

# MAINE STATE LEGISLATURE

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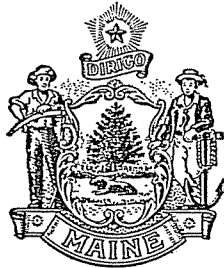
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REVISED STATUTES

OF THE  
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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.

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## 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

more than 20 years; and be incapable of holding any office or place of honor, trust, or profit for 20 years after conviction.

See § 3.

**Sec. 2. Accepting a challenge, or aiding a duel; penalty.** R. S. c. 129, § 11. Whoever accepts such a challenge, or engages to act as second or surgeon to one accepting, or knowingly delivers such acceptance, or advises, encourages, or promotes it, although no duel ensues, shall be punished by a fine of not more than \$1,000, and by imprisonment for less than 1 year; and be incapable, as in the preceding section, for 5 years after conviction.

See § 3.

**Sec. 3. Leaving state to elude provisions of 2 preceding sections; trial in another state, effect.** R. S. c. 129, §§ 9, 12. If a resident of the state leaves it to elude the provisions of either of the 2 preceding sections with intent to do acts out of the state which would be a violation of either of their provisions if done within the state, and does such acts, he shall be subject to the same punishment as if the offense had been committed in the state; and he may be indicted and tried in the county where he resides. A person indicted under the provisions of this section may plead a former conviction or acquittal of the same offense, in another state, which, being admitted or established, entitles him to an acquittal in this state.

**Sec. 4. Posting for not fighting a duel, etc.; penalty.** R. S. c. 129, § 13. Whoever posts another or uses, in writing or in print, reproachful or contemptuous language concerning him for not fighting a duel, or for not sending or accepting a challenge, shall be punished by a fine of not more than \$100 and by imprisonment for less than 1 year.

#### Affrays, Unlawful Assemblies, and Riots

**Sec. 5. Affray, definition; penalty.** R. S. c. 134, § 1. If 2 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.

See c. 117, § 21, re assault and battery; 125 Me. 452.

**Sec. 6. Unlawful assembly, riot, definition; penalty; one person may be convicted without the others.** R. S. c. 134, §§ 2, 3. 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 \$500 and by imprisonment for less than 1 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. 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.

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

### Punishment and Remedy for Injuries by Mobs

**Sec. 7. Riotous assemblies destroying certain properties or causing personal injuries; penalty.** R. S. c. 134, § 19. If any persons, unlawfully and riotously assembled as described in section 9, 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 \$500, or by imprisonment for not more than 5 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. 8. Liability of towns for property injury by mobs; town's remedy against rioters.** R. S. c. 134, § 20. When the injury to any property described in the preceding section amounts to \$50 or more, the town where such property is situated shall indemnify the owner thereof for  $\frac{3}{4}$  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.

### Suppression of Mobs by Officers and Armed Force

**Sec. 9. Duty of officers to disperse unlawful assembly; disobedience punished; penalty for neglect of duty by officer.** R. S. c. 134, § 16. 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 \$500, and by imprisonment for less than 1 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 \$300.

**Sec. 10. When rioters refuse to disperse, officers may require aid of armed force; orders for suppressing unlawful assembly.** R. S. c. 134, § 17. When persons, riotously or unlawfully assembled as described in section 9, neglect or refuse, on command as aforesaid, to disperse without unnecessary delay, any 2 of the officers aforesaid 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. 11. If any person is killed or wounded, officers to be held guiltless; liability of rioters. R. S. c. 134, § 18. If, in the efforts made as provided in section 10 to suppress such assembly and to arrest and secure the persons composing it who refuse to disperse, although the number remaining is less than 12, 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.

### Prize-Fights. Boxing Contests

Sec. 12. Participation in prize-fights, or premeditated fights; penalty. R. S. c. 134, § 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 \$200, or by imprisonment for not less than 10 days, nor more than 6 months.

See c. 78, re Boxing Commission.

Sec. 13. Exception of boxing contests. R. S. c. 134, § 5. 1937, c. 51. The provisions of section 12 shall not apply to amateur boxing contests of not more than 4 rounds of 3 minutes each, in which new 6-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 5 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 1 of chapter 50, 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.

The provisions of section 12 shall not apply to purely boxing contests consisting of not more than 10 rounds, of 3 minutes each, in which new 6-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 5 pounds difference in the weight of the contestants if the lighter contestant weighs 135 pounds or less; and where there is not more than 8 pounds difference in the weight of the contestants if the lighter contestant weighs more than 135 pounds and not more than 160 pounds; and where there is not more than 10 pounds difference in the weight of the contestants if the lighter contestant weighs more than 160 pounds and not more than 185 pounds; 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. 14. Complaint, warrant, and proceedings to prevent and to punish such offense.** R. S. c. 134, § 6. 1933, c. 118, § 1. If any person competent to testify in civil suits makes complaint on oath before any judge of a municipal court or trial justice that an offense specified in section 12 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 section by arresting any persons whom he finds wilfully violating the same and by bringing the respondents before such magistrate for trial.

**Disturbance of Public Meetings and Lawful Assemblies. False Alarm to Municipal Departments**

**Sec. 15. Disturbance of public meetings and lawful assemblies; penalty.** R. S. c. 135, § 45. Whoever by rude and indecent behavior or in any way wilfully and unlawfully disturbs or interrupts any public meeting or any assembly lawfully gathered in a hall or other place of meeting, or creates a disturbance in any hall, walk, or corridor adjacent or leading to the room where such meeting or assembly is held, shall be punished by a fine of not less than \$5, nor more than \$10, or by imprisonment for not more than 30 days.

**Sec. 16. False alarm to fire, police, or other municipal department; penalty.** R. S. c. 129, § 22; c. 139, § 29. 1933, c. 118, § 1. 1937, c. 94. 1939, c. 263. Whoever calls out any fire department, police department, or other municipal department, or any portion or persons thereof, by intentionally giving a false alarm or call to such department, or to any officer or member thereof by means of any telephone line or lines, or knowingly and wilfully gives or causes to be given by any other means a false alarm of fire in any city, town, or village corporation maintaining any organized fire department, when such offense is of a high and aggravated nature, shall be deemed guilty of a felony and on conviction thereof shall be punished by a fine of not more than \$500, or by imprisonment for not more than 2 years; but when such offense is not of a high and aggravated nature, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than \$100, or by imprisonment for not more than 11 months. Trial justices shall have jurisdiction of all prosecutions for misdemeanors under the provisions of this section and they may try and punish by a fine of not more than \$50, or by imprisonment for not more than 2 months, or by both such fine and imprisonment.

**Strikes and Unlawful Combinations Against Public Service Corporations**

**Sec. 17. Violence or intimidation to promote a controversy between a public service company and its workmen prohibited; penalty.** R. S. c. 134, § 14. 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 \$300, or by imprisonment for not more than 3 months.

See c. 25, § 10 et seq., re state board of arbitration and conciliation.

**Sec. 18. Combinations of employees to stop or delay trains, or injure property of railroads prohibited; penalty.** R. S. c. 134, § 11. 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 \$500, or by imprisonment for not more than 11 months.

**Sec. 19. Malicious obstruction of any engine or carriage, or abandonment of the same on a railroad; penalty.** R. S. c. 134, § 12. 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 \$1,000, or by imprisonment for not more than 2 years.

See c. 43, § 34, re penalty for obstructing street railroad corporations.

**Sec. 20. Gross carelessness and neglect or malicious delay in the management or control of railroad trains prohibited; penalty.** R. S. c. 134, § 13. 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 \$1,000, or by imprisonment for not more than 3 years.

**Sec. 21. Unlawful refusal of railroad employees to perform duty prohibited; penalty.** R. S. c. 134, § 15. 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 \$500, or by imprisonment for not more than 11 months.