

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

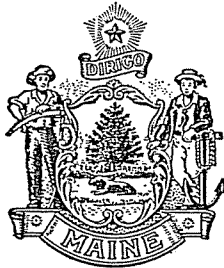
EIGHTH REVISION

THE  
REVISED STATUTES

OF THE  
STATE OF MAINE

PASSED SEPTEMBER 20, 1944, AND TAKING EFFECT  
DECEMBER 30, 1944

VOLUME II



By the Authority of the Legislature

---

AUGUSTA  
KENNEBEC JOURNAL PRINT

therein until repealed in the same manner as above provided for their adoption. It shall be unlawful for any person, firm, or corporation operating any theatrical or motion picture show on Sunday to require or permit any employe of said person, firm, or corporation to work or be on duty more than 6 days in any 1 week.

**Sec. 42. Public outdoor sports where admission is charged on Memorial Day; penalty.** R. S. c. 135, § 44. 1933, c. 118, § 1. Whoever on Memorial Day before 3:30 o'clock in the afternoon engages in any public outdoor game or sport where an admission is charged or collection is taken shall be punished by a fine of not more than \$25, or by imprisonment for not more than 10 days, or by both such fine and imprisonment. Trial justices shall have jurisdiction of all offenses under this section.

**Sec. 43. Innholders and victualers not to allow gambling, diversion, or business on Lord's Day.** R. S. c. 135, § 43. If an innholder or victualer, on the Lord's Day, suffers any persons, except travelers, strangers, or lodgers, to abide in his house, yard, or field, drinking or spending their time idly, at play, or doing any secular business, except works of charity or necessity, he shall be punished by a fine of not more than \$4 for each person thus suffered to abide; and if after conviction he is again guilty, by a fine of not more than \$10 for each offense; and upon a 3rd conviction, he shall also be incapable of holding any license; and every person so abiding shall be punished by a fine of not more than \$4 for each offense.

See § 44; 65 Me. 38.

**Sec. 44. Prosecutions under §§ 37, 39, 40, and 43.** R. S. c. 135, § 43. Any person may prosecute for all offenses described in sections 37, 39, 40, and 43 at any time within 6 months after the commission thereof.

---

## CHAPTER 122.

### CRIMES AGAINST PUBLIC JUSTICE AND OFFICIAL DUTY.

Sections 1-4	Perjury and Subornation of Perjury.
Sections 5-10	Bribery and Attempt to Corrupt Officials.
Sections 11-13	Compounding Felonies.
Sections 14-17	Malfeasance of Public Officials.
Section 18	Corrupt Agreements by Attorneys and Others.
Sections 19-24	Refusing to Obey Magistrates. Obstructing, Assaulting, and Refusing to Aid Officers.
Sections 25-29	Escapes from Custody of Officer and Jail.
Section 30	Falsely Assuming to Be an Officer.
Section 31	Disguising to Obstruct or Intimidate Officer.

#### Perjury and Subornation of Perjury

**Sec. 1. Perjury; subornation of perjury, definitions; penalty.** R. S. c. 133, § 1. Whoever, when required to tell the truth on oath or affirmation lawfully administered, wilfully and corruptly swears or affirms falsely to a material matter, in a proceeding before any court, tribunal, or officer created by law, or in relation to which an oath or affirmation is authorized by law, is guilty of perjury;

and whoever procures another to commit perjury is guilty of subornation of perjury; and shall be punished in either case, if the perjury was committed in a trial of a crime punishable by imprisonment for life, by imprisonment for any term of years not less than 10, and if committed in any other case, by imprisonment for not more than 10 years.

See c. 4, § 34, re false statement in return of expenditures of candidates; c. 5, § 119, re false returns by officers on certificates of election returns; c. 25, § 45 and c. 168, § 7, re false swearing on certificates filed for trade-marks and labels; c. 56, § 112, re false statement on application for health and accident policies; c. 56, § 162, re false statement by agent or physician in fraternal beneficiary association dealings; c. 62, § 4, re false testimony before board of pharmacy; c. 85, § 27, re false swearing in investigation of fires; c. 101, § 77, re false disclosure in trustee actions; c. 167, § 6, re false swearing on certificate filed by mercantile business; c. 144, § 6, re false swearing in proof of claim in insolvent estates; c. 153, § 58, re false swearing in divorce libels; 26 Me. 36, 71; 39 Me. 339; 49 Me. 413; 50 Me. 217; \*59 Me. 141; 69 Me. 219; \*76 Me. 66; 106 Me. 507; 115 Me. 251; 131 Me. 341; 135 Me. 96; 136 Me. 127.

**Sec. 2. Attempted subornation of perjury; penalty.** R. S. c. 133, § 2. Whoever wilfully and corruptly endeavors to incite or procure another to commit perjury, although it is not committed, shall be punished by imprisonment for not more than 5 years.

**Sec. 3. Proceedings by any court, on presumption of perjury committed before such court.** R. S. c. 133, § 3. When a witness or party, legally sworn and examined, or making affidavit in any proceeding in a court of record, testifies in such a manner as to raise a reasonable presumption that he is guilty of perjury therein, the court may immediately order him committed to prison, or take his recognizance with sureties for his appearance to answer to a charge of perjury; and may bind over any witnesses present to appear at the proper court to prove such charge, order the detention so long as necessary of any papers or documents produced and deemed necessary in the prosecution of such charge, and cause notice of such proceedings to be given to the state's attorney for the same county.

133 Me. 276.

**Sec. 4. Form of indictment for perjury in court.** R. S. c. 133, § 4. Indictments against persons for committing perjury before any court or tribunal drawn substantially as hereinafter provided are sufficient in law, viz.:

"STATE OF MAINE.

—, ss. At the — court begun and held at —, within and for said county of —, on the — Tuesday of —, in the year of our Lord nineteen hundred and —.

The jurors for said state, upon their oath present, that A. B., of —, in the county of —," (addition,) "at —, in the said county of —, on the — day of —, in the year of our Lord nineteen hundred and —, appeared as a witness in a proceeding in which C. D. and E. F. were parties, then and there being heard before a tribunal of competent jurisdiction, and committed the crime of perjury, by testifying as follows:" (here set out the matter sworn to and alleged to be false,) "which said testimony was material to the issue then and there pending in said proceeding, against the peace of said state and contrary to the form of the statute in such case made and provided.

A true bill.

—, County Attorney."

—, Foreman.

\*59 Me. 139; 79 Me. 120; 91 Me. 313; 106 Me. 370.

### Bribery and Attempt to Corrupt Officials

**Sec. 5. Bribery and acceptance of bribes by public officers; penalty.** R. S. c. 133, § 5. Whoever gives, offers, or promises to an executive, legislative, or judicial officer, before or after he is qualified or takes his seat, any valuable consideration or gratuity whatever, or does, offers, or promises to do any act beneficial to such officer, with intent to influence his action, vote, opinion, or judgment in any matter pending, or that may come legally before him in his official capacity, shall be punished by a fine of not more than \$3,000, or by imprisonment for not more than 5 years; and whoever accepts such bribe or beneficial thing, in the manner and for the purpose aforesaid, shall forfeit his office, be forever disqualified to hold any public office, trust, or appointment under the state, and shall be punished by a fine of not more than \$5,000, or by imprisonment for not more than 10 years. Sheriffs and deputy sheriffs within the several counties and constables, marshals, deputy marshals, and other officers of police of the several cities and towns are declared to be executive officers within the meaning of this section; but the enumeration of such officers shall not be held to exclude any other executive officer not specially mentioned herein.

See c. 4, § 9, re votes; c. 8, § 8, re bribery and corrupt practices at elections; 129 Me. 229; 136 Me. 432; 137 Me. 95, 311.

**Sec. 6. Corrupt solicitation of influence to procure places of trust; acceptance thereof; penalty.** R. S. c. 133, § 6. Whoever directly or indirectly gives, offers, or promises a valuable consideration or gratuity to any person not included in the preceding section, with intent to induce such person to procure for him by his interest, influence, or any other means any place of trust in the state; and whoever, not included as aforesaid, accepts the same in the manner and for the purpose aforesaid shall be forever disqualified to hold any place of trust in the state, and be punished by a fine of not more than \$300, and by imprisonment for less than 1 year.

136 Me. 432.

**Sec. 7. Bribery of jurors, referees, masters in chancery, appraisers, or auditors, and acceptance thereof by them; penalty.** R. S. c. 133, § 7. Whoever corruptly gives, offers, or promises a valuable consideration or gratuity to any person summoned, appointed, chosen, or sworn as a juror, arbitrator, umpire, or referee, auditor, master in chancery, or appraiser of real or personal estate, with intent to influence his opinion or decision in any matter pending or that may come legally before him for decision or action; and whoever corruptly or knowingly receives the same, in the manner and for the purpose aforesaid, shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than 5 years.

**Sec. 8. Informer is exempted from punishment.** R. S. c. 133, § 8. Whoever, offending in the manner described in the 3 preceding sections, gives information under oath against the other party so offending and duly prosecutes him shall be exempt from the disqualifications and punishments therein provided.

**Sec. 9. Bribes received by sheriff and other officers; penalty.** R. S. c. 133, § 11. If any sheriff, deputy sheriff, or constable receives from any person money or other valuable thing as an inducement for omitting or delaying to sell property on execution, to arrest any defendant and carry him before a magistrate or to prison, or to perform any other official duty, he shall be deemed guilty of malfeasance in office and shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than 2 years.

**Sec. 10. Attempts to corrupt jurors or referees etc.; penalty.** R. S. c. 133, § 10. Whoever attempts improperly to influence a juror, or anyone drawn, appointed, or sworn as such, or an arbitrator, referee, or commissioner appointed by a court of probate in relation to any matter pending, or that may come legally before him for action or decision; and whoever drawn, summoned, or sworn as a juror promises or agrees to give a verdict for or against a person in any case, or receives any paper, information, or evidence relating to any matter, for the trial of which he is sworn, without the authority of the court or officer before whom such matter is pending, and without immediately disclosing it to such court or officer, shall be punished by a fine of not more than \$200 and by imprisonment for not more than 3 months.

\*99 Me. 316.

### Compounding Felonies

**Sec. 11. Taking gratuity to compound, conceal, not prosecute or give evidence in felonies; penalty.** R. S. c. 133, § 18. Whoever, having knowledge of the commission of an offense, takes any valuable consideration, gratuity, or promise thereof with an agreement or understanding, express or implied, to compound, conceal, not to prosecute, or not to give evidence of such offense shall be punished, if such offense is punishable with imprisonment for life or an unlimited term of years, by a fine of not more than \$500, or by imprisonment for not more than 5 years; but if the offense is punishable by imprisonment in the state prison for a limited term of years, he shall be punished by a fine of not more than \$500 and by imprisonment for less than 1 year.

**Sec. 12. Concealment or neglect to disclose commission of felony; penalty.** 1935, c. 122. Whoever, having knowledge of the actual commission of a felony cognizable by courts of this state, conceals or does not as soon as possible disclose and make known the same to some one of the judges or some officer charged with enforcement of criminal laws of the state shall be punished by a fine of not more than \$500, or by imprisonment for not more than 3 years, or by both such fine and imprisonment.

**Sec. 13. Harboring person to prevent discovery and arrest for felony; penalty.** 1935, c. 122. Any person who shall harbor or conceal any person for whose arrest for a felony a warrant or process has been issued, so as to prevent his discovery and arrest, after notice or knowledge of the fact that a warrant or process has been issued for the apprehension of such person, shall be punished by a fine of not more than \$500, or by imprisonment for not more than 3 years, or by both such fine and imprisonment.

### Malfeasance of Public Officials

**Sec. 14. Malfeasance in office; penalty.** R. S. c. 133, § 9. Any officer authorized and empowered to serve criminal processes, who shall hire, attempt to hire, or give money or other valuable thing by way of inducement to any person to consent or suffer himself to be arrested for, prosecuted for, or convicted of any criminal offense, or who shall cause the same to be done, or who shall enter into any pecuniary agreement with any person whereby he is to suffer himself to be so arrested, prosecuted, or convicted, whether such person be guilty of such offense or not, shall be deemed guilty of malfeasance in office and shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than 2 years.

**Sec. 15. Extorting illegal fees in performance of official duty; penalty.** R. S. c. 133, § 27. If any person, for performing any service or official duty for which the pay is fixed by law, wilfully and corruptly demands and receives, or takes security for any greater sum, or if any witness falsely and corruptly certifies that as such he traveled more miles or attended more days than he actually did, or certifies that he attended as such for more than one party in the same case, he shall be punished by a fine of not less than \$30 for each offense, to be recovered for the state by indictment found within 1 year after the offense is committed, or by action of debt commenced within the same time, to the use of the person first suing therefor in his own name.

11 Me. 145.

**Sec. 16. Refusal by former public officer to deliver moneys and other public property to successor; penalty.** R. S. c. 127, § 9. When any person, having held any public office in this state, and having in his possession or under his control any moneys, books of account, records, accounts, vouchers, documents, or other property, or effects pertaining or belonging to said office, or to the state, or to any county or municipality in the state, and whose term of office has expired, and whose successor in said office has been elected or appointed and qualified, after a written demand for the same, wilfully refuses to deliver such moneys, books of account, records, accounts, vouchers, documents, or other property or effects aforesaid to such successor in said office, he shall be punished by a fine of not more than \$5,000 and by imprisonment for not more than 5 years.

**Sec. 17. Public officers forbidden to have pecuniary interest in public contracts; contracts are void; penalty.** R. S. c. 131, § 11. No trustee, superintendent, treasurer, or other person holding a place of trust in any state office or public institution of the state, or any officer of a quasi-municipal corporation shall be pecuniarily interested directly or indirectly in any contracts made in behalf of the state or of the institution or of the quasi-municipal corporation in which he holds such place of trust, and any contract made in violation hereof is void; and if such officer or person receives any drawbacks, presents, gratuities, or secret discounts to his own use on account of such contracts, or from the profits in any materials, supplies, or labor furnished or done for the state or such institution or such quasi-municipal corporation, he shall be punished by a fine of not more than \$500, or by imprisonment for not more than 11 months.

108 Me. 548; 113 Me. 322.

#### Corrupt Agreements by Attorneys and Others

**Sec. 18. Corrupt agreements by attorneys and others; penalty.** R. S. c. 133, § 12. 1933, c. 184. Whoever loans, advances, or promises to loan or advance any money, gives or promises to give day of payment on any demand left with him for collection, gives or promises any valuable consideration, becomes liable in any manner for the payment of anything, becomes surety for another for such payment, or requests, advises, or procures another person to become responsible or surety as aforesaid, with intent thereby to procure any account, note, or other demand for the profit arising from its collection by a suit at law or in equity, or brings, prosecutes, or defends, or agrees to bring, prosecute, or defend any suit at law or in equity upon shares, shall be punished by fine of not less than \$20, nor more than \$1,000, or by imprisonment for not more than 11 months. The provisions of this section shall include in its application all persons, corporations, or associations of whatever form or design operating or in any manner engaging in the business of collecting for others claims, demands, or accounts

of any nature. No such person, corporation, or association shall, under the penalties hereinbefore provided, in any manner or form solicit or receive, or acquire by any transfer, assignment, or other arrangement made with the intent or for the purpose of evading the provisions of this section, any such claims, demands, or accounts for collection by legal process in this state; or, having solicited or received such claims, demands, or accounts for collection without legal process, shall subsequently prosecute or arrange for the prosecution thereof by legal process in this state by or through any attorney at law.

See c. 93, § 6, re attorney's oath; 70 Me. 272; 79 Me. 42; 81 Me. 38; 82 Me. 495; 84 Me. 587; 85 Me. 172; 129 Me. 308.

#### Refusing to Obey Magistrates. Obstructing, Assaulting, and Refusing to Aid Officers

**Sec. 19. Refusing to aid officers; penalty.** R. S. c. 133, § 19. Whoever, when required in the name of the state by any sheriff, deputy sheriff, or constable, neglects or refuses to aid him in the execution of his office in any criminal case, or in the preservation of the peace, or in arresting and securing any person for a breach of the peace, or in preventing the escape or rescue of persons arrested on civil process shall be punished by a fine of not more than \$50, or by imprisonment for not more than 30 days.

See c. 79, § 217, re penalty for refusal to aid officers; 122 Me. 296.

**Sec. 20. Obstructing officer in service of civil process; penalty.** R. S. c. 133, § 22. Whoever wilfully obstructs such officer or person in the service of any civil process or order, or of any process for an offense punishable by imprisonment and fine, or either, or whoever obstructs a fish warden while in the lawful discharge of his official duty, whether with or without process, shall be punished by a fine of not more than \$300, and by imprisonment for not more than 11 months.

96 Me. 152; 108 Me. 240.

**Sec. 21. Assaults upon or interference with officers; penalty; jurisdiction.** R. S. c. 133, §§ 23, 24. 1933, c. 118, § 1. Whoever assaults, intimidates, or in any manner wilfully obstructs, intimidates, or hinders any sheriff, deputy sheriff, constable, fish warden, inland fish and game warden, or police officer while in the lawful discharge of his official duties, whether with or without process, shall be punished by a fine of not more than \$500, or by imprisonment for not more than 11 months. In offenses under the provisions of this section, not of an aggravated nature, trial justices may try and punish by a fine of not more than \$20, or by imprisonment for 60 days, and municipal courts may punish by a fine of not more than \$30, or by imprisonment for 60 days.

See c. 127, § 18, re interference with officers who prevent cruelty to animals; 108 Me. 240.

**Sec. 22. Obstructing officer serving criminal process; penalty.** R. S. c. 133, § 21. Whoever wilfully obstructs an officer or other person authorized in the service of any process for an offense punishable by imprisonment for more than one year shall be punished by a fine of not more than \$500, or by imprisonment for not more than 2 years.

**Sec. 23. Refusing to obey justices of the peace, when required to aid; penalty.** R. S. c. 133, §§ 17, 20. Whoever neglects or refuses to obey any justice of the peace when, in view of a breach of the peace or other offense proper for his



cognizance, he requires such person to arrest and bring the offender before a court of competent jurisdiction shall be punished, if such prisoner was in custody for a felony, by imprisonment for not less than 1 year, nor more than 7 years; and if for any other offense, by a fine of not more than \$500 and by imprisonment for less than 1 year; and if the justice made known or declared his office to such person, he shall not plead ignorance thereof.

**Sec. 24. Aiding person arrested for a felony to escape custody of officer; penalty.** 1935, c. 122. Any person who shall, directly or indirectly, aid, abet, or assist any person arrested for a felony to escape from custody of any officer charged with the enforcement of the criminal laws of this state shall be punished by a fine of not more than \$500, or by imprisonment for not more than 3 years, or by both such fine and imprisonment.

#### Escapes from Custody of Officer and Jail

**Sec. 25. Voluntarily suffering criminals to escape; penalty.** R. S. c. 133, § 14. If a jailer or other officer voluntarily suffers any prisoner in his custody to escape, he shall be punished, if such prisoner was convicted of a felony punishable by imprisonment for life, by a fine of not more than \$1,000 and by imprisonment for life; if charged with such felony, by imprisonment for not less than 5 years nor more than 15 years; if charged or convicted of any other offense, by the same penalties and punishments that such prisoner would have suffered or been liable to suffer, if he had not escaped.

**Sec. 26. Negligent escapes, and refusal to receive prisoners; penalty.** R. S. c. 133, § 15. If a jailer or other officer through negligence suffers any prisoner in his custody for a criminal offense to escape, or wilfully refuses to receive into his custody any prisoner committed to him on a lawful process, he shall be punished by a fine of not more than \$500 and by imprisonment for not more than 2 years.

See c. 79, § 211, re liability of keeper and sheriff if prisoner escapes.

**Sec. 27. Forcibly rescuing, furnishing means, or otherwise aiding an escape; penalty.** R. S. c. 133, § 17. Whoever forcibly rescues a prisoner lawfully detained for any criminal offense; conveys into a jail or other place of confinement any disguise, arms, instruments, or other things adapted and intended to aid, or in any way aids him to escape, although such escape is not effected or attempted; or whoever secretes, or with a design to aid the prisoner in his escape, harbors; or with such design in any way assists such prisoner who has escaped, or is at large, shall be punished, if such prisoner was in custody for a felony, by imprisonment for not less than 1 year, nor more than 7 years; and if for any other offense, by a fine of not more than \$500 and by imprisonment for less than 1 year.

131 Me. 345.

**Sec. 28. Escapes from jail; penalty.** R. S. c. 133, § 16. Whoever, being lawfully detained for any criminal offense in any jail or other place of confinement, except the state prison, breaks or escapes therefrom, or forcibly attempts to do so, shall be punished, if such prisoner was in custody for a felony, by imprisonment for not less than 1 year, nor more than 7 years; and if for any other offense, by imprisonment for not more than 11 months; such imprisonment shall commence after the completion of any sentence imposed for the crime for which he was then in custody.

Sec. 29. Officers, refusing or omitting to execute processes; penalty. R. S. c. 133, § 13. If an officer, authorized to serve process, wilfully and corruptly refuses to execute any lawful process to him directed requiring him to arrest or confine any person charged with or convicted of any offense; or thus omits or delays to execute it, whereby the offender escapes, he shall be punished by a fine of not more than \$500, and by imprisonment for less than 1 year.

#### Falsely Assuming to Be an Officer

Sec. 30. Falsely assuming to be an officer; penalty. R. S. c. 133, § 25. 1935, c. 29. 1939, c. 202. 1941, c. 85. Whoever falsely assumes to be a justice of the peace, sheriff, deputy sheriff, health officer, constable, inland fish and game warden, state humane agent, or state police officer, or who falsely acts as such, or who requires anyone to aid him in a matter pertaining to the duties of any such office which he does not hold, shall be punished by a fine of not more than \$500, or by imprisonment for not more than 11 months, or by both such fine and imprisonment.

See c. 130, § 9, re falsely assuming to be state official; 6 Me. 282.

#### Disguising to Obstruct or Intimidate Officer

Sec. 31. Disguising to obstruct the execution of the laws; penalty. R. S. c. 133, § 26. Whoever disguises himself in any manner with intent to obstruct the due execution of the laws or to intimidate any officer, surveyor, or other person in the discharge of his duty, although such intent is not effected, shall be punished by a fine of not more than \$500 and by imprisonment for less than 1 year.

---

## CHAPTER 123.

### CRIMES AGAINST PUBLIC PEACE AND TRANQUILLITY.

- Sections 1- 4 Duelling.
- Sections 5- 6 Affrays, Unlawful Assemblies, and Riots.
- Sections 7- 8 Punishment and Remedy for Injuries by Mobs.
- Sections 9-11 Suppression of Mobs by Officers and Armed Force.
- Sections 12-14 Prize-Fights. Boxing Contests.
- Sections 15-16 Disturbance of Public Meetings and Lawful Assemblies.  
False Alarm to Municipal Departments.
- Sections 17-21 Strikes and Unlawful Combinations Against Public Service Corporations.

#### Duelling

Sec. 1. Duelling; penalty. R. S. c. 129, § 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 a fine of not more than \$1,000, or by imprisonment for not