

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1955 SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 4

**Place in Pocket of Corresponding
Volume of Main Set**

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1955

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. 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.)

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 or 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 any instrument before-mentioned, knowing it to be false, forged or counterfeit, with like intent, shall be punished by imprisonment for not more than 10 years. (R. S. c. 120, § 1. 1955, c. 29.)

Effect of amendment.—The 1955 amendment inserted the words “or a motor ve-

hicle operator's license or registration certificate” near the middle of the section.

False Pretenses and Other Frauds.

Sec. 29. Fraudulent advertising.—Any person, firm, corporation or association who, with intent to sell or in anywise dispose of merchandise, service or anything offered by such person, firm, corporation or association, directly or indirectly, to the public for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto or an interest therein, makes, publishes, disseminates, circulates or places before the public, or causes, directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in this state, in a newspaper or other publication, or in the form of a book, notice, handbill, poster, sign, billboard, bill, circular, pamphlet or letter, photograph, motion picture, radio, loud speaker, television, telephone, telegraph, or in any other way, an advertisement of any sort regarding merchandise, service or anything so offered to the public, which advertisement contains any assertion, representation or statement of fact which is untrue and designed to be deceptive

or misleading, or is intended or designed not to sell the merchandise, commodities or service so advertised at the price stated therein, or otherwise communicated, or with intent not to sell the merchandise, commodities or service so advertised, may be enjoined from such advertising, and shall be punished by a fine of not more than \$500.

The provisions of this section shall not apply to any radio station, publisher of a newspaper, magazine or other publication, or any other established and recognized advertising media, or printer who publishes or prints said advertisement without actual knowledge of its falsity. The fact of the publishing or printing of such advertisement shall not be prima facie evidence of such actual knowledge of falsity. (R. S. c. 120, § 29. 1955, c. 54.)

Effect of amendment.—The 1955 amendment rewrote the first paragraph and inserted the words “or any other established and recognized advertising media” in the second paragraph.

Chapter 134.

Crimes against Chastity, Morality and Decency. Sunday Activities.

Houses of Ill Fame. Prostitution.

Sec. 12. Prostitution, lewdness and assignation; terms of probation and parole.

Indictment for procuring or soliciting.—An indictment charging that defendant (first count) did attempt to induce one Blanche Gagnon to become a prostitute by offering to procure for and furnish to the said Blanche Gagnon men who would pay, etc., and (second count) that defendant did solicit and attempt to procure one

Blanche Gagnon for the purpose of prostitution by offering to procure for and furnish to the said Blanche Gagnon men who would pay, etc., was defective in its failure to state to whom the offer was made. State v. Michaud, 150 Me. 479, 114 A. (2d) 352.

Sec. 16. Procuration for prostitution.

Indictment defective for failure to state to whom offer was made.—An indictment charging that defendant (first count) did attempt to induce one Blanche Gagnon to become a prostitute by offering to procure for and furnish to the said Blanche Gagnon men who would pay, etc., and (second count) that defendant did solicit and at-

tempt to procure one Blanche Gagnon for the purpose of prostitution by offering to procure for and furnish to the said Blanche Gagnon men who would pay, etc., was defective in its failure to state to whom the offer was made. State v. Michaud, 150 Me. 479, 114 A. (2d) 352.

Chapter 135.

Crimes against Public Justice and Official Duty.

Perjury and Subornation of Perjury.

Sec. 4. Indictment.

Possibility of materiality must be apparent from face of indictment.—The possibility of materiality of the alleged false testimony must be apparent from the face of the indictment alone, although the indictment need not specify the manner in

which the testimony becomes actually material. State v. Papalos, 150 Me. 46, 103 A. (2d) 511.

Particular proceeding in which perjury was committed must be identified.—By the language “in which C. D. and E. F. were