

# MAINE STATE LEGISLATURE

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REVISED STATUTES  
OF THE  
STATE OF MAINE  
1954

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1957 CUMULATIVE SUPPLEMENT

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ANNOTATED

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IN FIVE VOLUMES  
VOLUME 4

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**Place in Pocket of Corresponding  
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THE MICHIE COMPANY  
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1957

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 and Imposition.

**Sec. 1. No person punished until convicted; costs.**—No person shall be punished for an offense until convicted thereof in a court having jurisdiction of the person and case. In all cases where a fine is imposed he may be sentenced to pay the costs of prosecution, except before a municipal or trial justice court in which courts he may be sentenced to pay a fine sufficient to cover said costs as provided by section 2-A of chapter 146; and except before trial justice and municipal courts, for violations of the provisions of sections 66, 68, 84 and 89 of chapter 61, and of sections 145 to 152, inclusive, of chapter 100, he shall be sentenced to pay such costs. (R. S. c. 136, § 1. 1957, c. 334, § 14; c. 387, § 19.)

**Effect of amendments.**—The first 1957 amendment inserted the word "above" in the former third sentence, inserted the exception at the end of the first clause of the present second sentence and inserted the words "except before trial justice and municipal courts" in the last clause of said second sentence. The second 1957 amendment deleted the former second and third sentences.

**Sec. 3. Punishment when convict previously sentenced to any state prison.**

**Prosecutions for taking indecent liberties.**—Defendant, who pleaded guilty to an indictment in two counts charging the offense of taking indecent liberties on June 20, 1945, and the conviction and sentence for a prior similar offense in 1936, was properly sentenced for 20 years pur-

suant to provisions of this section, since the provisions of § 11 of this chapter requiring sentence for minimum and maximum terms did not apply to prosecutions under ch. 134, § 6 for taking of indecent liberties (ch. 149, § 12). Carr v. State, 151 Me. 226, 117 A. (2d) 63.

#### Sentences to State Prison.

**Sec. 11. Maximum and minimum terms.**—When any person shall be convicted of crime, the punishment for which prescribed by law may be imprisonment in the state prison, the court imposing sentence shall not fix a definite term in said state prison but shall fix maximum and minimum terms. The maximum sentence shall not exceed the longest term fixed by law for the punishment of the offense of which the person sentenced is convicted, and the minimum sentence shall not exceed  $\frac{1}{2}$  of the maximum term of imprisonment fixed by statute. (R. S. c. 136, § 11. 1951, c. 92. 1957, c. 253.)

**Effect of amendment.**—The 1957 amendment deleted the words "and shall not be less than 6 months in any case" formerly appearing at the end of the last sentence.

**Prosecutions for taking indecent liberties.**—Defendant, who pleaded guilty to an indictment in two counts charging the offense of taking indecent liberties on June 20, 1945, and the conviction and sen-

tence for a prior similar offense in 1936, was properly sentenced for 20 years pursuant to provisions of § 3 of this chapter, since provisions of this section requiring sentence for minimum and maximum terms did not apply to prosecutions under ch. 134, § 6 for taking of indecent liberties (ch. 149, § 12). Carr v. State, 151 Me. 226, 117 A. (2d) 63.

**Sec. 12.** Repealed by Public Laws 1957, c. 387, § 20.

**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.

**Secs. 14-16.** Repealed by Public Laws 1957, c. 387, § 20.

**Sec. 17. Discharged prisoners, record forwarded to state police.**—Whenever any prisoner, who has been convicted of an offense under the provisions of sections 10, 11 or 12 of chapter 130 or under the provisions of section 6 of chapter 134, is discharged in full execution of his sentence, the warden of the prison shall make and forward to the state police a copy of the prison record of said prisoner together with a statement of any fact or facts which he may deem necessary for a full comprehension of the case. (1949, c. 138. 1957, c. 387, § 21.)

**Effect of amendment.**—The 1957 amendment deleted “released upon parole, or” which formerly appeared preceding the word “discharged”.

**Secs. 18-23.** Repealed by Public Laws, 1957, c. 387, § 22.

### Probation.

**Secs. 24-38.** Repealed by Public Laws 1957, c. 387, § 22.

**Cross reference.**—For present probation and parole law, see c. 27-A.

**Editor's note.**—Former § 24, which was repealed by P. L. 1957, c. 387, § 22, approved May 29, 1957, was also amended by two acts of the 1957 legislature.

P. L. 1957, c. 265, approved May 10, 1957, amended the third paragraph of this section to read as follows: “The county of Androscoggin shall have 2 probation officers, one to be designated probation officer and one to be designated assistant probation officer. 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. The probation officers for Androscoggin county shall be entitled to select a clerk or stenographer for the probation office, and the county commissioners shall appropriate the sum of \$2,460, annually,

for such clerk hire. Furthermore, the county commissioners for Androscoggin county shall provide suitable quarters in the county building for this office.”

P. L. 1957, c. 416, § 6, approved May 29, 1957, also amended the third paragraph of this section to read as follows: “The county of Androscoggin shall have 2 probation officers, one to be designated probation officer and one to be designated assistant probation officer. The county commissioners for Androscoggin county shall pay the probation officer a salary of \$4,000, annually, and shall pay the assistant probation officer a salary of \$3,000, annually. The probation officers for Androscoggin county shall be entitled to select a clerk or stenographer for the probation office, and the county commissioners shall appropriate the sum of \$2,540, annually, for such clerk hire. Furthermore, the county commissioners for An-

droscoggin county shall provide suitable quarters in the county building for this office."

Since the amendatory acts could not be given effect in repealed § 24, they have been set out in this note.

### 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.

### Convicts.

**Secs. 42-44.** Repealed by Public Laws 1957, c. 254, § 1.

## Chapter 149-A.

### Uniform Interstate Compact on Juveniles.

**Secs. 1, 2.** Repealed by Public Laws 1957, c. 387, § 23.

**Cross reference.**—For present provisions as to interstate compact on juveniles, see c. 27-A, § 22.

## Chapter 150.

### Collection and Disposal of Fines and Costs in Criminal Cases.

#### Duty of Trial Justices and Judges of Municipal Courts.

**Sec. 5. All fines, costs and forfeitures paid to county treasurer.**—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. 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. (R. S. c. 137, § 5. 1957, c. 334, § 15.)

**Effect of amendment.**— The 1957 amendment deleted the former second sentence which read "A certified bill of

costs for each case heard in a municipal or trial justice court shall accompany such remittance."