

MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE

STATE OF MAINE

1954

1961 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 4

Discard Previous Pocket Part Supplement

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1961

or by imprisonment for not more than 90 days or by both such fine and imprisonment. (1955, c. 407.)

Sec. 41. Trespass on timber or wood standing, etc. — Whoever, except a road commissioner acting within the scope of his lawful authority, willfully 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, sand, 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 \$100 and by imprisonment for not more than 2 months. (R. S. c. 118, § 41. 1955, c. 198. 1961, c. 189.)

Effect of amendments.—The 1955 amendment increased the maximum fine from \$50 to \$100. The 1961 amendment inserted "sand".

Chapter 132.

Larceny, Embezzlement and Receiving Stolen Goods.

Section 10-A. Willful Concealment of Merchandise.

Larceny, Embezzlement and Common Thief.

Sec. 1. Larceny, definition.

Cross references.

See notes to c. 145, § 12, re-ownership of property of corporations and unincorporated associations.

Essential element of larceny.—That the property alleged to have been stolen was the property of one other than the accused is an essential element of larceny which must be alleged and proved. State v. Small, 156 Me. 10, 157 A. (2d) 874.

Allegation of ownership in indictment.—If known, the name of the owner of the

goods alleged to have been stolen must be set forth in the indictment; when unknown, the ownership may be alleged to be in persons unknown. State v. Small, 156 Me. 10, 157 A. (2d) 874.

When motion in arrest of judgment proper.—Where an indictment for larceny is fatally defective in not properly alleging all of the elements of the crime, a motion in arrest of judgment is the proper method to take advantage of this defect. State v. Small, 156 Me. 10, 157 A. (2d) 874.

Sec. 8. Prosecutions for embezzling, or fraudulently converting money, etc., by cashier or other officer.—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, copartnership, municipal or quasi-municipal corporation, public officer or tax collector, by a cashier or other officer, clerk, agent or servant of such person, bank, incorporated company, copartnership, municipal or quasi-municipal corporation, public officer or tax collector, or by such public officer or tax collector, 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, copartnership, municipal or quasi-municipal corporation, public officer or tax collector, of whatever amount, was fraudulently embezzled, converted or taken with such intent by such cashier or other officer, clerk, servant, agent, public officer or tax collector, within such period of 6 months. (R. S. c. 119, § 8. 1955, c. 28.)

Effect of amendment.—The 1955 amendment made this section applicable to embezzlement of the money, etc., of a “municipal or quasi-municipal corporation,

public officer or tax collector,” and to embezzlement by a “public officer or tax collector.”

Sec. 9-A. Larceny by trustee in trust receipt transaction. — Any trustee, as defined under chapter 189, who fraudulently appropriates to his own use any money, goods or documents received by him in connection with a trust receipt transaction, 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. (1961, c. 267.)

Sec. 9-B. Larceny by officer, partner or agent of trustee in trust receipt transaction.—In any case in which the trustee in a trust receipt transaction would be guilty of larceny under section 9-A, and the trustee is a corporation of partnership, any officer or director, partner or agent of such a trustee who willfully and wrongfully sells or disposes of or causes the trustee to sell or dispose of the goods, documents or instruments involved in a trust receipt transaction in which the trustee had no liberty of sale or other disposition, or who willfully or wrongfully diverts or causes the trustee to fail to account to the entruster for the proceeds of sale or other disposition or to pay to the entruster the amount due to the entruster under the trust receipt after such sale or other disposition where the trustee had liberty of sale or other disposition, shall be guilty of larceny and shall be punished as herein provided. (1961, c. 267.)

Willful Concealment of Merchandise.

Sec. 10-A. Willful concealment of merchandise. — Whoever, without authority, willfully conceals the goods or merchandise of any store, while still upon the premises of such store, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$100, or by imprisonment for not more than 6 months, or by both such fine and imprisonment. Goods or merchandise found concealed upon the person shall be prima facie evidence of a willful concealment. (1955, c. 66.)

Buying, Receiving or Aiding to Conceal Stolen Goods.

Sec. 11. Buying, receiving or aiding to conceal stolen property; restoration of stolen property; subsequent conviction.

Cited in *State v. Jutras*, 154 Me. 198, 144 A. (2d) 865.

Chapter 133.

Forgery, Counterfeiting, False Pretenses and Frauds.

Forgery and Counterfeiting.

Sec. 1. Forgery, definition. — 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 attorney, letter of credit, policy of insurance, bill of lading, bill of exchange, promissory note, order or acceptance, or indorsement or assignment thereof, or of any debt or contract; or acquittance, discharge or accountable receipt for anything of value; or a motor vehicle operator's license or registration certificate; or any other written instrument of another, or purporting to be such, by which any pecuniary demand or obligation or any right in any property is or purports to be created, increased, conveyed, transferred, diminished or discharged; and whoever utters and publishes as true