

# MAINE STATE LEGISLATURE

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# SEVENTY-THIRD LEGISLATURE

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HOUSE.

No. 438

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## STATE OF MAINE.

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

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AN ACT creating the office of probation officer for the  
City of Westbrook.

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

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

Sect. 3. Said probation officer shall receive as compen-  
2 sation for his services such sum as may be fixed by said  
3 court or courts, provided that said officer shall not be allowed  
4 for said services a greater sum than 300 dollars in any one  
5 year. Said compensation shall be paid by the county treas-  
6 urer of the county of Cumberland upon warrants drawn by  
7 the county commissioners of said county.

When a person has been placed on probation the court  
9 may direct and authorize the probation officer to expend  
10 for the temporary support of such person, or for his trans-  
11 portation, or for both such purposes such reasonable sum  
12 as the court shall consider expedient and any sums so ex-  
13 pended, together with actual disbursements for necessary  
14 expenses made by said probation officer while in the per-  
15 formance of his duty, shall be reimbursed to him out of  
16 the county treasury of the county of Cumberland after  
17 approval by the judge of said municipal court when said  
18 expenditure was made by order of the judge of said court,  
19 or when said duties were performed on account of said

20 municipal court, and by the clerk of said superior court  
21 when the expenditure was made by order of the judge  
22 thereof, or when said duties were performed on account  
23 of said superior court, provided that said officer shall not  
24 be allowed in all for such disbursements, exclusive of said  
25 expenditures made by special order of said courts, a greater  
26 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 the judge of the  
3 superior court, as the case may be, may appoint a proba-  
4 tion officer, pro tempore, to act during such absence, who  
5 shall have all the powers and perform all the duties of the  
6 probation officer and who shall receive as compensation  
7 for each day's service the sum of three dollars per day to  
8 be paid by the county treasurer of the county of Cumberland;  
9 provided, that the compensation so paid for any excess  
10 over fourteen days' service in any one calendar year shall  
11 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 or-  
4 dered by either of said courts relative to persons accused  
5 of criminal offenses, and by inquiring into the facts of  
6 every criminal case brought before said courts, and may  
7 recommend that any person convicted be placed upon pro-  
8 bation. The case against any such convicted person may  
9 be continued for sentence, or sentence may be imposed  
10 and mittimus stayed for any period, and on any terms the  
11 court deems best. The court may place any person con-

12 victed by it in care of the probation officer for such time  
13 and upon such conditions as may seem proper. If the  
14 sentence is to pay a fine and to stand committed until  
15 the same is paid, the fine may be paid to said probation  
16 officer at any time during the period of probation and said  
17 probationer shall thereby be discharged. Said officer shall  
18 give a receipt for every fine so paid, shall keep a record  
19 of the same, shall pay the fine to the judge or clerk of the  
20 court, as the case may be, within twenty-four hours after  
21 its receipt and shall keep on file the judge's or clerk's  
22 receipt therefor.

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

20 be released from custody upon his own request, as herein  
21 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  
4 him under this act, and shall so arrange, consolidate and  
5 index his records, that the complete record of all the  
6 offenses of 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 informa-  
3 tion as they shall request regarding his work, and shall  
4 report to said commissioners on blanks or forms furnished  
5 by them such facts as they shall require regarding all cases  
6 brought before said courts and investigated by said officer,  
7 and regarding all cases of persons placed upon probation  
8 in his custody. Said commissioners shall keep a record of  
9 the same 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 8, 1907.

Reported by Mr. HADLOCK from Committee on Legal Affairs, and  
ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*