

MAINE STATE LEGISLATURE

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PUBLIC UTILITIES

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§ 2351. Injury to public and utility properties generally

Whoever willfully or maliciously destroys, injures or removes any public building, armory, breastwork, trench, fortification, wharf, pier or dock; or any property, pipe line, reservoir, structure or apparatus used in supplying water to the public or to any portion thereof; or any dam, reservoir, fishway, fish screen, canal, trench or their appurtenances; or the gear or machinery of a mill or manufactory; or draws off the water from a mill pond, canal or trench; or destroys or injures any engine or its apparatus for the extinguishment of fire; or any posts, glass caps, wires or other material used in the construction and operation of a telegraph, telephone, electric light or electric power line; or removes, injures or destroys any public or toll bridge, or places any obstruction on such bridge or on any public road with intent to injure persons or property passing thereon, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 3 years.

R.S.1954, c. 131, § 13.

§ 2352. Tapping or interfering with water pipes

Whoever unlawfully and intentionally taps or interferes with the water pipes or fixtures belonging to any water company or to

any city, town or water district, or pipes lawfully connected therewith, shall be punished by a fine of not more than \$100 or by imprisonment for not more than 11 months, or by both.

R.S.1954, c. 131, § 14.

§ 2353. Injury or interference with gas, electric or water equipment

Whoever unlawfully and intentionally injures or destroys or suffers to be injured or destroyed any meter, pipe, conduit, wire, line, pole, lamp or other apparatus belonging to an individual, copartnership or corporation engaged in the manufacture or sale of gas or electricity for lighting purposes or power purposes, or belonging to any water company, or unlawfully and intentionally prevents an electric, water or gas meter from duly registering the quantity of electricity, water or gas supplied, or in any way interferes with its proper action or just registration, or without the consent of such individual, copartnership or corporation unlawfully and intentionally diverts any electric current from any wire of such individual, copartnership or corporation, or otherwise unlawfully and intentionally uses or causes to be used without the consent of such individual, copartnership or corporation any electricity manufactured or distributed by such individual, copartnership or corporation, or unlawfully and intentionally and without the consent of such company taps or interferes with the pipes or fixtures of any gas company, shall for every such offense be punished by a fine of not more than \$100 or by imprisonment for not more than 11 months, or by both.

R.S.1954, c. 131, § 15.

§ 2354. Injury or interference with telegraph or telephone lines

Whoever unlawfully and intentionally injures, molests or destroys any insulator, wire, posts, crossarm, bracket or other structure or mechanism which forms part of, or is used in connection with an electrical transmission line constructed and maintained for the transmission of intelligence, heat, light or power by electricity, or destroys or in any way interferes with the proper working of such transmission line or anything pertaining thereto, shall be punished by a fine of not more than \$100 or by imprisonment for not more than 11 months, or by both.

R.S.1954, c. 131, § 16.

§ 2355. Placing objects on utility poles

Whoever, without the prior consent of the utility owning or using the pole, places any poster, bill or advertisement, tack, nail or other object on any utility pole, whether or not within the limits of a public way, shall be punished by a fine of not more than \$100 or by imprisonment for not more than 30 days, or by both.

1963, c. 214.

SUBCHAPTER II

RAILROADS

Sec.

2401. Tampering with railroad car.

2402. Removal of packing from journal boxes.

2403. Injury or destruction to baggage; jurisdiction.

§ 2401. Tampering with railroad car

Whoever willfully, mischievously or maliciously breaks the seal upon any freight car, or breaks and enters any railroad car, locomotive or work equipment on any railroad in the State, or destroys, injures, defiles or defaces any railroad car, locomotive or work equipment on any railroad in the State, or mischievously or maliciously releases the brakes upon, moves or sets in motion any railroad car, locomotive or work equipment on the track or sidetrack of any railroad in the State, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 2 years, and shall be liable to the corporation injured in a civil action for the amount of injury so done.

R.S.1954, c. 131, § 17; 1961, c. 317, § 454.

§ 2402. Removal of packing from journal boxes

Whoever willfully and maliciously takes or removes the waste or packing from a journal box or boxes of a locomotive, engine, tender, carriage, coach, car, caboose or truck used or operated upon a railroad, whether operated by steam or electricity, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 3 years.

R.S.1954, c. 131, § 18.

§ 2403. Injury or destruction to baggage; jurisdiction

Any baggagemaster, express agent, stage driver, hackman or other person whose duty it is to handle, remove or take care of trunks, valises, boxes, packages or parcels, whether in the employment of a railroad, steamboat or stage company or not, who, while loading, transporting, unloading, delivering or storing such property, wantonly or recklessly injures or destroys the same, shall be punished by a fine of not more than \$100 or by imprisonment for less than one year. Such offenders may be prosecuted by the owner of property so destroyed or injured or by his authorized agent, within one year from the day of the offense, $\frac{1}{2}$ of the fine to be paid to such owner and $\frac{1}{2}$ to the county in which the offense was committed.

R.S.1954, c. 131, § 19; 1963, c. 402, § 207.

SUBCHAPTER III

SIGNS, MARKS AND MONUMENTS

Sec.

2441. Removal or destruction of transit points or other markings.

2442. Injuries to monuments, landmarks, guideposts and lights.

§ 2441. Removal or destruction of transit points or other markings

Whoever willfully or maliciously disturbs, removes or destroys any lawfully established transit point, reference point, stake, plug, hub, guard-stake, bench mark, pipe, iron, concrete post, stone post or other monument of any railroad, highway, public utility or other engineering location or survey or any such monument marking the bounds of public or private property shall be punished by a fine of not more than \$100 or by imprisonment for not more than 30 days; and in addition thereto shall be liable in a civil action for the amount of damage done, which shall be measured by the cost of replacing such monument, including necessary engineering services.

R.S.1954, c. 131, § 20; 1961, c. 317, § 455; 1963, c. 220, § 2.

§ 2442. Injuries to monuments, landmarks, guideposts and lights

Whoever willfully and wantonly or maliciously injures or removes any monument erected or tree marked as a boundary of

any land or town; destroys, defaces or alters the marks thereon, made for the purpose of designating such boundary; injures or defaces any milestone or guideboard erected on a public way or railroad; removes, defaces or injures any signboard, lamp or lamppost; or extinguishes any lamp on any bridge, street, way or passage, shall be punished by a fine of not more than \$100 and by imprisonment for less than one year.

R.S.1954, c. 131, § 21.

SUBCHAPTER IV

MISCELLANEOUS

Sec.

- 2491. Injury to buildings, fixtures, goods or valuable papers; civil action for damages.
- 2492. Injury to books, pictures and statues.
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- 2494. Throwing at transportation vehicles.
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- 2500. Damage to ice.
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- 2502. Injuring or destroying rhododendron and kalmia.
- 2503. Damage to trees, fences, gates, signs or produce.
- 2504. Wearing spiked boots and shoes in public places.
- 2505. Destroying notices regarding spiked shoes.
- 2506. Advertising on fences and rocks.

§ 2491. Injury to buildings, fixtures, goods or valuable papers; civil action for damages

Whoever willfully and wantonly or maliciously destroys, injures or defaces any building or fixture attached thereto without consent of the owner; or destroys, injures or secretes any goods, chattels or valuable papers of another, shall be punished by a fine of not more than \$500 or by imprisonment for less than one year; and shall be liable to the party injured, in a civil action, for the amount of injury so done and for a further sum, not exceeding in all 3 times such amount, as the jury deems reasonable.

R.S.1954, c. 131, § 22; 1961, c. 317, § 456.

§ 2492. Injury to books, pictures and statues

Whoever wantonly mars, defaces or injures a book, picture, statue, painting or other object or materials, belonging to any public library or library of any association open to the public or to any literary or educational institution, or any statue erected in any public park or square or upon any ground open to the public, shall be punished by a fine of not more than \$50 or by imprisonment for not more than 3 months.

R.S.1954, c. 131, § 23.

§ 2493. Injuring or tampering with vehicles or aircraft

Whoever shall individually or in association with one or more others willfully break, injure, tamper with or remove any part or parts of any vehicle or aircraft for the purpose of injuring, defacing or destroying such vehicle or aircraft or temporarily or permanently preventing its useful operation, or for any purpose against the will or without the consent of the owner of such vehicle or aircraft, or who shall in any other manner willfully or maliciously interfere with or prevent the running or operation of such vehicle or aircraft shall be punished by a fine of not more than \$200 or by imprisonment for a term of not more than 3 months, or by both. Whoever is convicted the 2nd time for a violation of any of the provisions of this section shall be punished by a fine of not less than \$200 nor more than \$500, or by imprisonment for not more than 11 months, or by both.

R.S.1954, c. 131, § 26; 1957, c. 87.

§ 2494. Throwing at transportation vehicles

Whoever willfully, maliciously or wantonly propels by any means whatsoever a rock, stone, bullet or any other substance or missile at any automobile, train, bus, truck or other form of public or private conveyance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$100.

1963, c. 249.

§ 2495. Taking saddled or harnessed horse

Whoever unlawfully, willfully and with intent to injure the owner takes away any horse, saddled or harnessed or attached to a vehicle and standing in any highway or other place, shall be

punished by a fine of not more than \$100 or by imprisonment for not more than 3 months.

R.S.1954, c. 131, § 27.

§ 2496. Driving nails or spikes into certain logs; civil action for damages

Whoever willfully or maliciously drives or causes to be driven into any log or logs intended to be sawed or manufactured any nail, spike, bolt or other article such as is likely to cause injury to or destruction of any saw or instrument used in the manufacture of such logs or endanger the life or person of anyone engaged in such manufacture, shall be punished by a fine of not less than \$100 nor more than \$500, and by imprisonment for not less than one year nor more than 5 years; and shall be liable to any person injured in a civil action for double the damages sustained by such person.

R.S.1954, c. 131, § 28; 1961, c. 317, § 458.

§ 2497. Mooring watercraft to buoys or beacons; destruction of same

Whoever moors a vessel, boat, scow or raft to any buoy or beacon, placed by the United States or this State in any of the navigable waters of this State, or in any manner makes the same fast thereto, forfeits \$50. Whoever willfully destroys any such buoy or beacon shall forfeit \$100 and be imprisoned for 3 months. Said forfeitures may be recovered by complaint or civil action, $\frac{1}{2}$ to the plaintiff or informer and $\frac{1}{2}$ to the county in which the trial is had.

R.S.1954, c. 131, § 24; 1961, c. 317, § 457.

§ 2498. Taking of watercraft, aircraft or draft animals; limitation

Whoever, in any other case, willfully and mischievously takes or uses any boat, vehicle, aeroplane or other aircraft, or takes, drives, rides or uses any horse, ox or other draft animal, the property of another, without the consent of the owner or person having the legal custody, care and control thereof; or whoever hires with intent to and does so use or drive any horse, ox or other draft animal in excess of any contract made with the owner or keeper thereof shall be punished by a fine of not more than \$300 or by imprisonment for not more than 11 months. This

section and section 2495 do not apply to any case of taking the property of another with intent to steal the same, or when such property is taken under a claim of right, or with the presumed consent of the owner or person having the legal control thereof.

R.S.1954, c. 131, § 25.

§ 2499. Injuring or cutting loose booms, rafts, vessels or boats; civil action for damages

Whoever willfully or maliciously, without consent of the owner, cuts away, lets loose, injures or destroys any boom, raft or logs or other lumber, or any vessel, gondola, scow or other boat fastened to any place, of which he is not the owner or legal possessor, shall be punished by a fine of not more than \$500 and by imprisonment for less than one year; and shall be liable to the person injured in a civil action for double the damages by him sustained.

R.S.1954, c. 131, § 29; 1961, c. 317, § 459.

§ 2500. Damage to ice

Whoever willfully and wantonly or maliciously cuts, injures, mars or otherwise destroys or damages ice upon any waters from which ice is or may be taken as an article of merchandise, whereby the taking thereof is hindered or the value of the same is diminished for that purpose; or whoever willfully and wantonly or maliciously incites or procures another to do so shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months. It is not necessary to allege or prove the title or ownership of the ice so cut, injured, marred, damaged or destroyed.

R.S.1954, c. 131, § 32.

§ 2501. Damages to fruit gardens; arrest of offenders

Whoever enters an orchard, fruit garden, vineyard or any field or enclosure kept for the purpose of cultivating any domestic fruit therein, without consent of the owner or occupant, and with intent to take, injure or destroy anything there growing, and whoever willfully cuts down, injures or destroys any tree, shrub or vine within any of the places before named, or injures any building, trellis, framework or appurtenance belonging to or upon any of said places, shall be punished by a fine of \$20 and

costs and by imprisonment for not less than 30 days, and in default of payment of said fine and costs, shall be further imprisoned at the rate of 2 days for each dollar of said fine and costs. The owner of such place or any person employed in its cultivation or rightfully in the possession thereof may arrest any person found violating any provision of this section and carry him before any judge within the county where the arrest is made.

R.S.1954, c. 131, § 30.

§ 2502. Injuring or destroying rhododendron and kalmia

Whoever without the consent of the owner of the land whereon the same may be growing injures, destroys, digs up or removes any rhododendron maximum linnaeus or kalmia latifolia linnaeus, or any part or parts of the plants of either of said species growing upon the land of another, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$100, and in addition thereto shall be liable to the owner of the land upon which the same was growing in a civil action in treble damages.

R.S.1954, c. 131, § 31; 1961, c. 317, § 460.

§ 2503. Damage to trees, fences, gates, signs or produce

Whoever willfully and wantonly or maliciously cuts down, destroys or otherwise injures any shrub or tree for ornament or use; breaks, injures or defaces any fence; throws down or opens any gates or bars; knocks down, removes, destroys or defaces signs posted on land or buildings to forbid trespassing; injures, destroys or severs from the land of another any produce thereof or thing attached thereto, such articles not being his own, shall be punished by a fine of not more than \$100 and by imprisonment for less than one year.

R.S.1954, c. 131, § 33.

§ 2504. Wearing spiked boots and shoes in public places

No person wearing boots or shoes with spikes or calks in the sole or heel thereof shall enter any public building, hotel, railroad station, railroad car or steamboat without special permission from the owner, lessee, person in charge thereof, or some officer, agent or servant of either of them, or, having entered, shall remain therein after having been requested to leave such public building, hotel, railroad station, railroad car or steamboat by the owner,

lessee, person in charge thereof, or some officer, agent or servant of either of them. No person shall be convicted of any offense hereunder unless a printed copy of this section and section 2505 shall have been posted in a conspicuous place in the public building, hotel, railroad station, railroad car or steamboat where said offense is committed for at least 30 days prior to the commission of said offense and is also posted at the time of said offense. Whoever violates any of the provisions hereof shall, on complaint and conviction, be punished by a fine of not less than \$1 nor more than \$10, but a person having entered without permission and remaining after having been requested to leave as provided shall only be convicted of violating one of the provisions hereof.

R.S.1954, c. 131, § 35.

§ 2505. Destroying notices regarding spiked shoes

Whoever willfully destroys, defaces or tears down any such printed copy posted under section 2504 shall forfeit not less than \$1 nor more than \$10, to be recovered on complaint.

R.S.1954, c. 131, § 36.

§ 2506. Advertising on fences and rocks

Whoever advertises his wares or occupation by painting notices of the same on, or affixing them to fences or other private property, or to rocks or other natural objects, without the consent of the owner in writing, shall be guilty of a misdemeanor and shall be punished for each offense by a fine of not less than \$5 nor more than \$20.

R.S.1954, c. 131, § 34.