

MAINE STATE LEGISLATURE

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ONE - HUNDRE DTH LEGISLATURE

Legislative Document

No. 1037

H. P. 751

House of Representatives, January 31, 1961

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Cox of Dexter.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT Relating to Allegation of Prior Conviction in Criminal Cases.

Be it enacted by the People of the State of Maine, as follows :

Sec. 1. R. S., c. 149, § 1-A, additional. Chapter 149 of the Revised Statutes is amended by adding a new section 1-A, to read as follows :

'Sec. 1-A. Allegation of prior convictions. In all cases where prior conviction for an identical offense or any other offense affects the sentence which the court may impose in a current principal offense, such prior conviction shall not be alleged in the complaint, information or indictment alleging such principal offense, it shall be alleged in a separate complaint, information or indictment ancillary to the principal offense, upon which the respondent shall not be arraigned until such time as sentence may be imposed in the principal offense.'

Sec. 2. R. S., c. 149, § 3, amended. Section 3 of chapter 149 of the Revised Statutes is amended to read as follows :

'Sec. 3. Punishment when convict previously sentenced to any state prison. When a person is convicted of a crime punishable by imprisonment in the State Prison, and it is alleged in the indictment and proved or admitted on trial that he had been before convicted and sentenced to any state prison by any court of this State, or of any other state, or of the United States, whether pardoned therefor or not, he may be punished by imprisonment in the State Prison for any term of years. Allegation of such prior conviction and sentence shall be by indictment separately found, and upon which the defendant shall not be arraigned until after such time as he shall have been convicted upon the current principal offense.'