

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

SENATE

NO. 490

In Senate, March 14, 1913.

*Came from the House referred to the Committee on Judiciary,
and on motion by Senator Hersey of Aroostook laid on the table
for printing pending reference in concurrence.*

W. E. LAWRY, Secretary.

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 al-
8 leged refusal or neglect of any sheriff, deputy sheriff or
9 county attorney, to perform any of the duties required by
10 this section, and in case of the finding of an indictment to
11 conduct all subsequent proceedings in court in behalf of the
12 State as prosecuting attorney; except, however, that in case
13 the Attorney-General deems it necessary he may apply to
14 the justice presiding for the designation of some proper
15 counsel to appear for the State in such investigation, or to
16 conduct such subsequent proceedings in behalf of the State
17 as prosecuting attorney, under the direction of the Attorney-
18 General; and said justice shall have full power to make such
19 designation. In all such prosecutions the Attorney-General,
20 or the counsel so designated at his request, shall act in place
21 of the County Attorney, and is hereby invested with all the
22 rights, powers and privileges of the County Attorney for
23 that purpose, the powers of the County Attorney with re-
24 spect to prosecutions under this section being hereby sus-
25 pended. Counsel so designated by the presiding justice at
26 the request of the Attorney-General shall be allowed a rea-
27 sonable sum for services rendered the State in such pro-
28 ceedings, to be paid from the County Treasury upon the
29 certificate of the presiding justice,' so that said section as
30 amended shall read as follows:

'Sect. 69. Sheriffs and their deputies and county attorneys
32 shall diligently and faithfully inquire into all violations of

33 law, within their respective counties, and institute proceed-
34 ings in case of violations or supposed violations of law, and
35 particularly the law against illegal sale of intoxicating liq-
36 uors, and the keeping of drinking houses and tippling shops,
37 gambling houses or places, and houses of ill-fame, either by
38 promptly entering a complaint before a magistrate and ex-
39 ecuting the warrants issued thereon, or by furnishing the
40 county attorney promptly and without delay, with the names
41 of alleged offenders, and of the witnesses. Any sheriff,
42 deputy sheriff or county attorney, who shall wilfully or cor-
43 ruptly refuse or neglect to perform any of the duties re-
44 quired by this section, shall be punished by fine not exceed-
45 ing one thousand dollars or by imprisonment not exceeding
46 one year.

47 . It shall be the duty of the Attorney-General to take charge
48 of all investigations before the Grand Jury in case of alleged
49 refusal or neglect of any sheriff, deputy sheriff or county
50 attorney, to perform any of the duties required by this sec-
51 tion, and in case of the finding of an indictment to conduct
52 all subsequent proceedings in court in behalf of the State as
53 prosecuting attorney; except, however, that in case the At-
54 torney-General deems it necessary he may apply to the jus-
55 tice presiding for the designation of some proper counsel to
56 appear for the State in such investigation, or to conduct
57 such subsequent proceedings in behalf of the State, as pros-
58 ecuting attorney, under the direction of the Attorney-Gen-
59 eral, and said justice shall have full power to make such

60 designation. In all such prosecutions the Attorney-General,
61 or the counsel so designated at his request, shall act in place
62 of the County Attorney, and is hereby invested with all the
63 rights, powers and privileges of the County Attorney for
64 that purpose, the powers of the County Attorney with re-
65 spect to prosecutions under this section being hereby sus-
66 pended. Counsel so designated by the presiding justice at
67 the request of the Attorney-General shall be allowed a rea-
68 sonable sum for services rendered the State in such pro-
69 ceedings, to be paid from the County Treasury upon the
70 certificate of the presiding justice.

‘For services under this section, sheriffs, and their deputies
72 acting under their direction, shall receive the same per diem
73 compensation, as for attendance on the supreme judicial
74 court, the same fees for travel as for the service of warrants
75 in criminal cases, together with such necessary incidental
76 expenses as are just and proper; bills for which shall be
77 audited by the county commissioners, and paid from the
78 county treasury. But said commissioners shall not allow
79 any per diem compensation to said sheriffs, or their deputies
80 for any day for which said sheriffs or their deputies are
81 entitled to fees or compensation for attendance at or service
82 in any court. The provisions of this section as to compensa-
83 tion of sheriffs and their deputies, and the provisions of
84 section five of chapter one hundred and seventeen shall not
85 apply to the sheriff of Cumberland county, and his deputies
86 acting under the provisions of this section.’