

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 310

H. P. 263

House of Representatives, January 22, 1975

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

EDWIN H. PERT, Clerk

Presented by Mr. Silverman of Calais.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

An ACT Relating to the Authority of Bail Commissioners.

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

14 MRSA § 5547 is enacted to read:

§ 5547. Limitation of authority of bail commissioners

Notwithstanding any inconsistent provision of any law or rule, bail commissioners shall not be authorized to admit to bail any person under arrest for a bailable criminal offense, before or after commitment to jail, where such offense is alleged to have been committed while the person charged was on probation or parole from a previous sentence on a felony conviction. Such person may be admitted to bail only by a Justice of the Supreme Judicial Court or of the Superior Court or by a Judge of the District Court, and only after his personal appearance before such justice or judge.

STATEMENT OF FACT

The purpose of this bill is to ensure that persons who commit bailable criminal offenses while on probation or parole are released or admitted to bail only after a personal appearance before the appropriate court. To provide protection to the citizens of Maine's communities from the actions of so-called "repeat offenders," the decision to and conditions of bail should be determined only by judges, whose experience, discretion and position should ensure careful and thorough consideration of all relevant factors. Two examples of the effect of this bill are:

1. A person is convicted of a felony, after trial or upon a guilty plea, and receives a suspended sentence with probation for a specified time period. During his probationary period, that same person commits another criminal offense and is arrested.

2. A person is convicted of a felony, after trial or upon a guilty plea, and is sentenced to imprisonment. He is subsequently released from imprisonment on probation or parole. During his period of parole or probation, that same person commits another criminal offense and is arrested.

In each of the above circumstances, this bill provides that the person can be admitted to bail, or re-released, only after his personal appearance before the appropriate court and only on the conditions specified by the appropriate judge.