

MAINE STATE LEGISLATURE

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SEVENTY-SECOND LEGISLATURE

HOUSE.

No. 44

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND FIVE.

AN ACT to provide for the Appointment of a Probation Officer
for the County of Cumberland.

*Be it enacted by the Senate and House of Representatives in
Legislature assembled, as follows:*

Section 1. The judge of the municipal court for the city
2 of Portland shall appoint one person as probation officer, to
3 be approved by the judge of the superior court for the county
4 of Cumberland, who shall act under the direction of said
5 courts. The terms of office of said officer shall be for the
6 period of two years, or until removed by the judge of either
7 of said courts. A record of said appointment and approval
8 and of any such removal shall be made by the clerk of said
9 superior court, and said clerk shall notify the county com-
10 missioners and the county treasurer of the county of Cum-
11 berland of the same.

Sect. 2. Said probation officer shall have and exercise all
2 the powers of a truant officer, police officer, constable and
3 deputy sheriff in criminal matters. He may also, without
4 warrant or other process, take any person placed in his care
5 by either of said courts at any time until such person is com-
6 mitted on mittimus in final execution of sentence and bring
7 him before the court, or the court may issue a warrant for
8 the rearrest of any such person; and the court may there-
9 upon proceed to sentence, order mittimus to issue where it
10 has been stayed or make any other lawful disposition of the
11 case.

Sect. 3. The salary of said probation officer shall be one
2 thousand dollars per year, payable monthly in equal instal-
3 ments by the county treasurer of the county of Cumberland,
4 upon warrants drawn by the county commissioners of said
5 county. When a person has been placed on probation the
6 court may direct and authorize the probation officer to expend
7 for the temporary support of such person, or for his trans-
8 portation, or for both such purposes such reasonable sum as
9 the court shall consider expedient and any sums so expended,
10 together with actual disbursements for necessary expenses
11 made by said probation officer while in the performance of
12 his duty, shall be reimbursed to him out of the county treas-
13 ury of the county of Cumberland after approval by the
14 recorder of said municipal court when said expenditure was
15 made by order of the judge of said court, or, in his absence,
16 the recorder, or when said duties were performed on account
17 of said municipal court, and by the clerk of said superior
18 court when the expenditure was made by order of the judge
19 thereof, or when said duties were performed on account of
20 said superior court, provided that said officer shall not be
21 allowed in all for such disbursements, exclusive of said
22 expenditures made by special order of said courts, a greater
23 sum than three hundred dollars in any one year.

Sect. 4. In case of the absence of said probation officer, 2 the judge of said municipal court, or, in his absence, the 3 recorder, or the judge of the superior court, as the case may 4 be, may appoint a probation officer pro tempore, to act during 5 such absence, who shall have all the powers and perform all 6 the duties of the probation officer and who shall receive as 7 compensation for each day's service the sum of three dollars 8 per day to be paid by the county treasurer of the county of 9 Cumberland; provided, that the compensation so paid for any 10 excess over fourteen days' service in any one calendar year 11 shall be deducted by said county treasurer from the salary of 12 the probation officer.

Sect. 5. Said probation officer shall assist said courts by 2 obtaining and furnishing information concerning previous 3 arrests, convictions, imprisonments and other matters ordered 4 by either of said courts relative to persons accused of criminal 5 offenses, and by inquiring into the facts of every criminal 6 case brought before said courts, and may recommend that 7 any person convicted be placed upon probation. The case 8 against any such convicted person may be continued for sen- 9 tence, or sentence may be imposed and mittimus stayed for 10 any period, and on any terms the court deems best. The 11 court may place any person convicted by it in care of the pro- 12 bation officer for such time and upon such conditions as may 13 seem proper. If the sentence is to pay a fine and to stand 14 committed until the same is paid, the fine may be paid to said 15 probation officer at any time during the period of probation 16 and said probationer shall thereby be discharged. Said offi- 17 cer shall give a receipt for every fine so paid, shall keep a 18 record of the same, shall pay the fine to the recorder or clerk 19 of the court, as the case may be, within twenty-four hours 20 after its receipt and shall keep on file the recorder's or clerk's 21 receipt therefor.

Sect. 6. Any person arrested for a misdemeanor may make
2 to the officer in charge of the place of custody in which he is
3 confined a written statement, addressed to the judge of the
4 municipal court, giving his name and address, what persons,
5 if any, are dependent upon him for support, his place of
6 employment, if any, and whether he has been arrested before
7 within twelve months next preceding, together with a request
8 to be released from custody. The officer who receives such
9 statement shall endorse thereon the name of the arresting
10 officer, and shall transmit said statement to the probation offi-
11 cer, who shall at once inquire as to the truth or falsity thereof,
12 and into the record of said person as to previous offenses, and
13 shall endorse thereon over his own signature for the use of
14 the court the result of the investigation, and the court there-
15 upon in its discretion may direct that such person be released
16 from custody without arraignment. No officer making an
17 arrest under the provisions of this section shall be liable for
18 illegal arrest or imprisonment, if the person arrested shall be
19 released from custody upon his own request, as herein pro-
20 vided.

Sect. 7. Said probation officer shall keep full records of all
2 cases investigated by him, and of all cases placed in his care
3 by said courts and of any other duties performed by him
4 under this act, and shall so arrange, consolidate and index
5 his records, that the complete record of all the offenses of
6 any one person may be readily ascertained.

Sect. 8. Said probation officer shall give to the county
2 commissioners of the county of Cumberland such information
3 as they shall request regarding his work, and shall report to
4 said commissioners on blanks or forms furnished by them
5 such facts as they shall require regarding all cases brought
6 before said courts and investigated by said officer, and regard-
7 ing all cases of persons placed upon probation in his custody.

8 Said commissioners shall keep a record of the same and
9 incorporate said record in their annual report.

Sect. 9. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, February 1, 1905.

Tabled pending reference to a committee by Mr. REED of Portland,
and ordered printed.

E. M. THOMPSON, *Clerk.*