

# MAINE STATE LEGISLATURE

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# SEVENTY-SECOND LEGISLATURE

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HOUSE.

No. 469

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## STATE OF MAINE.

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

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AN ACT to amend section twenty-six of chapter one hundred  
and thirty-five of the Revised Statutes, relating to sentences.

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

Section twenty six of chapter one hundred and thirty-five of  
2 the Revised Statutes is hereby amended by inserting in said  
3 section, before the word "Questions," in the first line thereof,  
4 the words, 'Sentence shall be imposed upon conviction, either  
5 by verdict or upon demurrer, of a crime which is not pun-  
6 ishable by imprisonment for life, although exceptions are  
7 allowed.'

Also by inserting after the word "recognize," in the  
9 fifteenth line, the words, 'the court, on request of the  
10 defendant upon whom sentence is imposed, may allow stay  
11 of execution of sentence, in which case such commitment

12 shall be to await final decision; otherwise, commitment  
13 shall be in execution of sentence.'

Also by inserting after the word "prison," in the seven-  
15 tenth line thereof, the words, 'or any person is committed  
16 pending decision on report or exceptions, as herein pro-  
17 vided, and remains imprisoned after the adjournment of  
18 court.'

Also by adding at the end of said section, the following:  
20 'If a person shall be so admitted to bail after commitment in  
21 execution of sentence, as above provided, such admission to  
22 bail shall vacate the effect of the original commitment, and  
23 the full term of imprisonment shall commence from the date  
24 of commitment after final decision.' So that said section as  
25 amended shall read as follows:

'Section 26. Sentence shall be imposed upon conviction,  
27 either by verdict or upon demurrer, of a crime which is not  
28 punishable by imprisonment for life, although exceptions are  
29 alleged. Questions of law may be reserved on a report  
30 signed by the presiding justice, and in such case, and where  
31 exceptions are allowed, the defendant may, when the offense  
32 charged is bailable, recognize with sureties, in such sum  
33 as the court orders, with conditions substantially as fol-  
34 lows: "The condition of this recognizance is such that,  
35 whereas there is now pending in the —— court, within  
36 and for the county of ——, an indictment against the  
37 said —— —— for the offense of ——, in the course  
38 of the proceedings upon which, questions of law requiring  
39 the decision of the justices of the supreme judicial court  
40 have arisen; now if said —— —— shall personally  
41 appear before said —— court, to be held in and for said  
42 county, from term to term, until and including the term of  
43 said court next after the certificate of decision shall be  
44 received from said justices, and shall abide the decision and

45 order of said court, and not depart without license, then this  
46 recognizance shall be void.' If he does not so recognize,  
47 the court, on request of the defendant upon whom sentence  
48 is imposed may allow stay of execution of sentence, in which  
49 case commitment shall be to await final decision ; otherwise,  
50 such commitment shall be in execution of sentence. When  
51 a verdict of guilty is rendered against any person for an  
52 offense punishable by imprisonment in the State prison, or  
53 any person is committed pending decision on report or  
54 exceptions, as herein provided, and remains imprisoned  
55 after the adjournment of court, he shall be admitted to  
56 bail only by the justice trying him, by some person by him  
57 appointed therefor, or by some justice of the supreme  
58 judicial court. If a person shall be so admitted to bail after  
59 commitment in execution of sentence, as above provided,  
60 such admission to bail shall vacate the effect of the original  
61 commitment, and the full term of imprisonment shall com-  
62 mence from the date of commitment after final decision.

STATE OF MAINE.

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HOUSE OF REPRESENTATIVES,  
Augusta, March 9, 1905.

Reported by Mr. HIGGINS from Committee on Judiciary and ordered  
printed under joint rules.

E. M. THOMPSON, *Clerk.*