

MAINE STATE LEGISLATURE

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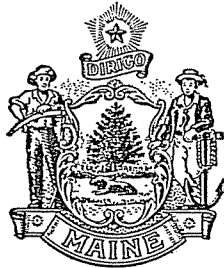
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with his doings thereon, to the office of the secretary of state; and he shall also file in the clerk's office of the court in which the offender was convicted an attested copy of the warrant and return, a brief abstract whereof the clerk shall subjoin to the record of the conviction and sentence.

Fugitives from Justice

Sec. 55. Reward for the arrest and return of escaped prisoners and fugitives from justice. R. S. c. 147, § 57. Whenever a prisoner convicted of or charged with a capital crime or other high offense escapes from prison; 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 \$1,000, 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 of state for the payment thereof.

CHAPTER 137.

COLLECTION AND DISPOSAL OF FINES AND COSTS IN CRIMINAL CASES.

- Sections 1-2 Costs Taxable for the State in Criminal Prosecutions. General Provisions.
 Sections 3-4 Duty of Clerks of Court.
 Sections 5-7 Duty of Trial Justices and Judges of Municipal Courts.
 Sections 8-10 Duty of Sheriffs and Other Officers.
 Sections 11-13 Duty of County Treasurers.
 Sections 14-15 Duty of County Attorneys.

Costs Taxable for the State in Criminal Prosecutions. General Provisions

Sec. 1. Costs taxable for the state in criminal prosecutions. R. S. c. 126, § 9. Costs taxable for the state in criminal prosecutions shall be as follows:

For the attorney acting for the state, in all cases in the superior court, \$1.25, unless there is a trial by jury, or an issue in law at the law court, in which case there shall be an additional charge of \$1.

For an indictment in the superior court, \$1.25.

For attendance, 33c a day, not to extend beyond the 2nd week of any 1 term; but no fees for travel shall be allowed in any case in which the state is a party.

No attendance shall be taxed in cases of defaulted recognizances, other than is taxed in the prosecutions in which they are taken, until the return of a writ of scire facias issued thereon.

In indictments against towns for neglecting to make or repair a way, not tried by the jury, the fees taxed for the state are limited to \$3; and the costs shall not be taxed until the action is finally disposed of.

No fees shall be allowed to complainants before the grand jury against towns for neglecting to make or repair roads; nor to any other witnesses in such cases, unless summoned by the county attorney or grand jury.

Sec. 2. Fines, forfeitures, and criminal costs, to be paid to county; criminal costs and expenses to be paid by the counties. R. S. c. 148, § 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 superior court 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, including actual expenses incurred by county attorneys in the performance of their official duties, payment of which is expressly provided.

137 Me. 233.

Duty of Clerks of Court

Sec. 3. Duties of clerks as to bill of costs, and certificates of fines. R. S. c. 148, § 1. Clerks of court 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.

Sec. 4. Duty of clerks to collect fines and costs, or to issue process for their collection. R. S. c. 148, § 2. Each clerk of court, 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 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 Trial Justices and Judges of Municipal Courts

Sec. 5. All fines, costs, and forfeitures to be paid to county treasurer; penalty. R. S. c. 148, § 7. 1933, c. 118, § 1. 1939, c. 293, § 2. 1943, c. 269, § 1. Every clerk of a superior court, trial justice, and judge or recorder of a municipal court shall render, under oath, a detailed account of all fines, costs, and forfeitures upon convictions and sentences before him, on forms prescribed by the state department of audit, and shall pay them into the treasury of the county where the offense is prosecuted on or before the 15th day of the month following the collection of such fines, costs, and forfeitures. A certified bill of costs for each case heard in a municipal or trial justice court shall accompany such remittance. The county treasurer, upon approval of the county commissioners, shall pay to the state, town, city, or persons any portion of the fines, costs, and forfeitures that may be due. Any person who fails to make such payments into the county treasury shall forfeit, in each instance, double the amount so neglected to be paid over, to be recovered by indictment for the persons entitled to such fines, costs, and forfeitures, and in default of payment, according

to the sentence of the court, such person shall be punished by imprisonment for not more than 6 months.

See c. 133, § 26, re costs in criminal cases.

Sec. 6. Magistrates to give bond for faithful performance of duties; penalty for acting without bond. R. S. c. 148, § 8. 1933, c. 118, § 1. Every trial justice or judge of a municipal court, before he performs any official act as such justice or judge, pertaining to any criminal process or proceeding, shall give bond to the county in such sum and with such sureties as the county commissioners of said county shall approve, conditioned that he will, during his continuance in office, faithfully perform, as the law requires, all his duties relating to the collection and payment over of all fines and forfeitures which may come into his hands by virtue of his office. Such bond shall be held by the county treasurer and enforced for the security of any and all parties entitled to such fines and forfeitures, and a suit on such bond for the benefit of one party shall not bar a suit thereon for the benefit of any other party. Every such justice or judge who shall perform any such official acts before giving such bond forfeits not more than \$100, to be recovered by indictment, but a failure to give such bond shall not render invalid such official acts.

Sec. 7. Trial justices and municipal judges to keep docket of fines and forfeitures; examination of docket and magistrate by county commissioners; upon failure to appear, *capias* may issue. R. S. c. 148, §§ 9, 10. Every trial justice or judge shall keep a correct docket of all examinations and trials before him of persons accused of offenses, setting forth therein a true account of all fines and forfeitures by him imposed or received upon conviction or sentence; and once a year shall deliver or transmit to the county commissioners of his county at one of their regular sessions such docket or a copy thereof, accompanied by his affidavit that he has faithfully complied with the requirements of section 5; and said commissioners shall examine said docket or copies and may summon such justice or judge to appear before them with his original docket and records, by not less than 10 days' written notice served by giving him a copy in hand or by leaving it at his last and usual place of abode. He may be examined on oath relative to his official conduct, and if it is found that he has faithfully observed the official requirements of law he shall be allowed a reasonable compensation for his travel and expenses, to be paid from the county treasury.

If he fails to appear, the commissioners may issue a *capias* and have him brought, with his papers, before them; and if he fails to show reasonable cause for his neglect, he shall pay the expenses of bringing him before the commissioners, and they may issue a warrant of distress for collection of the same.

Duty of Sheriffs and Other Officers

Sec. 8. Officers to pay over to county treasurer fines and costs collected; penalty for neglect. R. S. c. 148, §§ 3, 4. Sheriffs, jailers, and constables 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.

If any such officer neglects to pay over such fine, forfeiture, or costs for 30 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 court, and does not within 30 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.

Sec. 9. Duty of officers receiving process for recovery of fines. R. S. c. 148, § 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 courts shall, at the next session of the court in the same county, produce a receipt in full for the same or assign a satisfactory excuse for not so doing; and, in case of neglect, the court shall order a prosecution to be commenced therefor by the county attorney.

Sec. 10. Sheriff to deliver notes and securities to treasurer. R. S. c. 148, § 6. Each sheriff, as often as every 3 months, shall deliver to the treasurer of his county all notes or other securities by him taken for fines and costs, on the liberation of poor convicts from prison pursuant to law.

Duty of County Treasurers

Sec. 11. Fees must be claimed within 3 years. R. S. c. 148, § 11. Sums allowed to any person as fees or for expenses in any criminal prosecution and payable from the county treasury may be claimed by such person of the county treasurer at any time within 3 years after the allowance, and not afterwards.

Sec. 12. Treasurer to exhibit schedule of notes to county commissioners; proceedings thereon. R. S. c. 148, § 12. A schedule of all notes and securities with the amount due on each, received by the county treasurer from the sheriff pursuant to the provisions of section 10, shall be by him laid before the county commissioners at their next session, to be filed with the clerk; and the county commissioners, from time to time, shall examine such notes and securities, order the county attorney to take such measures for their collection as they judge expedient, or authorize the treasurer to compound and cancel them on such terms as they direct.

Sec. 13. Treasurer to make annual report to attorney-general; neglect, a breach of a treasurer's bond; penalty. R. S. c. 148, §§ 14, 15. The county treasurer shall, on or before the 20th day of November, annually, make a report to the attorney-general showing the amount paid out of his office during the year ending on the 1st day of said November for costs of prosecutions in the superior court; upon bills of costs allowed by county commissioners for support of prisoners in jail; and to grand jurors and to traverse jurors at terms of court held for criminal business; also the amount received from fines, costs, and forfeitures in said courts from magistrates, jailers, and other officers.

Neglect to make and forward such report is a breach of his official bond, and for every day of such neglect he forfeits \$5 to the state, and the attorney-general shall bring an action on such treasurer's official bond to recover such forfeiture.

*69 Me. 368.

Duty of County Attorneys

Sec. 14. Each county attorney to examine records of clerks and treasurers. R. S. c. 148, § 16. County attorneys shall examine the records and files in the offices of clerks, and the certificates and accounts in the offices of treasurers, relating to fines, forfeitures, and bills of costs accruing to their counties; ascertain, so far as practicable, the causes of any delinquencies in paying over the same; and move the court for all necessary orders and processes to enforce the collection thereof.

Sec. 15. County attorney shall summon delinquent sheriff or other officer before court. R. S. c. 148, § 17. When it appears that any sheriff or other officer is not discharged of any fine, forfeiture, or bill of costs committed to him to collect, the county attorney shall cause him to be summoned and brought before the court that imposed such fine, forfeiture, or bill of costs to show a proper discharge, or the cause for not collecting the same and paying it over; and such sheriff or other officer shall carry into execution all lawful orders of the court relating to the collection and payment thereof, and shall, by all other means pertaining to his office, promote and enforce the same.

CHAPTER 138.

UNIFORM ACT ON FRESH PURSUIT.

Sec. 1. Title. 1939, c. 7, § 8. This chapter may be cited as the "Uniform Act on Fresh Pursuit."

Sec. 2. Term defined. 1939, c. 7, § 5. The term "fresh pursuit" as used in this chapter shall include fresh pursuit as defined by the common law, and also the pursuit of a person who has committed a felony or who is reasonably suspected of having committed a felony. It shall also include the pursuit of a person suspected of having committed a supposed felony, though no felony has actually been committed, if there is reasonable ground for believing that a felony has been committed. Fresh pursuit as used herein shall not necessarily imply instant pursuit, but pursuit without unreasonable delay.

Sec. 3. Definition. 1939, c. 7, § 4. For the purpose of this chapter the word "state" shall include the District of Columbia.

Sec. 4. Arrest; exception. 1939, c. 7, §§ 1, 3. Any member of a duly organized state, county, or municipal police unit of another state of the United States who enters this state in fresh pursuit, and continues within this state in such fresh pursuit of a person in order to arrest him on the ground that he is believed to have committed a felony in such other state, shall have the same authority to arrest and hold such person in custody as has any member of any duly organized state, county, or municipal police unit of this state to arrest and hold in custody a person on the ground that he is believed to have committed a felony in this state; provided, however, that the provisions of this section shall not be construed so as to make unlawful any arrest in this state which would otherwise be lawful.

Sec. 5. Hearing. 1939, c. 7, § 2. If an arrest is made in this state by an officer of another state in accordance with the provisions of section 4, he shall without unnecessary delay take the person arrested before a magistrate of the county in which the arrest was made, who shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If the magistrate determines that the arrest was lawful, he shall commit the person arrested to await for a reasonable time the issuance of an extradition warrant by the governor of this state, or admit him to bail for such purpose. If the magistrate determines that the arrest was unlawful, he shall discharge the person arrested.