

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-SIXTH LEGISLATURE

HOUSE

NO. 638

House of Representatives, March 22, 1913.

*Reported by Mr. Dunton from Committee on Judiciary, and
ordered printed under joint rules.*

W. R. ROIX, Clerk.

STATE OF MAINE

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

AN ACT to amend Section sixty-nine of the Revised Statutes,
as amended by Chapter forty-one of the Public Laws of 1905,
relating to non-feasance of duty by Sheriffs, Deputy Sheriffs,
and County Attorneys.

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

Section 1. Section sixty-nine of chapter twenty-nine of
2 the Revised Statutes, as amended by chapter forty-one of
3 the Public Laws of 1905, is hereby further amended by add-
4 ing after the word "year" in the fifteenth line thereof, the
5 following:

'It shall be the duty of the Attorney-General to take charge
7 of all investigations before the Grand Jury in case of refusal

8 or neglect of any sheriff, deputy sheriff or county attorney,
9 to perform any of the duties required by this section, and
10 in case of the finding of an indictment to conduct all subse-
11 quent proceedings in court in behalf of the State as prose-
12 cuting attorney. In all such prosecutions the Attorney-
13 General shall act in place of the County Attorney, and is
14 hereby invested with all the rights, powers and privileges
15 of the County Attorney for that purpose, the powers of the
16 County Attorney with respect to prosecutions under this
17 section being hereby suspended.

‘Sect. 69. Sheriffs and their deputies and county attorneys
19 shall diligently and faithfully inquire into all violations of
20 law, within their respective counties, and institute proceed-
21 ings in case of violations or supposed violations of law, and
22 particularly the law against illegal sale of intoxicating liq-
23 uors, and the keeping of drinking houses and tippling shops,
24 gambling houses or places, and houses of ill-fame, either by
25 promptly entering a complaint before a magistrate and ex-
26 ecuting the warrants issued thereon, or by furnishing the
27 county attorney promptly and without delay, with the names
28 of alleged offenders, and of the witnesses. Any sheriff,
29 deputy sheriff or county attorney, who shall wilfully or cor-
30 ruptly refuse or neglect to perform any of the duties re-
31 quired by this section, shall be punished by fine not exceed-
32 ing one thousand dollars or by imprisonment not exceeding
33 one year.

‘It shall be the duty of the Attorney-General to take charge

35 of all investigations before the Grand Jury in case of alleged
36 refusal or neglect of any sheriff, deputy sheriff or county
37 attorney, to perform any of the duties required by this sec-
38 tion, and in case of the finding of an indictment to conduct
39 all subsequent proceedings in court in behalf of the State as
40 prosecuting attorney. In all such prosecutions the Attor-
41 ney-General shall act in place of the County Attorney, and
42 is hereby invested with all the rights, powers and privileges
43 of the County Attorney for that purpose, the powers of the
44 County Attorney with respect to prosecutions under this
45 section being hereby suspended.

‘For services under this section, sheriffs, and their deputies
47 acting under their direction, shall receive the same per diem
48 compensation, as for attendance on the supreme judicial
49 court, the same fees for travel as for the service of warrants
50 in criminal cases, together with such necessary incidental
51 expenses as are just and proper; bills for which shall be
52 audited by the county commissioners, and paid from the
53 county treasury. But said commissioners shall not allow
54 any per diem compensation to said sheriffs, or their deputies
55 for any day for which said sheriffs or their deputies are
56 entitled to fees or compensation for attendance at or service
57 in any court. The provisions of this section as to compensa-
58 tion of sheriffs and their deputies, and the provisions of
59 section five of chapter one hundred and seventeen shall not
60 apply to the sheriff of Cumberland county, and his deputies
61 acting under the provisions of this section.’