

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

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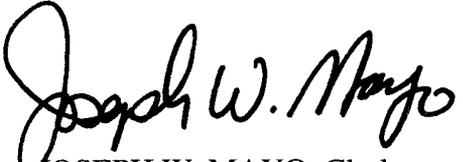
H.P. 1424

House of Representatives, March 24, 1999

**An Act to Amend the Laws Relating to Issuance of a Warrant in the
Name of the District Court.**

Reported by Representative POVICH for the Criminal Law Advisory Commission
pursuant to Maine Revised Statutes, Title 17-A, section 1354, subsection 2.

Reference to the Joint Standing Committee on Criminal Justice suggested and printing
ordered under Joint Rule 218.


JOSEPH W. MAYO, Clerk

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

4 **Sec. 1. 15 MRSA §706**, as amended by PL 1991, c. 484, §7, is further amended to read:

6 **§706. District Court; warrants**

8 Judges of District Courts shall have all authority and powers new formerly 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 defendant.~~

14 When a complaint or an information charging a person with the commission of an offense, or a duly authenticated arrest warrant issued by the Tribal Court of the Passamaquoddy Tribe or the Penobscot Nation, is presented to any Judge of the District Court, to a justice of the peace or to any other officer of the District Court authorized to issue process, the judge, justice of the peace or other officer shall issue a warrant in the name of the District Court for the arrest of such that person, in that form and under the circumstances that the Supreme Judicial Court provides by rule provides. ~~The justice of the peace or other officer does not have authority to preside at any trial, and may not appear as counsel in any criminal case in which that officer has heard the complaint.~~ A clerk of the District Court may accept a guilty plea upon payment of fines as set by the judge.

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

36 **SUMMARY**

38 This bill eliminates the current bar, absent consent by the defendant, to a Judge of the District Court sitting at the trial stage in a criminal matter as to which that judge issued before the trial a warrant for the arrest of the defendant based upon a finding of probable cause for that charged crime. It also provides that when an information charging a person with the commission of an offense is presented to any judge of the District Court, to a justice of the peace or to any other officer of the District Court authorized to issue process, the judge, justice of the peace or other officer shall issue a warrant in the name of the District Court for the arrest of that person. An information, like a criminal complaint, is a charging instrument utilized in the District Court. Finally, it removes additional language now addressed in the Maine Code of Judicial Conduct, the

2 Code of Professional Responsibility and the Maine Rules of
Criminal Procedure.