

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

SENATE.

No. 454

STATE OF MAINE.

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

AN ACT to authorize courts to suspend or continue for sen-
tence on probation, and to provide for the appointment of
Probation Officers.

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

Section 1. The Governor, by and with the consent of the
2 Council, shall on recommendation of the County Commis-
3 sioners of any county appoint therein one probation officer,
4 who shall be a male citizen of the county in which he is
5 appointed and of good moral character, who shall hold office
6 during the pleasure of such Governor and Council, and who
7 shall receive as his compensation such sum as the county
8 commissioners of his county shall fix, which shall be paid
9 out of the county treasury in equal monthly installments.

10 The county commissioners of such county shall at their next
11 session after such appointment by the Governor, determine
12 and fix the amount of such compensation, which shall not
13 be diminished during the term of office of a probation offi-
14 cer, but may be increased if it seems just to the county com-
15 missioners so to do. In addition to such compensation,
16 each probation officer shall receive monthly such sums as
17 he has reasonably and properly paid for his expenses incur-
18 red in the performance of his duty, and each probation offi-
19 cer shall on or before the last day of each month submit un-
20 der oath to the county commissioners in his county an item-
21 ized statement of such expenditures. Each probation offi-
22 cer shall have the authority to perform the duties prescribed
23 in this act, and for the purpose of performing such duties
24 is hereby invested with all the authority necessary therefor.
25 If in any county it seems to the Governor and Council nec-
26 essary to have more than one probation officer, the Gover-
27 nor, by and with the consent of the Council, may appoint
28 one or more associates, who shall have all the authority
29 under the direction of the probation officer which such pro-
30 bation officer has, and who shall receive for compensation
31 and expenses such sum as the county commissioners in his
32 county shall deem just and proper. Such probation offi-
33 cers in each county shall attend the Supreme or Superior
34 Court during the times when persons convicted of crime
35 are sentenced, and shall give to the court upon request such

36 information with reference to any individual accused or
37 convicted of crime as shall be in his possession. Such pro-
38 bation officer shall attend the sessions of other courts within
39 his county having criminal jurisdiction as often and as con-
40 tinuously as the performance of his duties shall permit, and
41 shall give to such other courts the same information last
42 above mentioned.

Sect. 2. When any person by plea of guilty, or upon
2 trial, is convicted of any offense other than a capital of-
3 fense before any court having criminal jurisdiction, such
4 court is invested with authority in its discretion to con-
5 tinue the matter for sentence, suspend sentence, or sus-
6 pend the execution of any sentence, to be done under the
7 provisions of this act, but nothing herein contained shall be
8 held to take away the right of appeal from any respondent,
9 or any right to have his case reviewed or re-tried under the
10 provisions of law as they now exist. The court at or be-
11 fore the time for sentence shall inquire into the circum-
12 stances of the respondent and of his offense, and if the mat-
13 ter is continued for sentence, the respondent shall be placed
14 in the custody and under the control of the probation officer
15 in the county where such respondent has been convicted.
16 Such sentence may be continued by the court indefinitely,
17 or to a definite time, and in every instance the court may
18 order the respondent to report to the probation officer at
19 such times and places as the court shall designate, and shall

20 cause to be given to the respondent a writing signed by the
21 clerk or by the court, showing such continuance for sen-
22 tence, the time during which the same is continued, and the
23 times and places when the respondent is to report to such
24 probation officer.

If the offense of which the respondent is convicted is with-
26 in the jurisdiction of the court trying the same, the court
27 may in its discretion impose a fine, or an alternative sen-
28 tence of imprisonment, and release respondent into the cus-
29 tody of the probation officer, with an opportunity to pay
30 such fine and costs to the probation officer within a definite
31 time. When such respondent pays such fine and costs, or
32 any part thereof, to the probation officer, such officer shall
33 give the respondent a receipt therefor.

The court may in its discretion, if the offense is within
35 the jurisdiction of the court trying the cause, suspend sen-
36 tence for a definite period of time, or for an indefinite time
37 not exceeding one year, and such respondent may be com-
38 mitted to the custody and control of the probation officer.
39 In all cases where the respondent is committed to the cus-
40 tody or control of the probation officer, the court shall give
41 to each respondent a writing showing the terms of his pro-
42 bation and the times and places when and where such re-
43 spondent is to report to such probation officer. And if at
44 any time any such respondent violates the terms of his pro-
45 bation, it shall be the duty of the probation officer to forth-

46 with report the same to the court which finally tried the
47 cause, and the court shall have authority thereupon to decree
48 said probation ended, and either impose the sentence, if the
49 cause has been continued for sentence, or in all other cases
50 order the respondent to forthwith comply with the original
51 sentence, and in all cases where sentence has not been im-
52 posed, the court may forthwith impose sentence.

Sect. 3. Whenever a child under the age of sixteen
2 years is arrested and charged with an offense other than a
3 felony, or a crime which if committed by an adult would
4 be a felony, the officer making such arrest may accept in
5 lieu of bail, and without committing such child to any jail
6 or police station, the personal recognizance in writing, with-
7 out security, of the parent, guardian or other lawful cus-
8 todian of such child, to produce such child before the proper
9 court or magistrate on the following day at a time and place
10 to be specified in said recognizance; and thereupon such
11 officer shall place such child in the care and custody of the
12 person executing such recognizance, who on failure to so
13 produce such child, pursuant to the terms of such recog-
14 nizance, shall be liable to punishment by the court or magis-
15 trate as for criminal contempt. And similar recognizance
16 may be taken by the court or magistrate for the subsequent
17 production of such child at a time and place to be specified
18 therein pending the final termination of the proceedings,

19 and non-compliance therewith shall subject the person giv-
20 ing the same to the same punishment.

When any such child has been convicted of any offense
22 other than a capital offense, the court or magistrate having
23 jurisdiction, instead of committing such child to confine-
24 ment in any institution, or the ordering of payment of fine
25 and costs, may place such child in the custody of the pro-
26 bation officer under suspension of such sentence, or a con-
27 tinuance of the same for a period not exceeding one year.
28 At any time within such year, if it appears to the court that
29 justice requires it, said court or magistrate may cause such
30 child to be brought into court and either impose sentence,
31 if the case has been continued for sentence, or order such
32 child to enter upon the execution of his sentence, if the
33 execution of the same has been suspended.

Whenever any child under the age of sixteen years has
35 been arrested for any offense and is confined in any jail or
36 police station, it shall be the duty of the officer making such
37 arrest forthwith to notify the parent, guardian or legal
38 custodian of such child of the fact of such arrest, and of the
39 time and place where his trial is to be held. Such officer
40 shall also notify a probation officer in his county of the fact
41 of such arrest, and of the time and place of such trial. And
42 any court having jurisdiction of the offense may upon
43 application of such probation officer, by an order in writ-
44 ing, cause such child to be forthwith placed in the custody

45 of such probation officer pending the trial and final deter-
46 mination of said cause.

When any child under the age of sixteen years is brought
48 before any court or magistrate for trial charged with any
49 offense other than a capital offense, the court may in it dis-
50 cretion continue such cause without trial from time to time,
51 not exceeding thirty days at any one time, and release such
52 child into the custody and control of the probation officer,
53 who shall have authority to permit such child to remain in
54 the home of such child if the same seems to him proper,
55 or he may retain such child in his own custody if the same
56 can be done without expense to the county or the State.
57 If at any time it seems to the court just and proper to dis-
58 charge any such respondent without trial, the same may be
59 done, and no child so discharged, or any other person, shall
60 have any right of action against any officer or other person
61 on account of any of the proceedings in such case.

In case of the absence of the probation officer at the time
63 and place when any such child is so arrested or to be tried,
64 the court having jurisdiction may appoint some discreet
65 male citizen of the county a probation officer pro tempore
66 for the purpose of that particular case, who shall perform
67 his duties without compensation or expense, and such pro-
68 bation officer shall have all the authority to perform all of
69 the duties of the probation officer under this act; but the
70 authority of such probation officer shall cease when he shall

71 have performed the duties with reference to that particular
72 cause.

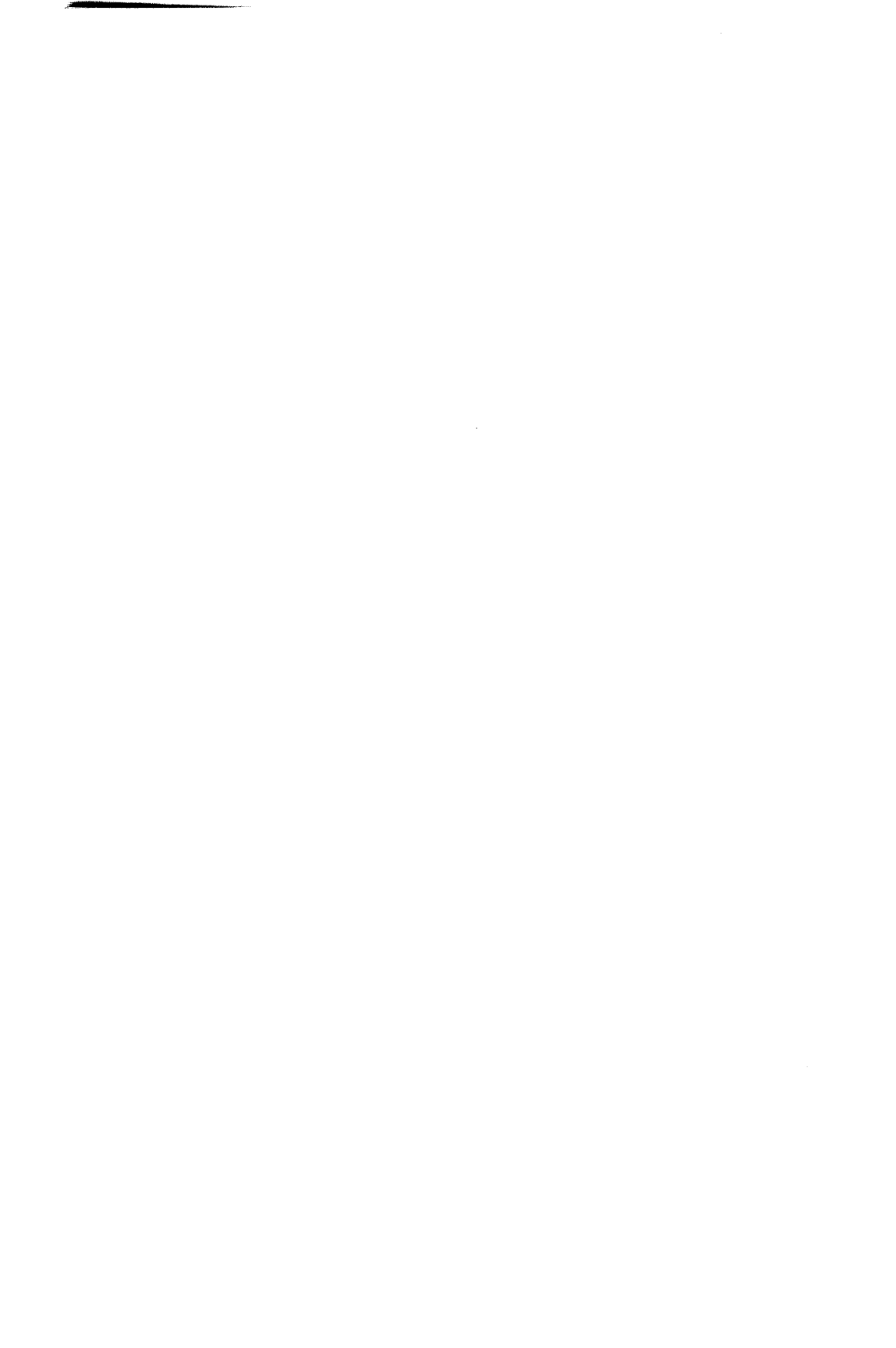
Whenever any such child has been committed to the cus-
74 tody and control of any probation officer, the court or mag-
75 istrate shall cause to be entered upon the records of such
76 court the fact of such commitment and the terms thereof,
77 and the court shall have authority to order such probationer
78 to report to the probation officer at such times and places
79 as the court in its order shall direct. If at any time it ap-
80 pears to the court that such probationer has violated the
81 terms of his probation, or that justice requires it, the court
82 may order such child brought before it and may summarily
83 deal with such child as the law provides.

Any probation officer having committed to his custody any
85 child or other person, shall have the same authority with
86 reference to the person of such child or other person as he
87 would have were he surety upon the recognizance of such
88 child or other person.

Sect. 4. If any person commits an offense against an-
2 other for which that other would have a civil action for
3 damages, which damages in amount would not exceed the
4 sum of twenty dollars, the court trying such offender may
5 in its discretion, if such offender is found guilty, continue
6 the matter for sentence and commit the respondent to the
7 custody of the probation officer for a definite period, within
8 which time such offender may make restitution to the per-

9 son offended against. And if within such period such of-
10 fender has made such restitution, the court at the expiration
11 of such period may make such legal disposition of the case
12 as seems proper to the court.

Sect. 5. It shall be the duty of all probation officers to
2 investigate as fully as may be and order the attendance at
3 some school all children between the ages of five and six-
4 teen, and for this purpose such probation officer shall have
5 all authority of truant officers.





STATE OF MAINE.

IN SENATE,

March 19, 1909.

Reported by Mr. HAMILTON from Committee on Legal
Affairs and laid on table to be printed under joint rules.

F. G. FARRINGTON, *Secretary*.