

# MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE  
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ing any provision of this section, and carry him before any magistrate within the county where the arrest is made.

See § 42.

**Sec. 41. Trespass on timber, or wood standing, etc.; penalty.** R. S. c. 139, § 25. 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 a fine of not more than \$50 and by imprisonment for not more than 2 months.

See § 42; 5 Me. 409.

**Sec. 42. Limitations of prosecutions, and jurisdiction of offenses.** R. S. c. 139, § 35. 1933, c. 118, § 1. Prosecutions for offenses described in sections 13 to 41, inclusive, except those set forth in sections 15, 16, 19, 29, 31, 36, and 37, must be commenced within 4 years after the commission thereof; and trial justices shall have jurisdiction when the property destroyed or injury done is not alleged to exceed \$10 in value, in which case the punishment shall be by a fine of not more than \$10 and by imprisonment for not more than 30 days, unless otherwise specially provided.

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## CHAPTER 119.

### LARCENY, EMBEZZLEMENT, AND RECEIVING STOLEN GOODS.

Sections 1-10 Larceny, Embezzlement, and Common Thief.

Sections 11-14 Buying, Receiving, or Aiding to Conceal Stolen Goods.

#### Larceny, Embezzlement, and Common Thief

**Sec. 1. Larceny, definition; penalty.** R. S. c. 131, § 1. 1931, c. 80, § 1. 1933, c. 92, § 6. Whoever steals, takes and carries away, of the property of another, money, goods or chattels, or any writ, process, public record, bond, bank-bill or note, promissory note, bill of exchange, order, certificate, book of accounts, conveyance of real estate, valuable contract, receipt, release, defeasance, or instrument in writing whereby any demand, right, or obligation is created, increased, diminished, or extinguished is guilty of larceny; and shall be punished, when the value of the property exceeds \$100, by imprisonment for not less than 1 year, nor more than 5 years; and when the value of the property does not exceed \$100, by a fine of not more than \$100, or by imprisonment for not more than 6 months, or by both such fine and imprisonment.

See c. 129, § 2, re unlawful conversion of lumber; c. 127, § 1, re domestic animals and dogs; 17 Me. 195; 19 Me. 228, 400; 21 Me. 18; 62 Me. 285; 66 Me. 441; 72 Me. 468; 86 Me. 432; 99 Me. 334; 126 Me. 163.

**Sec. 2. Larceny from the person; penalty.** R. S. c. 131, § 4. Whoever commits larceny from the person of another shall be punished by a fine of not more than \$500, or by imprisonment for not more than 6 years.

86 Me. 433.

**Sec. 3. Larceny by night in a dwelling-house, or at any time breaking and entering certain other buildings, vessel, or railroad-car; penalty.** R. S. c. 131, § 2. Whoever, without breaking, commits larceny in the night time, in a dwelling-house or building adjoining and occupied therewith, or breaks and enters any office, bank, shop, store, warehouse, barn, stable, vessel, railroad-car of any kind, court-house, jail, meeting-house, college, academy, or other building for public use or in which valuable things are kept, and commits larceny therein, shall be punished by imprisonment for not less than 1 year, nor more than 15 years; and when the offense is committed in the day time, by imprisonment for not more than 6 years, or by a fine of not more than \$1,000.

**Sec. 4. Larceny at a fire; penalty.** R. S. c. 131, § 3. Whoever commits larceny in a building on fire, or steals property removed on account of an alarm of fire, shall be punished by a fine of not more than \$500, or by imprisonment for not more than 5 years.

See c. 85, § 55, re plundering at fires.

**Sec. 5. Larceny, by falsely personating another.** R. S. c. 131, § 6. Whoever falsely personates or represents another, and thereby receives anything intended to be delivered to the party personated, with intent to convert the same to his own use, is guilty of larceny and shall be punished accordingly.

**Sec. 6. Larceny by taking beasts or birds kept in confinement.** R. S. c. 131, § 7. Whoever without the consent of the owner and with a felonious intent takes any beast or bird ordinarily kept in a state of confinement, and not the subject of larceny at common law, shall be deemed guilty of larceny.

**Sec. 7. Larceny by embezzlement or fraudulent conversion of property; receiver liable.** R. S. c. 131, § 8. If an officer, agent, clerk, or servant of a person, copartnership, or corporation, not an apprentice nor less than 16 years of age, embezzles or fraudulently converts to his own use, or takes and secretes with intent to do so, without the consent of his employer or master, any property of another in his possession or under his care, by virtue of his employment; or, if a public officer, collector of taxes, or an agent, clerk, or servant of a public officer or tax collector, embezzles or fraudulently converts to his own use, or loans or permits any person to have or use for his own benefit without authority of law, any money in his possession or under his control by virtue of his office or employment by such officer, he is guilty of larceny and shall be punished accordingly; and whoever knowingly receives from a public officer, collector of taxes, or his clerk, servant, or agent, with intent to convert the same to his own use without authority of law, any money in the possession or under the control of such officer by virtue of his office, is guilty of larceny and shall be punished accordingly. The foregoing provisions in relation to public officers, collectors of taxes, their clerks, servants, or agents shall not apply to deposits by such officer in any bank, nor to any advances made towards the salary of such officer, nor to any person in the employment of the state or to whom the state is indebted, if the sums advanced do not exceed the sum due him.

See c. 27, § 24, re penalty for defrauding agricultural or horticultural societies; c. 129, § 2, re unlawful conversion of lumber; 62 Me. 108; 69 Me. 28, 364; 70 Me. 265; 90 Me. 144; 95 Me. 183; 101 Me. 159; 126 Me. 232.

**Sec. 8. Prosecutions for embezzling, or fraudulently converting money, etc., by cashier or other officer; allegations in the indictment; evidence at the trial; evidence sufficient to maintain the charge in the indictment.** R. S. c. 131, § 9. In prosecutions for embezzling, fraudulently converting to one's own use, or

taking and secreting with intent so to embezzle or fraudulently convert, the bullion, money, notes, bank-notes, checks, drafts, bills of exchange, obligations or other securities for money, of any person, bank, incorporated company, or copartnership, by a cashier or other officer, clerk, agent, or servant of such person, bank, incorporated company, or copartnership, it is sufficient to allege generally in the indictment an embezzlement, fraudulent conversion, or taking with such intent, of money to a certain amount, without specifying any particulars of such embezzlement; and at the trial, evidence may be given of such embezzlement, fraudulent conversion, or taking with such intent, committed within 6 months before the time stated in the indictment; and it is sufficient to maintain the charge in the indictment, and is not a variance, if it is proved that any bullion, money, note, bank-note, check, draft, bill of exchange, or other security for money, of such person, bank, incorporated company, or copartnership, of whatever amount, was fraudulently embezzled, converted, or taken with such intent, by such cashier or other officer, clerk, servant, or agent, within such period of 6 months.

126 Me. 233.

**Sec. 9. Larceny by one trusted with property; insurance, or other agent, appropriating money to his own use.** R. S. c. 131, § 10. Whoever embezzles, or fraudulently converts to his own use, or secretes with intent to embezzle or fraudulently convert to his own use, money, goods, or property delivered to him, or any part thereof, which may be the subject of larceny, shall be deemed guilty of larceny and shall be punished accordingly. Any insurance agent, or agent of any corporation doing business in the state, who fraudulently appropriates to his own use any money, or substitutes for money, received by him as such agent, or refuses or neglects to pay over and deliver the same to the party entitled to receive it, for 30 days after written demand upon him therefor, is guilty of larceny and shall be punished accordingly.

33 Me. 131; 91 Me. 111; 95 Me. 182; 99 Me. 70; \*126 Me. 230; 131 Me. 349; 132 Me. 321.

**Sec. 10. Common thief, description; penalty.** R. S. c. 131, § 5. Whoever, after being convicted of larceny as principal or as accessory before the fact, is again convicted thereof, or is convicted of 3 distinct larcenies at the same term of court, shall be deemed a common thief, and be punished by imprisonment for not less than 1 year, nor more than 15 years.

91 Me. 80, 85.

#### Buying, Receiving, or Aiding to Conceal Stolen Goods

**Sec. 11. Buying, receiving, or aiding to conceal stolen property; penalty; restoration of stolen property; subsequent conviction.** R. S. c. 131, § 12. 1941, c. 61. Whoever buys, receives, or aids in concealing stolen property, knowing it to be stolen, shall be punished:

I. If the value thereof does not exceed \$100, by a fine of not more than \$100, or by imprisonment for not more than 6 months;

II. If the value thereof exceeds \$100, by a fine of not more than \$500, or by imprisonment for not more than 5 years.

The conviction of the person who stole the property need not be averred or proved. If the stealing was simple larceny, and the person restores or makes satisfaction to the party injured for the full value of such property, he shall not

be sentenced to the state prison. If, after conviction, he is again convicted of a like offense, or if he is convicted of 3 such distinct offenses at the same term of court, the imprisonment shall not be for less than 1 year, nor more than 10 years.

29 Me. 334; 123 Me. 317; 135 Me. 393.

**Sec. 12. Officer to secure and keep stolen property for the owner; procedure if owner not found.** R. S. c. 131, § 13. 1943, c. 226. The officer, who arrests a person charged with an offense under the provisions of this chapter, shall secure the property alleged to have been stolen, be answerable for it, and annex a schedule of it to his return; and, upon conviction of the offender, the property stolen shall be restored to the owner. If the owner cannot be found, the state police, the sheriff of any county, or the police department of any city may convert said property, which has been in their possession for at least 2 years, into money, after public notice published 3 weeks successively in a newspaper published in the county in which the stolen property was recovered, or, if none, in the state paper. This money shall be paid over to the treasurer of the county in which said property was recovered for deposit into the general funds of the county.

**Sec. 13. Court may allow compensation to the prosecutor and officer.** R. S. c. 131, § 14. 1933, c. 118, § 1. The court, other than a municipal court or trial justice, upon conviction before it of burglary, robbery, or larceny, and when there is no conviction by reason of the death of the offender, or of his escape without their fault, may allow to the prosecutor and to the officer who has secured or kept the property a fair compensation for their actual expenses, time, and trouble in arresting the offender, and securing the property stolen.

**Sec. 14. Action for stolen property.** R. S. c. 131, § 15. An action for the recovery of property stolen may be maintained by the owner against the person liable therefor, although the thief is not convicted.

53 Me. 132; 67 Me. 77; 68 Me. 236.

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## CHAPTER 120.

### FORGERY, COUNTERFEITING, FALSE PRETENSES, AND FRAUDS.

- Sections 1-9 Forgery and Counterfeiting.
- Section 10 Rewards to Informers and Prosecutors.
- Sections 11-29 False Pretenses and Other Frauds.
- Section 30 Suppressing, Secreting, or Destroying Last Will.
- Sections 31-34 Maritime Frauds.

#### Forgery and Counterfeiting

**Sec. 1. Forgery, definition; penalty.** R. S. c. 132, § 1. Whoever, with intent to defraud, falsely makes, alters, forges, or counterfeits any public record or proceeding filed or entered in any court; or process issued, or purporting to be issued by a competent court, magistrate, or officer; or attestation or certificate of any person required by law or receivable as legal proof in relation to any matter; or any charter, deed, will, testament, bond, writing obligatory, power of