

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1955 SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 4

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THE MICHIE COMPANY
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Proceedings after Verdict.

Sec. 29. Sentence imposed upon conviction; proviso; form of recognition; stay of execution of sentence had after commitment.

Cited in *State v. DeBery*, 150 Me. 28,
103 A. (2d) 523.

Sec. 33. Detention at state prison of certain prisoners.—When a verdict of guilty is rendered against any person for an offense punishable by imprisonment in the state prison, and such person is committed to jail pending decision by the supreme judicial court on exceptions, report, motion in arrest of judgment, writ of error, appeal or otherwise, or is committed to jail to await action of a grand jury after a finding of probable cause, the sheriff of the county in which such person is committed to jail may certify, in writing, to any justice of the superior or supreme judicial court, in term time or in vacation, that in his opinion such person is dangerous and liable to attempt to escape from such jail; thereupon such justice may order, after hearing, that said person be transferred and committed to the state prison for safekeeping to await the final decision from the supreme judicial court. The county committing such person to the state prison for safekeeping shall be liable to the state for each such person, a proportional amount of the over-all inmate per capita cost per day based on previous year. (R. S. c. 135, § 33, 1955, c. 247.)

Effect of amendment.—The 1955 amendment rewrote the last sentence.

State Jurisdiction after Federal Court Disposition.

Sec. 34. Court action after federal court has acted.—Whenever any federal court finds that a prisoner in any penal institution in this state has been deprived of any of the rights guaranteed to him by the constitution of the United States before, at or after his trial, so that the judgment or sentence or both are erroneous and said court holds the case on its docket pending corrective action by the proper state official, the attorney general may act as follows. He may file a petition in the superior court of the county where the prisoner was tried and convicted in term time or with any justice of said court in vacation, setting forth the petition of the prisoner to the federal court and the decision of that court, and the superior court of conviction or any justice thereof in vacation shall then recall the judgment and sentence held erroneous and order it stricken from the records of said court and shall set the prisoner down for trial if in term time or bind him over to the next criminal term in said county if in vacation, after setting his bail. If the sentence only is erroneous, the superior court of the county of conviction in term time or any justice thereof in vacation, on presentation of the attorney general's petition as aforesaid, shall recall the erroneous sentence and order it stricken from the records and shall in term time or in vacation sentence the prisoner anew in accordance with the indictment against said prisoner. (1955, c. 121.)

Chapter 149.**Sentence. Probation Officers. Parole. Pardons.
Fugitives from Justice.****Sentences to State Prison.**

Sec. 13. Record forwarded to warden.—Whenever a person shall be convicted of a crime and sentenced to imprisonment, the clerk of the court shall make and forward to the warden of the prison a record containing a copy of

the information or complaint, the sentence pronounced by the court, the name and residence of the judge presiding at the trial, prosecuting attorney and sheriff, and the names and post-office addresses of the jurors and the witnesses sworn on the trial, together with a statement of any fact or facts which the presiding judge may deem important or necessary for a full comprehension of the case, and a reference to the statute under which the sentence was imposed. Such record shall be delivered to the warden at the time the prisoner is received into the prison. Prisoners shall not be received until a copy of the record forwarded to the warden and a warrant of commitment is given to the receiving officer at the state prison. (R. S. c. 136, § 13. 1955, c. 176, § 2.)

Effect of amendment.—The 1955 amendment deleted the words “pursuant to the provisions of sections 11 to 22, inclusive”

formerly appearing after the word “imprisonment” in line two. It also added the last sentence.

Sec. 20. Prisoner violating parole considered escaped prisoner.

Quoted in *Lewis v. Robbins*, 150 Me. 121, 104 A. (2d) 838.

Sec. 21. Crime by paroled prisoner while at large.

The purpose of this section is to prevent simultaneous execution of the first and subsequent sentence and to make it mandatory that the second sentence begin at the expiration of the first sentence when the second sentence is imposed upon a prisoner for a crime committed by him while enlarged upon parole. *Lewis v. Robbins*, 150 Me. 121, 104 A. (2d) 838.

This section is direct, positive and mandatory and no action by the court can change or vary its provisions. *Lewis v. Robbins*, 150 Me. 121, 104 A. (2d) 838.

Court need not specify that second sentence shall commence at expiration of first.

—It is unnecessary for the court to specify that a new sentence imposed or the commission of crime while at large on parole shall commence to run at the expiration of the first sentence. This is true notwithstanding that § 20 provides that a prisoner on violation of parole and issuance of a warrant shall “be treated as an escaped prisoner.” *Lewis v. Robbins*, 150 Me. 121, 104 A. (2d) 838.

Probation.

Sec. 24. Probation officer, appointment; tenure and compensation; special provisions for Cumberland and Androscoggin counties.

The county of Androscoggin shall have 2 probation officers, one to be designated probation officer and one to be designated assistant probation officer; and the county commissioners for Androscoggin county shall pay the probation officer a salary of \$3,800, annually, and shall pay the assistant probation officer a salary of \$2,800, annually; and furthermore the probation officers for Androscoggin county shall be entitled to select a clerk or stenographer for the probation office, and the probation office, and the county commissioners shall appropriate the sum of \$2,340, annually, for such clerk hire. Furthermore, the county commissioners for Androscoggin county shall provide suitable quarters in the county building for this office.

(1955, c. 464, § 4.)

Effect of amendment.—The 1955 amendment increased the salaries provided in the third paragraph for the probation officer and the assistant probation officer in Androscoggin county and increased the

amount to be appropriated for clerk hire in the same county. As the rest of the section was not changed by the amendment, only the third paragraph is set out.

Execution of Sentences.

Sec. 41. Removal of convicts to state prison; clothing for convict.

—When a convict is sentenced to confinement in the state prison, such clerk of courts shall make out a warrant under seal of the court, directed to the sheriff

of said county, requiring him to cause such convict, without needless delay, to be removed from the county jail to the state prison; all sheriffs and jailkeepers 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 and the convict to said warden. The sheriff shall provide the convict with comfortable clothing in which to be removed to the state prison. (R. S. c. 136, § 45. 1955, c. 405, § 52.)

Effect of amendment.—The 1955 amendment substituted “sheriff of said county” for “warden of the prison” in the first sentence. It also deleted the words “the war-

den and” before the words “all sheriffs” near the middle of the first sentence, and inserted the words “and the convict” near the end of the first sentence.

Chapter 149-A.

Uniform Interstate Compact on Juveniles.

Sec. 1. Authorization.—The governor of this state is authorized and directed to execute a compact on behalf of the state with any of the states of the United States legally joining therein in the form substantially as follows. (1955, c. 439.)

Sec. 2. Terms of interstate compact on juveniles.—The contracting states solemnly agree:

Article 1. Findings and purposes. That juveniles who are not under proper supervision and control, or who have absconded, escaped or run away, are likely to endanger their own health, morals and welfare, and the health, morals and welfare of others. The cooperation of the states party to this compact is therefore necessary to provide for the welfare and protection of juveniles and of the public with respect to

- I. Cooperative supervision of delinquent juveniles on probation or parole;
- II. The return, from one state to another, of delinquent juveniles who have escaped or absconded;
- III. The return, from one state to another, of non-delinquent juveniles who have run away from home; and
- IV. Additional measures for the protection of juveniles and of the public, which any two or more of the party states may find desirable to undertake cooperatively. In carrying out the provisions of this compact the party states shall be guided by the non-criminal, reformatory and protective policies which guide their laws concerning delinquent, neglected or dependent juveniles generally. It shall be the policy of the states party to this compact to cooperate and observe their respective responsibilities for the prompt return and acceptance of juveniles and delinquent juveniles who become subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the foregoing purposes.

Article 2. Existing rights and remedies. That all remedies and procedures provided by this compact shall be in addition to and not in substitution for other rights, remedies and procedures, and shall not be in derogation of parental rights and responsibilities.

Article 3. Definitions. That, for the purposes of this compact: “Court” means any court having jurisdiction over delinquent, neglected or dependent children;

“Delinquent juvenile” means any juvenile who has been adjudged delinquent and who, at the time the provisions of this compact are invoked, is still subject to the jurisdiction of the court that has made such adjudication or to the jurisdiction or supervision of an agency or institution pursuant to an order of such court;