

MAINE STATE LEGISLATURE

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SIXTY-FIRST LEGISLATURE.

HOUSE.

No. 132.

Amendments to House Document No. 76, submitted by Mr.
HEATH of Aususta.

—
"A."

Amend section one, line six, by adding thereto
2 the words "or imprisonment for life as determined
3 by the jury. If the jury find the respondent
4 guilty of murder in the first degree, they shall
5 designate in their verdict whether he shall be pun-
6 ished by death or imprisonment for life."

"B."

Amend section two, line five by striking out the
2 word "six" and inserting in place thereof the
3 word "twelve;" also in same line by striking out
4 the words "one year" and inserting in place
5 thereof the words "fifteen months."

"C."

Amend section six, line twenty-two by striking
2 out the word "ten" and inserting in place thereof

3 the word "twenty;" also in line twenty-five, strike
4 out the word "one" and insert the word "two."

"D."

Amend by adding the following sections:

2 *Sect. 8.* The clerk of the court for the county
3 in which an indictment under section one has been
4 found, shall forthwith send notice thereof, with a
5 copy of said indictment to the chief justice of
6 the supreme judicial court and to the attorney
7 general.

8 *Sect. 9.* If the prisoner pleads guilty, the court
9 having jurisdiction held by one justice may
10 award sentence against him according to law; if
11 he does not plead guilty, the justice of such court
12 may assign him counsel and take all other meas-
13 ures preparatory to a trial, to be had at a criminal
14 term of said court; and when such trial is had,
15 one or more justices of the supreme judicial court
16 shall be assigned by the chief justice to hold said
17 trial with the justice presiding at said criminal
18 term.

19 *Sect. 10.* Said justices, so sitting at such
20 capital case, may at the term in which the trial of
21 such indictment is had, or within one year there-
22 after, on the motion of the respondent in writing,

23 filed in term time or vacation, grant a new trial for
24 any cause for which by law a new trial may be
25 granted, or when it appears that justice has not
26 been done; and they may hear such motion and
27 enter their decree thereon in term time or vaca-
28 tion. The concurrence of but two justices shall
29 be necessary to grant said motion, if heard by
30 three or more; and if heard by two justices, one
31 of said justices may grant the same.

“E.”

Add the following:

2 *Sect. 11.* If a person convicted under section
3 one is at the time when motion for sentence is
4 made found, to the satisfaction of the court, to be
5 insane, the court may cause such person to be re-
6 moved to the insane hospital for such a term and
7 under such limitations as it may direct.

8 *Sect. 12.* If it appears to the satisfaction of
9 the governor and council that a convict under
10 sentence of death has become insane, the execu-
11 tion of said sentence may be respited by the gov-
12 ernor, with the advice of council, from time to
13 time for stated periods until they are satisfied that
14 the convict is no longer insane.

(4)

" F. "

Add the following:

2 *Sect. 13.* The governor, with the advice of
3 council, may respite from time to time the execu-
4 tion of a sentence of death for stated periods so
5 long as he may deem it necessary to afford him an
6 opportunity of exercising his right of pardon and
7 of investigating and considering the facts of the
8 case for that purpose.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 26, 1883. }

Proposed amendments to House Document No. 76, presented by
Mr. HEATH of Augusta, and on his motion ordered printed.

F. L. PATTEN, *Clerk pro tem.*