

MAINE STATE LEGISLATURE

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PART 1

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CHAPTER 1

JURISDICTION AND VENUE

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§ 1. Superior Court

The Superior Court shall have original jurisdiction, exclusive or concurrent, of all offenses except those of which the original exclusive jurisdiction is conferred by law on the District Court, the District Court acting as a juvenile court and appellate jurisdiction of these, except that the appellate jurisdiction of the Superior Court regarding offenses of which the original exclusive jurisdiction is conferred upon the District Court acting as a juvenile court shall be as provided in chapters 401 to 409.

R.S.1954, c. 145, § 5; 1959, c. 342, § 15; 1963, c. 402, § 235.

§ 2. Death and injury separated by state line

If a mortal wound or other violence or injury is inflicted or poison administered on the high seas or without the State, whereby death ensues within the State, such offense may be tried in the county where the death ensues. If such act is done within and death ensues without the State, the offense may be tried in the county where the act was done, as if death had there ensued.

R.S.1954, c. 145, § 6.

§ 3. Offenses near county line or in 2 counties

When an offense is committed on the boundary between 2 counties or within 100 rods thereof; or a mortal wound or other violence or injury is inflicted or poison is administered in one county, whereby death ensues in another, the offense may be alleged in the complaint or indictment as committed, and may be tried in either.

R.S.1954, c. 145, § 7.

§ 4. County lines terminating at or near tidewaters; course

The lines of the several counties of the State which terminate at or in tidewaters shall run by the principal channel in such directions as to include, within the counties to which they belong, the several islands in said waters, and after so including such islands shall run in the shortest and most direct line to the extreme limit of the waters under the jurisdiction of this State, and all waters between such lines off the shores of the respective counties shall be a part of, and held to be within, such counties, respectively.

R.S.1954, c. 145, § 8.

§ 5. Warrants for offenses at or near tidewaters; authority of officers

Any official authorized to issue warrants within any county may issue warrants for offenses committed in or upon the waters so made a part of such county or the waters of any adjoining county. Said warrant shall be returnable in the county where issued and the courts in such county shall have jurisdiction of the offense. Officers have the same authority upon all such waters as they have upon land within the county where the warrant is issued.

R.S.1954, c. 145, § 9.

§ 6. Acquittal in part; conviction in part

When a person, indicted for an offense, is acquitted of a part by verdict of the jury and found guilty of the residue thereof, such verdict may be received and recorded by the court. He may be considered as convicted of the offense, if any, which is substantially charged by such residue, and be punished accordingly, although such offense would not otherwise be within the jurisdiction of said court.

R.S.1954, c. 145, § 10.

§ 7. Removal of persons charged with crime in 2 counties

When a person is imprisoned or held under arrest in one county, any Justice of the Superior Court, in term time or vacation, may order his removal into another county, when complaint has been made and warrant issued or an indictment has been found, charging the person so arrested or imprisoned with the commission of a crime in such other county, for examination or trial under said complaint or indictment; but, before issuing such order, he shall be satisfied that the administration of speedy and impartial justice requires it.

R.S.1954, c. 147, § 7.

§ 8. Duties of officer holding prisoner or holding court's order of removal

The officer holding the person described in the court order shall deliver him to the officer presenting it, upon receiving an attested copy of the same, and of the complaint and warrant or

indictment on which such order is founded. The officer receiving the accused person shall bring him before the proper court or judge in the county to which he is removed, for examination and trial, and make due return of his proceedings.

R.S.1954, c. 147, § 8.