

# MAINE STATE LEGISLATURE

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SIXTH REVISION

THE  
REVISED STATUTES

OF THE

STATE OF MAINE

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By the Authority of the Legislature

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## CHAPTER 140.

### Pardons, and Fugitives from Justice.

#### Pardons.

**Sec. 1.** Notice shall be given to county attorney, on all petitions for pardon; his attendance if required; statement of facts to be furnished. **R. S. c. 139, § 1.** On all petitions to the governor for pardon or commutation of sentences, written notice thereof shall be given to the county attorney for the county where the case was tried at least three weeks before the time of the hearing thereon, and three weeks' notice in some newspaper printed and published in said county; and if the crime for which said pardon is asked is punishable by imprisonment in the state prison, the county attorney for the county where the case was tried shall upon the request of the governor and council, attend the meeting of the governor and council at which the petition is to be heard, and the governor and council shall allow him his necessary expenses for such attendance, and a reasonable compensation for his services to be paid from the state treasury out of the appropriation for costs in criminal prosecutions. The governor and council may require the judge and prosecuting officer who tried the case to furnish them a concise statement thereof as proved at the trial and any other facts bearing on the propriety of granting pardon or commutation.

**Sec. 2.** When state prison sentence may be commuted to imprisonment in jail. **R. S. c. 139, § 2.** When a person is sentenced to confinement in the state prison, the governor, with the advice and consent of the council, may, if he deems it consistent with the public interest and the welfare of the convict, commute said sentence to imprisonment in any county jail, there to be supported at the charge of the state, at an expense not exceeding the price paid for the support of other prisoners in said jail.

#### Conditional Pardons.

**Sec. 3.** Governor may grant conditional pardons. **R. S. c. 139, § 3.** In any case in which the governor is authorized by the constitution to grant a pardon, he may, by and with the advice and consent of the council, and upon petition of the person convicted, grant it upon such conditions, and with such restrictions and under such limitations as he deems proper, and he may issue his warrant to all proper officers to carry such pardon into effect; which warrant shall be obeyed and executed instead of the sentence originally awarded.

See Constitution, Art. v, Part 1, § 11.

**Sec. 4.** Conditions under which convict may be again arrested. **R. S. c. 139, § 4.** When a convict has been pardoned on conditions to be observed and performed by him, and the warden of the state prison, or keeper of the jail, where the convict was confined, has reason to believe that he has violated the same, such officer shall forthwith cause him to be arrested and detained until the case can be examined by the governor and council; and

the officer making the arrest shall forthwith give them notice thereof, in writing.

**Sec. 5.** If governor and council find that conditions have been violated, convict shall be remanded to prison. R. S. c. 139, § 5. The governor and council shall, upon receiving such notice, examine the case of such convict, and if it appears by his own admission or by evidence, that he has violated the conditions of his pardon, the governor, with the advice and consent of the council, shall order him to be remanded and confined for the unexpired term of the sentence. In computing the period of his confinement, the time between the pardon and the subsequent arrest shall not be reckoned as part of the term of his sentence. If it appears to the governor and council that he has not broken the conditions of his pardon, he shall be discharged.

**Sec. 6.** Officer, to whom warrant for pardon or commutation is issued, shall make return. R. S. c. 139, § 6. When a convict is pardoned, or his punishment is commuted, the officer to whom the warrant for that purpose is issued shall, as soon as may be after executing the same, make return thereof, under his hand, with his doings thereon, to the office of the secretary of state; and he shall also file in the clerk's office of the court in which the offender was convicted, an attested copy of the warrant and return, a brief abstract whereof the clerk shall subjoin to the record of the conviction and sentence.

#### Fugitives from Justice.

**Sec. 7.** Governor may appoint an agent to demand fugitives in other states. R. S. c. 139, § 7. In any case, authorized by the constitution and laws of the United States, the governor may appoint an agent to demand and receive of the executive authority of any other state, any fugitive from justice charged with any crime in this state; and the accounts of such agent shall be audited by the state auditor and paid from the treasury by order of the governor and council.

See U. S. Constitution, Art. iv, § 2, ¶ 2.

**Sec. 8.** Reward for the arrest and return of escaped prisoners and fugitives from justice. R. S. c. 139, § 8. Whenever a prisoner convicted of, or charged with, a capital crime or other high offense, escapes from prison in this state; or there is reasonable cause to believe that a person who is charged with such offense and has not been apprehended therefor, cannot be arrested and secured in the ordinary course of proceedings, the governor may, upon application in writing, of the attorney-general or county attorney for the county in which such offense was committed, and upon such terms and conditions as he deems expedient and proper, offer a suitable reward, not exceeding one thousand dollars, for the arrest, return and delivery into custody of such escaped prisoner or fugitive from justice; and upon satisfactory proof that the terms and conditions of such offer have been complied with, he may, with the advice and consent of the council, draw his warrant upon the treasurer for the payment thereof.

**Sec. 9.** Governor may issue his warrant to surrender fugitives found in this state. R. S. c. 139, § 9. 1907, c. 14. When such demand as is mentioned in section seven is made on the governor of this state, he may inves-

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tigate all the material facts which come to his knowledge and determine the expediency of complying therewith, and if he is satisfied, on examination of the grounds thereof, that it is according to law and ought to be granted, he shall issue his warrant, under the seal of the state, authorizing the agent making the demand, at his own expense to take and transport such fugitive to the line of the state, at the time designated in the warrant, and shall therein require the civil officers of the state to afford all needful aid in its execution.

**Sec. 10. Court or magistrate may issue a warrant for the arrest of a fugitive from another state. R. S. c. 139, § 10.** When such fugitive from justice in another state is found in this state, any court or magistrate authorized to issue warrants in criminal cases, may, on complaint under oath, setting forth the offense and other facts necessary to bring the case within the provisions of law, grant a warrant and have the accused arrested for examination as in other cases.

**Sec. 11. Examination of case. R. S. c. 139, § 11.** On such examination, if the court or magistrate believes that the complaint is true, and that the accused can lawfully be demanded of the governor, the case shall be adjourned long enough to obtain an executive warrant; and if the offense is bailable, the accused may recognize with sufficient sureties to appear at the adjournment; and if he does not so recognize, or the offense is not bailable, he shall be committed; and if any such recognizance is forfeited, the same proceedings shall be had as in case of other recognizances.

**Sec. 12. When such prisoner shall be discharged at the adjourned day. R. S. c. 139, § 12.** If the accused appears at the adjournment, he shall be discharged, unless some person is authorized to receive him by an executive warrant, or another adjournment is ordered for sufficient cause, and in that case the same proceedings shall be had as at the first adjournment; but nothing in this, or the two preceding sections, shall prevent the arrest of any accused by an executive warrant, and such arrest discharges any such existing recognizance.

**Sec. 13. The complainant is answerable for costs. R. S. c. 139, § 13.** The complainant is answerable in all such cases for the actual costs and charges and the support in prison of the accused when committed, to be paid as a creditor pays for his debtor committed on execution; and if his support in prison is not so paid, the jailer may discharge the accused as if he were committed on execution for debt.

See c. 115, § 81.