

MAINE STATE LEGISLATURE

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Maine
REVISED STATUTES
1964

*Prepared Under the Supervision
of the
Committee on Revision of Statutes*

Being the Tenth Revision of the
Revised Statutes of the State
of Maine, 1964

Volume 3
Titles 14 to 20



Boston, Mass.
Boston Law Book Co.

Orford, N. H.
Equity Publishing Corporation

St. Paul, Minn.
West Publishing Co.

Text of Revised Statutes
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PART 2
 PROCEEDINGS BEFORE TRIAL

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CHAPTER 101
 ISSUE OF PROCESS AND ARREST

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§ 701. Criminal prosecutions by indictment; excepted cases

No person shall be held to answer in any court for an alleged offense, unless on an indictment found by a grand jury, except for contempt of court and in the following cases:

1. Information. When prosecutions by information are expressly authorized by statute.

2. District Courts and courts martial. In proceedings before the District Court, the District Court acting as a juvenile court and courts martial. (1963, c. 402, § 249.)

R.S.1954, c. 147, § 1; 1959, c. 342, § 19; 1963, c. 402, § 249.

§ 702. Justices and judges may issue processes

The Justices of the Supreme Judicial Court and of the Superior Court and Judges of the District Court, in the manner provided in this Title and Title 4, in vacation or term time, may issue processes for the arrest of persons charged with offenses.

R.S.1954, c. 147, § 2; 1963, c. 402, § 250.

§ 703. Officer's oath to complaint

When it is the duty of an officer to make complaint before any judge, he may make oath to it according to his knowledge and belief.

R.S.1954, c. 147, § 3.

§ 704. Arrests without warrant; liability

Every sheriff, deputy sheriff, constable, city or deputy marshal, or police officer shall arrest and detain persons found violating any law of the State or any legal ordinance or bylaw of a town until a legal warrant can be obtained and may arrest and detain such persons against whom a warrant has been issued though the officer does not have the warrant in his possession at the time of the arrest, and they shall be entitled to legal fees for such service; but if, in so doing, he acts wantonly or oppressively, or detains a person without a warrant longer than is necessary to procure it, he shall be liable to such person for the damages suffered thereby.

R.S.1954, c. 147, § 4.

§ 705. Arrests in other counties

When a person charged with an offense in any county, before or after the issue of the warrant, removes, escapes or is found out of it, the officer having the warrant may pursue and arrest him in any other county, command aid as in his own county and convey him to the county where the offense was committed.

R.S.1954, c. 147, § 5.

§ 706. District Court; warrants

Judges of District Courts shall have all authority and powers now granted by law to judges of municipal courts, provided no Judge of the District Court may sit as the trial judge in any case arising from a complaint to such judge and warrant of arrest resulting therefrom, unless by consent of the respondent.

When complaint is made to any Judge or clerk of a District Court, or to a complaint justice, charging a person with the commission of an offense, such judge, clerk or complaint justice shall carefully examine, on oath, the complainant, the witnesses by him produced and the circumstances and, when satisfied that the accused committed the offense, shall on any day, Sundays and holidays not excepted, issue a warrant in the name of the District

Court for his arrest, stating therein the substance of the charge. Such clerk or complaint justice shall not have authority to preside at any trial, and neither shall appear as counsel in any criminal case in which he has heard the complaint. Such clerk may accept a guilty plea upon payment of fines as set by the judge.

A Judge of the District Court may try those brought before him for offenses within his jurisdiction, although the penalty or fine accrues wholly or partly to the municipality of which he is a resident.

Warrants issued by such magistrates in criminal cases shall be signed by them at the time they are issued.

1961, c. 386, § 1.