

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1955 SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 4

**Place in Pocket of Corresponding
Volume of Main Set**

THE MICHIE COMPANY
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1955

Chapter 144.

Prevention of Crime. Private Detectives.

Sections 12-A to 12-C. Possession of Firearms by Felons.

Possession of Firearms by Felons.

Sec. 12-A. Possession of firearms by felons prohibited.—It shall be unlawful for any person who has been convicted of a felony under the laws of the United States or of the state of Maine, or of any other state, to have in his possession any pistol, revolver or any other firearm capable of being concealed upon the person. Anyone violating any of the provisions of sections 12-A to 12-C, inclusive, shall be guilty of a felony, and upon conviction thereof, shall be punished by imprisonment for not less than one nor more than 5 years. (1955, c. 310.)

Sec. 12-B. Definitions.—The following words and phrases when used in sections 12-A to 12-C, inclusive, are defined as follows:

“Pistol,” “revolver” and “firearm” mean a weapon capable of being concealed upon the person and shall include all firearms having a barrel of less than 12 inches in length. (1955, c. 310.)

Sec. 12-C. Application.—The penal provisions of section 12-A shall not apply to any person commissioned as a peace officer, employed as a guard or watchman nor to any person who has not been convicted of a penal offense during the 5-year period next immediately following his discharge or release from prison. (1955, c. 310.)

Chapter 145.

General Provisions Relating to Crimes.

Attempts to Commit Crime.

Sec. 4. Attempt with overt act to commit offense.

Cited in *State v. Michaud*, 150 Me. 479,
114 A. (2d) 352.

Chapter 146.

Magistrates in Criminal Cases.

Municipal Courts.

Sec. 6. Powers in juvenile cases; appeal.—A municipal court may place children under the age of 17 years under the supervision, care and control of a probation officer or an agent of the department of health and welfare or may order the child to be placed in a suitable family home subject to the supervision of a probation officer or the department of health and welfare or may commit such child to the department of health and welfare or make such other disposition as may seem best for the interests of the child and for the protection of the community including holding such child for the grand jury or commitment of such child to the Pownal state school upon certification of 2 physicians who are graduates of some legally organized medical college and have practiced 3 years in this state, that such child is mentally defective and that his or her mental age is not greater than $\frac{3}{4}$ of subject's life age nor under 3 years, or to the state

school for boys or state school for girls; but no boy shall be committed to the state school for boys who is under the age of 11 years and no girl shall be committed to the state school for girls who is under the age of 9 years and no municipal court shall sentence a child under the age of 17 years to jail or prison; any child or his next friend or guardian may appeal to the superior court in the same county in the same manner as in criminal appeals, and the court may accept the personal recognizance of such child, next friend or guardian, and said superior court may either affirm such sentence or order of commitment or make such other disposition of the case as may be for the best interests of such child and for the peace and welfare of the community.

(1955, c. 211, § 2.)

Effect of amendment.—The 1955 amendment changed the first paragraph by increasing the minimum age for commit-

ment to the state school for boys from nine to eleven years. As the second paragraph was not changed, it is not set out.

Trial Justices.

Sec. 10. Persons arrested brought before trial justice in town where offense occurred.

Officer required to take prisoner before particular trial justice.

In accord with 1st paragraph in original. See *State v. Nolan*, 150 Me. 355, 111 A. (2d) 478.

And particular justice has jurisdiction of each offense.

In accord with original. See *State v. Nolan*, 150 Me. 355, 111 A. (2d) 478.

Ascertainment of "nearest" trial justice.—In determining the statutory meaning of "nearest," the contiguity of town lines is not the test. The ascertainment of the "nearest" trial justice is by measure over the shortest usual route of travel from the alleged locus of the offense to the locus

which is the usual place of holding court of the trial justice. *State v. Nolan*, 150 Me. 355, 111 A. (2d) 478.

Omissions in record sufficient to arrest proceedings under section.—Failure of the record to show that there was no trial justice at Falmouth where the alleged offense occurred, or that the trial justice at Gray, before whom proceedings were brought, had a "usual place" of holding court "nearest to where the offense is alleged to have been committed" is alone sufficient to arrest the proceedings under this section. *State v. Nolan*, 150 Me. 355, 111 A. (2d) 478.

Chapter 147.

Proceedings in Criminal Cases.

Section 33. Waiver of Indictment.

Waiver of Indictment.

Sec. 33. Waiver of indictment; petition; information; notification of rights; additional charges.—Any person charged with an offense not punishable by life imprisonment, who has been bound over to await the action of a grand jury in any superior court, and who desires to waive indictment and have a prompt arraignment upon waiver of said indictment, may file a petition in writing with the clerk of said court requesting prompt arraignment by information.

After the filing of such petition, and after the accused in open court, or before any justice of the superior court in vacation, has been advised of the nature of the offense and of his rights, said accused may waive in open court prosecution by indictment, which waiver shall be recorded. Thereupon the county attorney may proceed against the accused person by information.

The information shall be a plain, concise and definite written statement of the essential facts constituting the offense charged. It shall be signed by the county attorney, and in such cases the superior court, or any justice of the superior