

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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Legislative Document

No. 21

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S. P. 7

Office of the Clerk of the House

Filed December 10, 1970 under Joint Rule 6 by Senator Hichens of York.  
To be printed and delivered to the Senate of the 105th Legislature.

BERTHA W. JOHNSON, Clerk

Presented by Senator Hichens of York.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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AN ACT Relating to Bail or Personal Recognizance for Certain Criminal  
Offenses.

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

R. S., T. 14, § 5544, amended. Section 5544 of Title 14 of the Revised Statutes is amended by adding at the end the following new paragraph:

Any person under arrest for a bailable offense may, before commitment to jail if he so requests, be taken by the officer having him in charge before a bail commissioner, who may inquire into the case and admit him to bail, or such officer in those misdemeanor cases, punishable on conviction by a fine and jail sentence only, may accept the personal recognizance of such person for his appearance, excepting persons arrested for violation of Title 17, section 2001. It shall be unlawful for any person to violate his written promise to appear, given to an officer upon the issuance of a written summons to appear in court, regardless of the disposition of the charge for which such written summons to appear was originally issued. A written summons to appear in court may be complied with by an appearance by counsel. Any person who is convicted of violating his written promise, as provided by this section, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months, or by both.

STATEMENT OF FACT

The intent of this legislation is to permit officers to release persons arrested for misdemeanor criminal violations, just as they presently can do on motor

vehicle violations, on their personal recognizance and to provide a penalty for those who abuse this benefit.

Such authority would accomplish 2 principal objectives:

1. It would free officers of the hours presently required to transport an arrested party to a location where he might arrange cash bail or be incarcerated for relatively minor offenses.

2. It would not make it mandatory that persons arrested for misdemeanors be incarcerated if they did not have the means to arrange immediate cash bail, even though the officer may have daily contact with this person and have no reason to believe that he would not appear in court.