

# MAINE STATE LEGISLATURE

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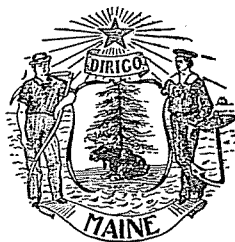
OF THE

STATE OF MAINE,

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

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BY THE AUTHORITY OF THE LEGISLATURE.



AUGUSTA :  
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## CHAPTER 136.

SENTENCE, AND ITS EXECUTION IN CRIMINAL CASES, AND THE  
LIBERATION OF POOR CONVICTS.

## WHAT SENTENCE MAY BE AWARDED.

SEC. 1. No person shall be punished for an offense until convicted thereof in a court having jurisdiction of the person and case. When no punishment is provided by statute, a person convicted of an offense shall be imprisoned for less than one year or fined not exceeding five hundred dollars. When it is provided that he shall be punished by imprisonment and fine, or by imprisonment or fine, or by fine and in addition thereto imprisonment, he may be sentenced to either or both. In all cases where a fine is imposed he may be sentenced to pay the costs of prosecution; and for violations of sections forty-one, forty-two, forty-four, forty-nine and fifty-four of chapter twenty-nine, he shall be sentenced to pay such costs.

SEC. 2. When a person is convicted of a crime punishable by imprisonment in the state prison, and it is alleged in the indictment and proved or admitted on trial, that he had been before convicted and sentenced to any state prison by any court of this state, or of any other state, or of the United States, whether pardoned therefor or not, he may be punished by imprisonment in the state prison for any term of years.

SEC. 3. Unless otherwise specially provided, all imprisonments for one year or more, shall be in the state prison; and all for a less term, in the county jail or house of correction. When it is provided that imprisonment shall be in jail, the sentence may be for imprisonment there or in a house of correction; and it may be conditional that the convict shall pay a fine and costs, but that if it is not paid in ten days, then he shall be imprisoned for not more than six months.

SEC. 4. When the punishment provided by law may be imprisonment in the state prison for three years or less, such punishment may be inflicted by the court, in its discretion, in either of the work-jails.

SEC. 5. When a convict is sentenced to imprisonment and labor in either of the work-jails, the court or magistrate may in addition sentence him to the other punishment provided by law for the same offense, with the condition that if such convict cannot be received at the work-jail to which he is sentenced, or if at any time before the expiration of said sentence, in the judgment of the inspectors of jails, he becomes incorrigible, or unsafe, they may order that he suffer such alternative sentence or punishment; and if said alternative sentence is in the state prison, the sheriff of the county where such convict is imprisoned, shall forthwith, upon receiving the order of said inspectors, cause said convict to be conveyed to the state prison at the expense of the county where he was sentenced.

SEC. 6. The supreme judicial court, the superior court and any municipal or police court or trial justice, in the county where a work-jail is situate, or in any county where there is no work-jail, may, subject to the provisions of the following section, sentence any person convicted of an offense punishable by imprisonment, to either of the work-jails nearest or most convenient to the county where the offense is committed, and all sentences of imprisonment shall include labor. The keeper of such work-jail shall receive and detain such prisoner in the same manner as if committed by a court sitting in the county where such work-jail is situated.

No person shall be punished until convicted.  
R. S., c. 135, § 1.  
1893, c. 248.

—sentence to imprisonment and fine, or to both.  
See c. 29, § 68.

—costs.

Punishment when convict has before been sentenced to any state prison.  
R. S., c. 135, § 2.

State prison sentence, term of.  
R. S., c. 135, § 3.  
See c. 142, § 6.  
69 Me., 182.  
84 Me., 33.  
—imprisonment for misdemeanor.

Work-jail sentences.  
R. S., c. 135, § 4.  
See c. 80, § 12.

Alternative sentences to work-jails, how to be inflicted.  
R. S., c. 135, § 5.  
See c. 80, § 13.

—powers of inspectors, in case of incorrigible or dangerous convicts.

Courts may sentence to any work-jail, nearest to the county where offense was committed.  
R. S., c. 135, § 6.

—prison sentences include labor.

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—service of precepts.

Commitment shall be in county where convicted.  
1903, c. 85.

—proviso.

Expenses of prisoners from other counties, how to be paid.  
R. S., c. 135, § 7.

In all cases of misdemeanors, sureties to keep the peace may be required.  
R. S., c. 135, § 8.

Clerk's minutes are authority for officer to execute sentences for misdemeanors.  
R. S., c. 135, § 9.  
93 Me., 44.

Removal of convicts to state prison, must be on clerk's warrant.  
R. S., c. 135, § 10.

—clothing for convicts.

Convict, unable to pay fine or costs, how to be liberated, after thirty days.  
R. S., c. 135, § 17.  
74 Me., 220.

—such convict may be placed at labor.

Any officer of any county qualified to serve criminal precepts in his county may serve any precept required by this section and the preceding, whether such service is performed in whole or in part in one or more counties, and processes shall be issued and directed accordingly.

SEC. 7. Any person sentenced by any trial justice or judge of any municipal or police court to a term of imprisonment in a jail, not exceeding four months, shall be committed to the jail in the county in which such person is convicted, *provided* such county has a suitable jail, otherwise such commitment may be to any jail in the state.

SEC. 8. There shall be paid to the county to which a prisoner from any other county may be sentenced and committed, by such other county, such sum as may be agreed upon by the county commissioners of said counties, for subsistence and detention, deducting the amount received for labor, and if said commissioners do not agree upon the amount to be paid, representation of the facts may be made to the supreme judicial court, or any justice thereof, and the amount shall be determined by such court or justice, either in term time or vacation.

SEC. 9. In addition to the punishment prescribed by law, the court may require any person convicted of an offense not punishable by imprisonment in the state prison, to recognize to the state, with sufficient sureties, in a reasonable sum, to keep the peace and be of good behavior for a term not exceeding two years, and to stand committed until he so recognizes.

## EXECUTION OF SENTENCES.

SEC. 10. When a convict is sentenced to pay a fine or costs, or to be imprisoned in the county jail or house of correction, the clerk of courts, as soon as may be, shall make out and deliver to the sheriff or some officer in court, a transcript of the minutes of the conviction and sentence duly certified by him; which shall be sufficient authority for the officer to execute such sentence.

SEC. 11. When a convict is sentenced to confinement in the state prison, such clerk shall make out a warrant under seal of the court, directed to the warden of the prison, requiring him to cause such convict, without needless delay, to be removed from the county jail to the state prison; the warden and all sheriffs and jail keepers shall strictly obey its directions; and the clerk, as soon as may be, shall deliver such warrant to the sheriff of the county, and he shall forthwith deliver it to said warden. The sheriff shall provide the convict with comfortable clothing in which to be removed to the state prison.

## LIBERATION OF POOR CONVICTS.

SEC. 12. Except when otherwise expressly provided, any convict, sentenced to pay a fine or costs, and committed for default thereof and for no other cause, who is unable to pay the same, may be liberated by the sheriff, after thirty days from his commitment, by giving his note for the amount due, to the treasurer of the same county, accompanied by a written schedule of all his property of every kind, signed and sworn to before the sheriff, jailer or any justice of the peace or trial justice, and the sheriff shall deliver the same to said treasurer, for the use of the county, within thirty days; and all convicts so committed may be placed at labor in the same manner as persons sentenced to imprisonment and labor.

SEC. 13. Such note continues a lien on all the maker's real estate until it is fully paid; and if judgment is rendered on it in favor of the treasurer, the same proceedings may be had on the execution as in other cases of contract.

SEC. 14. If such convict is convicted of knowingly and wilfully making a false schedule, on oath, as to the nature or amount of his property, he shall receive no benefit from his liberation, but may be again imprisoned until the performance of the original sentence.

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Such notes are a lien on convict's real estate.  
R. S., c. 135, § 18.

Penalty, for making a false schedule of property.  
R. S., c. 135, § 19.

## CHAPTER 137.

## COLLECTION AND DISPOSAL OF FINES AND COSTS IN CRIMINAL CASES.

## DUTY OF THE CLERK IN RELATION THERETO.

SEC. 1. All fines, forfeitures and costs in criminal cases shall be paid into the treasury of the county where the offense is prosecuted, for the use of such county, and all the costs and expenses attending the administration of criminal justice therein, shall be paid by said county, unless otherwise specially provided. The supreme judicial court, and the superior courts shall allow bills of costs accruing therein, but all other costs and expenses in criminal cases shall be audited by the commissioners of the county where they accrued. Clerks of courts shall attest duplicate copies of all bills of costs allowed therein, and certificates of all fines and forfeitures imposed and accruing to the county, before the rising of the court, or immediately after, and deliver one of said copies and certificates to the county treasurer, and retain one for the use of the county commissioners.

Fines, forfeitures and criminal costs, shall be paid to county.  
R. S., c. 136, § 1.

—criminal costs and expenses to be paid by the counties.  
—clerks shall make duplicate copies of bills of costs, and certificates of fines.

SEC. 2. Each clerk, in default of payment to him of fines, forfeitures and bills of costs, shall issue warrants of distress, or such other process therefor as the court finds necessary to enforce the execution of any order, sentence or judgment in behalf of the state; deliver them to the sheriff, or to such coroner or constable as the county attorney directs, and enter of record the name of the officer and the time when they are delivered to him.

Duty of clerks to collect fines and costs, or to issue process for their collection.  
R. S., c. 136, § 2.

## DUTY OF SHERIFFS AND OTHER OFFICERS.

SEC. 3. Sheriffs, jailers, constables and coroners, who, by virtue of their office, receive any fines, forfeitures or bills of costs, except debts and costs received upon executions in favor of the state, shall forthwith pay them to the treasurer of the county in which they accrued.

Officers shall pay over to county treasurer fines and costs collected.  
R. S., c. 136, § 3.

SEC. 4. If any such officer neglects to pay over such fine, forfeiture or costs, for thirty days after the receipt thereof; or if he permits any person, sentenced to pay such fine, forfeiture or bill of costs and committed to his custody, to go at large without payment, unless by order of law, and does not within thirty days after such escape, pay the amount thereof to the county treasurer, he forfeits to the county double the amount; and the county treasurer shall give notice of such neglect to the county attorney, who shall sue therefor in an action of debt, in the name of such treasurer.

Penalty for neglect.  
R. S., c. 136, § 4.

—duty of treasurer and county attorney.

SEC. 5. Every sheriff or other officer, to whom any process for the recovery of such fine, forfeiture or costs, is committed by the clerk of

Duty of officers receiving