

MAINE STATE LEGISLATURE

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CHARLOTTESVILLE VIRGINIA

Chapter 144.

Prevention of Crime. Private Detectives.

Sections 1-12. Proceedings for Prevention of Crime.

Section 13. Sale of Firearms.

Sections 14-15. Private Detectives.

Proceedings for Prevention of Crime.

Sec. 1. Power of courts to keep the peace; security required.—The justices of the superior court and judges of municipal courts, in term time or in vacation, and trial justices in their counties have power to cause all laws for the preservation of the public peace to be kept; and in the execution thereof may require persons to give security to keep the peace and be of good behavior, as hereinafter provided. (R. S. c. 131, § 1.)

Sec. 2. Complaint that offense threatened.—Any magistrate described in section 1, on complaint that any person threatens to commit an offense against the person or property of another, shall examine, on oath, the complainant and any other witnesses produced, reduce the complaint to writing and cause the complainant to sign it; and, if on examination of the facts he thinks that there is just cause to fear the commission of such offense, he shall issue a warrant reciting the substance of the complaint, and commanding the officer, to whom it is directed, forthwith to arrest the accused and bring him before such magistrate or court, subject to the provisions of section 9 of chapter 146. (R. S. c. 131, § 2.)

Sec. 3. If complaint not sustained; if frivolous or malicious.—If the magistrate, on examination of the facts, is not satisfied that there is just cause to fear the commission of any offense, he shall immediately discharge the accused; and if he judges the complaint to be unfounded, frivolous or malicious, he may order the complainant to pay the costs of prosecution, who shall thereupon be answerable to the magistrate, officer and witnesses for their fees as for his own debt. (R. S. c. 131, § 3.)

Sec. 4. Sureties to keep peace; costs; bound over. — When the accused is brought before the magistrate and his defense is heard, he may be ordered to recognize, with sufficient sureties, in the sum required by the magistrate, to keep the peace toward all persons and especially toward the person requiring the security, for a term of less than 1 year, and to pay the costs of prosecution; but he shall not be bound over to any court, unless he is also charged with some other specific offense requiring it. (R. S. c. 131, § 4.)

After hearing, if amicable relations restored, magistrate may allow withdrawal of process.—If, after a hearing, and before the magistrate has adjudged sureties of the peace to be necessary, or has required them at the hands of the accused, he has succeeded in quieting and allaying the apprehensions of the complainant; and friendly relations being established between them, the complaint intimates his wish to

withdraw a process, afforded expressly for his benefit, the magistrate may properly permit such a course within the provisions of this section, for the process has done its office and the purpose of the law has been answered. *Crowell v. Gleason*, 10 Me. 325.

Stated in *Davis v. Auld*, 96 Me. 559, 53 A. 118.

Sec. 5. If compliance, discharged; otherwise, committed.—If the accused complies with such order, he shall be discharged; if he does not, he shall be committed to jail for the time for which he was required to find sureties or until he complies with such order; and the magistrate shall state in the mittimus the cause of commitment and the time and sum for which security was required, and return a copy of the warrant to the next term of the superior court in said

county, and such court shall have cognizance of the case, as if the accused had appealed thereto. (R. S. c. 131, § 5.)

Sec. 6. Appeal.—Any person aggrieved by the order of a magistrate requiring him to recognize as provided in section 4 may, on giving the security required, appeal to the next term of the superior court in the county; and the magistrate shall thereupon require such witnesses as he thinks proper to recognize to appear at the appellate court; and such court may affirm or reverse the order of the magistrate, require the accused to recognize anew with sufficient sureties and make such order as to costs as it deems reasonable. (R. S. c. 131, § 6.)

Sec. 7. Consequences, if appellant fails to prosecute.—If the appellant fails to prosecute his appeal, his recognizance shall be in force for any breach of its conditions without an affirmation of said order and shall stand as security for any costs which he is ordered by the court to pay. (R. S. c. 131, § 7.)

Sec. 8. Recognizance after commitment.—A person committed for not recognizing as aforesaid may be discharged by a justice of the superior court or a bail commissioner on giving the security required. (R. S. c. 131, § 8.)

Sec. 9. Recognizance returned to court, which may remit penalty.—All recognizances taken under the provisions of this chapter shall be returned to the superior court on or before the 1st day of the next term, and be there filed by the clerk as of record; and, in any suit thereon, if the forfeiture is found or confessed, the court may remit so much of the penalty, and on such terms, as it thinks proper. (R. S. c. 131, § 9.)

Sec. 10. Sureties on recognizances may surrender their principals; new recognizances.—Any surety in a recognizance taken under the provisions of this chapter may surrender the principal the same as bail in civil cases, and he shall thereupon be discharged from liability for any subsequent breach of the recognizance; and the principal may recognize anew with sufficient sureties for the residue of the term before a magistrate, and then be discharged. (R. S. c. 131, § 10.)

Sec. 11. When magistrate on view, may require sureties without formal complaint.—Whoever in the presence of any of the magistrates aforesaid or of any court of record makes an affray; threatens to kill or beat another or to commit any violence against his person or property; or contends with hot and angry words to the disturbance of the peace, may be ordered, without process or other proof, to recognize to keep the peace and be of good behavior for a term not exceeding 3 months, and may be otherwise dealt with as is provided in the preceding sections. (R. S. c. 131, § 11.)

Sec. 12. Persons going armed, without reasonable cause.—Whoever goes armed with any dirk, pistol or other offensive and dangerous weapon, without just cause to fear an assault on himself, family or property may, on complaint of any person having cause to fear an injury or breach of the peace, be required to find sureties to keep the peace for a term of less than 1 year, and, in case of refusal, may be committed as provided in section 5. (R. S. c. 131, § 12.)

Sale of Firearms.

Sec. 13. Record kept of firearms sold.—No dealer shall sell, let or loan any firearm to any person without first recording in a book kept for the purpose the name or make, calibre and number, if any, of said firearm, also the name and address of the purchaser or recipient of said firearm. Said record shall be made before said firearm is delivered, and shall be open to the inspection of any sheriff, deputy sheriff, police officer, constable, game warden or prosecuting attorney. Any dealer who fails to keep such record or refuses to show the same to any offi-

cer named above shall be punished by a fine of not more than \$50. Whoever gives a false or fictitious name to said dealer shall be punished by a fine of not more than \$50. This section shall not apply to wholesalers who sell only to other dealers or to manufacturers who sell only at wholesale. (R. S. c. 131, § 13.)

See c. 37, § 81, re sale or use of firearms fitted with device to deaden sound prohibited.

Private Detectives.

Sec. 14. Detectives, license; bond; unlawful to advertise as state detective; fee.—The governor, with the advice of the council, may license not exceeding 50 detectives for the detection, prevention and punishment of crime, to serve for the term of 4 years, unless such license is sooner revoked for cause. Each person so licensed before receiving his commission shall give bond in the sum of \$500. Such bond shall be executed by a surety company authorized to do business within the state and shall be on a form approved by the insurance commissioner and shall be filed with the state auditor. Such bond shall be conditioned for the proper discharge of the services which he may perform by virtue of such license; but nothing herein contained shall be construed to confer on any person so licensed, any of the power and authority of sheriffs or police officers, except in cases of felony and offenses under the provisions of chapter 132, section 17 of chapter 135 and the first 13 sections of chapter 139. No person so licensed shall advertise or represent himself as a state detective under penalty of the forfeiture of his license and a fine of not more than \$20, to be recovered upon complaint. Every person licensed as a private detective shall, before receiving his license, pay to the secretary of state \$10. (R. S. c. 131, § 14. 1945, c. 2. 1949, c. 26.)

Sec. 15. Authority to arrest; compensation. — Private detectives, licensed as aforesaid, shall have the same authority to arrest in cases of offenses under the provisions of chapter 132, section 17 of chapter 135 and the first 13 sections of chapter 139 and of felonies in any part of the state, and shall receive the same fees as sheriffs in similar cases. No extra compensation shall be paid to them in any case from the state or county treasury. (R. S. c. 131, § 15.)