

MAINE STATE LEGISLATURE

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CHAPTER 101

PUBLIC OFFICES AND OFFICERS

Sec.

- 3101. Malfeasance in office.
- 3102. Extorting illegal fees in performance of official duty.
- 3103. Refusal to deliver money or property to successor in office.
- 3104. Conflicts of interest; purchases by the State.

§ 3101. Malfeasance in office

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.

R.S.1954, c. 135, § 14.

§ 3102. Extorting illegal fees in performance of official duty

If any person, for performing any service or official duty for which the pay is fixed by law, willfully 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 one year after the offense is committed, or by civil action commenced within the same time, to the use of the person first suing therefor in his own name.

R.S.1954, c. 135, § 15; 1961, c. 317, § 462.

§ 3103. Refusal to deliver money or property to successor in office

When any person, having held any public office in this State and having in his possession or under his control any moneys,

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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, willfully 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.

R.S.1954, c. 135, § 16.

§ 3104. Conflicts of interest; purchases by the State

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. 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. This section shall not apply to purchases of the State by the Governor and Council under authority of Title 1, section 814.

R.S.1954, c. 135, § 17; 1959, c. 251, § 2.