

MAINE STATE LEGISLATURE

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FIFTH REVISION.

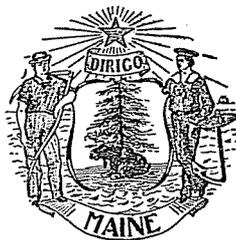
THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED SEPTEMBER 1, 1903, AND TAKING EFFECT JANUARY 1, 1904.

BY THE AUTHORITY OF THE LEGISLATURE.



AUGUSTA :
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CHAPTER 125.

OFFENSES AGAINST CHASTITY, MORALITY AND DECENCY.

ADULTERY, INCEST, POLYGAMY, GROSS LEWDNESS AND FORNICATION.

Adultery.
R. S., c. 124, § 1.
—cohabitation after a divorce is adultery.

SEC. 1. Whoever commits adultery shall be punished by imprisonment for not more than five years, or by fine not exceeding one thousand dollars; and when only one of the parties is married, or when they have been legally divorced from the bonds of matrimony, and afterwards cohabit, each shall be deemed guilty of adultery. (a)

Incest.
R. S., c. 124, § 2.

SEC. 2. When persons within the degrees of consanguinity or affinity in which marriages are declared incestuous and void, intermarry or commit fornication or adultery with each other, they shall be punished by imprisonment for not less than one, nor more than ten years.

Crime against nature.
R. S., c. 124, § 3.

SEC. 3. Whoever commits the crime against nature, with mankind or with a beast, shall be punished by imprisonment for not less than one, nor more than ten years.

Polygamy, its punishment and where tried.
R. S., c. 124, § 4.
1897, c. 184.
6 Me., 149.
53 Me., 440.
91 Me., 207.
97 Me., 324, 325.

SEC. 4. If any person, except one legally divorced, or one whose husband or wife has been continually absent for seven years and not known to him or her to be living within that time, having a husband or wife living, marries another married or single person; or if any unmarried person knowingly marries the husband or wife of another, when such husband or wife is thereby guilty of polygamy, he or she shall be deemed guilty of polygamy and punished by imprisonment for not more than five years, or by fine not exceeding five hundred dollars; and the indictment for such offense may be found and tried in the county where the offender resides, or where he or she is apprehended.

Lascivious cohabitation and lewdness.
R. S., c. 124, § 5.
7 Me., 58.

SEC. 5. If any man and woman, one or both being at the time married to another person, lewdly and lasciviously cohabit; or, married or unmarried, are guilty of open, gross lewdness and lascivious behavior, they shall each be punished by imprisonment for not more than five years, or by fine not exceeding three hundred dollars; and whoever wantonly and indecently exposes his person shall be punished by imprisonment for not more than thirty days, and by fine not exceeding ten dollars.

—indecent exposure, penalty for.

Fornication.
R. S., c. 124, § 6.

SEC. 6. If an unmarried man commits fornication with an unmarried woman, they shall be punished by imprisonment for not more than sixty days, and by fine not exceeding one hundred dollars.

CONCEALMENT OF BIRTHS AND PROCURING ABORTIONS.

Concealment by the mother of the death of illegitimate issue, how indicted, etc.
R. S., c. 124, § 7.
57 Me., 31.

SEC. 7. If a woman is willingly delivered in secret of the issue of her body, which would be a bastard if born alive, and conceals the death thereof, so that it is not known whether it was born dead, or alive and was murdered, she shall be punished by imprisonment for not more than three years, or by fine not exceeding one hundred dollars; and she may be charged with such offense, and also with the murder of such child, in the same indictment, and convicted and punished for either, according to the verdict.

(a) 8 Me., 76; 11 Me., 394; 19 Me., 156; 35 Me., 206; 36 Me., 263; 43 Me., 261; 44 Me., 478; 65 Me., 30.

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SEC. 8. Whoever administers to any woman pregnant with child, whether such child is quick or not, any medicine, drug or other substance, or uses any instrument or other means, unless the same was done as necessary for the preservation of the mother's life, shall be punished, if done with intent to destroy such child and thereby it was destroyed before birth, by imprisonment for not more than five years, or by fine not exceeding one thousand dollars; but if done with intent to procure the miscarriage of such woman, by imprisonment for less than one year, and by fine not exceeding one thousand dollars.

Punishment, for procuring or attempting to procure abortion.
R. S., c. 124, § 8.
32 Me., 374.
33 Me., 54.

HOUSES OF ILL-FAME.

SEC. 9. Whoever keeps a house of ill-fame, resorted to for prostitution or lewdness, shall be punished by imprisonment for less than one year, and by fine not exceeding five hundred dollars; and if after conviction he is again convicted, he shall be punished by imprisonment for not less than one, nor more than three years. The municipal officers and constables of towns and cities, and assessors of plantations, are required promptly to enforce the laws against such houses, and to make complaint against any person within their respective municipalities, where there is probable cause to believe such person guilty of a violation of this section. A person, convicted of keeping such a house, before a municipal or police court or trial justice, may be sentenced to the house of correction or jail not exceeding one month. And such person shall not be allowed to keep boarders or lodgers without a license from the overseers of the poor of the town, who shall prosecute for such offense, all whom they have good reason to suspect to be guilty.

Keeping houses of ill-fame.
R. S., c. 124, § 9.
40 Me., 561.
75 Me., 552.
See c. 29, § 69.

SEC. 10. Whoever fraudulently and deceitfully entices or takes away an unmarried female from her father's house, or wherever else she may be found, for the purpose of prostitution at a house of ill-fame, assignation or elsewhere, and whoever aids therein, or secretes such female for such purposes; or whoever inveigles or entices any female, before reputed virtuous, to a house of ill-fame, or knowingly conceals or aids in concealing any such female, so enticed, for the purpose of prostitution or lewdness, shall be punished by imprisonment for not less than one, nor more than ten years.

Enticing unmarried females for purposes of prostitution.
R. S., c. 124, § 10.
54 Me., 26.

SEC. 11. When an overseer of the poor, police officer, constable, parent, master or guardian, has reason to believe that a female has been inveigled or enticed to a house of ill-fame as aforesaid, he may complain on oath to a competent magistrate who may issue his search warrant as in other cases, to enter such house by day or night, search for such female, and bring her and the person in whose keeping she is found, before him, and may order her to be delivered to the complainant or to be discharged, as law and justice require.

Warrants to search for females supposed to be so enticed.
R. S., c. 124, § 11.

SEC. 12. When the tenant of a dwelling-house is convicted of keeping it as a house of ill-fame, the lease or contract by which he occupies it may, at the option of the landlord, be deemed void, and the landlord shall have the same remedy to recover possession as against a tenant holding over after his term expires.

Lease of tenant of house of ill-fame is void, at the option of the landlord.
R. S., c. 124, § 12.
See c. 22, § 3.

IMMORAL LITERATURE, PICTURES AND EXHIBITIONS.

SEC. 13. Whoever imports, prints, publishes, sells or distributes any book, pamphlet, ballad, printed paper or other thing containing obscene, indecent or impure language, or manifestly tending to the corruption of

Punishment for making or circulating obscene books and pictures.