice to the defendant; and any criminal process may be amended, in matters of form, at any time before final judgment. Any complaint, indictment, or other criminal process for any offense, except for a capital or infamous crime, may be amended in matters of substance, provided the nature of the charge is not thereby changed.

126 Me. 509.

**Sec. 14. General allegation of intent to defraud is sufficient.** R. S. c. 133, § 14. When an intent to defraud is necessary to constitute an offense, it is sufficient to allege generally in the indictment an intent to defraud; and if there appears on trial an intent to defraud the United States, any state, county, town, person, or corporation, it is sufficient.

**Sec. 15. Complaints and indictments not to be quashed for technicalities; nor for unimportant defect in venires.** R. S. c. 133, § 15. No indictment or complaint shall be quashed, or adjudged bad, nor shall the proceedings or judgment thereon be arrested, reversed, or affected by reason of the omission or misstatement of the title, occupation, estate, or degree of the accused; of the name of the city, town, plantation, or county, of his residence, or of the words "feloniously," "force and arms," "against the peace," or "contrary to the form of the statute," if such omission or misstatement does not tend to his prejudice; nor by reason of any defect, want of form, or irregularity in the venires for grand or traverse jurors, or in the issuing or return of the same, or in the drawing or summoning of grand or traverse jurors, unless it appears to the court that the respondent has been or may be injured thereby.

15 Me. 124, 477; 67 Me. 336; 69 Me. 182; 82 Me. 342; 87 Me. 81.

**Sec. 16. Fines and forfeitures may be recovered by indictment.** R. S. c. 133, § 16. All fines and forfeitures, imposed as punishment for offenses or for violations or neglects of statute duties, may, when no other mode is expressly provided, be recovered by indictment; and when no other appropriation is expressly made, they inure to the county where the offense is prosecuted.

59 Me. 191.

**Sec. 17. Limitation of prosecutions.** R. S. c. 133, § 17. When no other limitation is provided, no indictment for any offense, except treason, murder, arson, or manslaughter, shall be found after six years from the commission thereof; but any time, during which the offender is not usually and publicly resident in the state, shall not be a part of said six years.

See c. 127, § 3; c. 137, § 26; c. 139, § 35.

#### Finger Prints and Photographs of Persons Charged with Crime.

**Sec. 18.** When authorized, state highway police or sheriffs shall take photographs and finger prints. 1929, c. 325, § 1. Upon receipt of written authority from any superior, municipal or police courts in this state the state highway police or the sheriffs of the several counties shall have authority to take or cause to be taken the finger prints and photographs of any person in custody charged with the commission of a felony.

**Sec. 19.** Finger prints or photographs to be destroyed if person is acquitted. 1929, c. 325, § 2. County attorneys or judges of the municipal courts shall notify the state highway police and sheriff under whose authority any finger prints or photographs are taken, of the acquittal of the person accused, whereupon such finger print records and photographs shall be destroyed.

**Sec. 20.** Copies of photographs and finger prints to be forwarded to chief of highway police. 1929, c. 325, § 3. Copies of all finger prints and photographs taken or caused to be taken by sheriffs as provided in section eighteen shall be forwarded to the chief of the state highway police.

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## CHAPTER 144.

### Appointment of Municipal and Police Judges, and Proceedings of Magistrates in Criminal Cases.

- Sections 1-2 Appointment of Municipal and Police Judges.
- Sections 3-10 Criminal Jurisdiction of Magistrates.
- Sections 11-13 Summonses for Witnesses, and Their Fees.
- Sections 14-17 Search Warrants.
- Sections 18-21 Appeals from Magistrates.
- Sections 22-25 Provisions Relating to the Fees of Magistrates.

#### Appointment of Municipal and Police Judges.

**Sec. 1.** Appointment of municipal and police judges; salaries; all fees to be paid over. R. S. c. 134, § 1. Judges of municipal and police courts shall be appointed and shall hold their offices as provided in the constitution. Their salaries, unless established by law, shall be fixed by the municipal officers of their towns, and paid quarterly from the treasuries thereof, and shall not be diminished during their continuance in office; and all fees received by them shall be paid quarterly into said treasuries, except when their compensation is fixed by law, by the allowance to them in whole or in part, of the fees accruing in their courts. All fees of such courts paid to the jailer after commitment, shall be paid over by him, quarterly, into said treasuries.

See Constitution Me. Art. vi, § 8.

**Sec. 2.** Qualification of judges. 1917, c. 269. No person shall be eligible for appointment as judge of any municipal or police court unless he shall be a member of the bar in the county in which such court is located.