

# MAINE STATE LEGISLATURE

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# SEVENTY-SECOND LEGISLATURE

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HOUSE.

No. 525

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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 provide for the appointment of a probation officer  
for the county of Cumberland.

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*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 of  
2 Portland shall appoint one person as probation officer, to be  
3 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 court may  
7 direct and authorize the probation officer to expend for the  
8 temporary support of such person, or for his transportation,  
9 or for both such purposes such reasonable sum as the court  
10 shall consider expedient and any sums so expended, together  
11 with actual disbursements for necessary expenses made by  
12 said probation officer while in the performance of his duty,  
13 shall be reimbursed to him out of the county treasury of the  
14 county of Cumberland after approval by the recorder of said  
15 municipal court when said expenditure was made by order  
16 of the judge of said court, or, in his absence, the recorder, or  
17 when said duties were performed on account of said municipi-  
18 pal court, and by the clerk of said superior court when the  
19 expenditure was made by order of the judge thereof, or when  
20 said duties were performed on account of said superior court,  
21 provided that said officer shall not be allowed in all for such  
22 disbursements, exclusive of said expenditures made by special

23 order of said courts, a greater sum than three hundred  
24 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 crim-  
5 inal offenses, and by inquiring into the facts of every crim-  
6 inal case brought before said courts, and may recommend  
7 that any person convicted be placed upon probation. The  
8 case against any such convicted person may be continued  
9 for sentence, or sentence may be imposed and mittimus  
10 stayed for any period, and on any terms the court deems  
11 best. The court may place any person convicted by it in care  
12 of the probation officer for such time and upon such condi-  
13 tions as may seem proper. If the sentence is to pay a fine  
14 and to stand committed until the same is paid, the fine may  
15 be paid to said probation officer at any time during the period  
16 of probation and said probationer shall thereby be dis-  
17 charged. Said officer shall give a receipt for every fine so  
18 paid, shall keep a record of the same, shall pay the fine to the  
19 recorder or clerk of the court, as the case may be, within

20 twenty-four hours after its receipt and shall keep on file the  
21 recorder's or clerk's 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  
11 officer, who shall at once inquire as to the truth or falsity  
12 thereof, and into the record of said person as to previous  
13 offenses, and shall endorse thereon over his own signature  
14 for the use of the court the result of the investigation, and  
15 the court thereupon in its discretion may direct that such  
16 person be released from custody without arraignment. No  
17 officer making an arrest under the provisions of this section  
18 shall be liable for illegal arrest or imprisonment, if the person  
19 arrested shall be released from custody upon his own request,  
20 as herein provided.

Sect. 7. Said probation officer shall keep full records of  
2 all cases investigated by him, and of all cases placed in his  
3 care 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  
7 regarding all cases of persons placed upon probation in his  
8 custody. Said commissioners shall keep a record of the same  
9 and incorporate said record in their annual report.

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



STATE OF MAINE.

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HOUSE OF REPRESENTATIVES,  
Augusta, March 13, 1905.

Reported by Mr. REED from Cumberland County Delegation and  
ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*