

# MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

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HOUSE

NO. 307

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*House of Representatives, Feb. 14, 1917.*

*Referred to Committee on Temperance and one thousand  
copies ordered printed. Sent up for concurrence.*

*W. R. ROIX, Clerk.*

*Presented by Mr. Barnes of Houlton.*

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STATE OF MAINE

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

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AN ACT providing for sentence at the term of conviction and  
to give the court discretion in the matter of sentence.

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

Section 1. Section forty-two of Chapter one hundred  
2 twenty-seven is hereby repealed.

Sect. 2. Section one of Chapter one hundred thirty-seven  
2 is amended by striking out the third sentence of said section,  
3 so that said section as amended shall read as follows:

'Sect. 1. No person shall be punished for an offense until  
2 convicted thereof in a court having jurisdiction of the person

3 and case. When no punishment is provided by statute, a per-  
4 son convicted of an offense shall be imprisoned for less than  
5 one year or fined not exceeding five hundred dollars. In all  
6 cases where a fine is imposed he may be sentenced to pay the  
7 costs of prosecution; and for violations of Section six to  
8 thirteen of Chapter forty-two, and of Sections twenty-two,  
9 twenty-three, twenty-four, twenty-nine and thirty-four of  
10 Chapter one hundred and twenty-seven, he shall be sentenced  
11 to pay such costs.'

Sect. 3. Section twenty-seven of Chapter one hundred  
2 thirty-six is amended by adding after the word "life" in the  
3 third line thereof, the words, 'provided that the court at the  
4 term of conviction may in its discretion continue the matter  
5 for sentence, suspend sentence or stay the execution of sen-  
6 tence, so that said section as amended shall read as follows:

'Sect. 27. Sentence shall be imposed upon conviction,  
2 either by verdict or upon demurrer, of a crime which is not  
3 punishable by imprisonment for life, provided that the court  
4 at the term of conviction may in its discretion continue the  
5 matter for sentence, suspend sentence or stay the execution  
6 of sentence, although exceptions are alleged. Questions of  
7 law may be reserved on a report signed by the presiding jus-  
8 tice, and in such case, and where exceptions are allowed, the  
9 defendant may, when the offense charged is bailable, recog-  
10 nize with sureties, in such sum as the court orders, with con-  
11 ditions substantially as follows: "The condition of this recog-  
12 nizance is such that, whereas there is now pending in the

13                    court, within and for the county of                    ,  
14 an indictment against the said                    for the offense of  
15                    , in the course of the proceedings upon which,  
16 questions of law requiring the decision of the justices of the  
17 supreme judicial court have arisen; now if said  
18 shall personally appear before said                    court, to be  
19 held in and for said county, from term to term, until and  
20 including the term of said court next after the certificate of  
21 decision shall be received from said justices, and shall abide  
22 the decision and order of said court, and not depart without  
23 license, then this recognizance shall be void." If he does  
24 not so recognize, the court, on request of the defendant upon  
25 whom sentence is imposed may allow stay of execution of  
26 sentence, in which case commitment shall be to await final  
27 decision; otherwise, such commitment shall be in execution  
28 of sentence. When a verdict of guilty is rendered against  
29 any person for an offense punishable by imprisonment in  
30 the state prison, or any person is committed pending de-  
31 cision on report or exceptions, as herein provided, and re-  
32 main imprisoned after the adjournment of court, he shall  
33 be admitted to bail only by the justice trying him, by some  
34 person by him appointed therefor, or by some justice of  
35 the supreme judicial court. If a person shall be so admitted  
36 to bail after commitment in execution of sentence, as above  
37 provided, such admission to bail shall vacate the effect of  
38 the original commitment, and the full term of imprisonment  
39 shall commence from the date of commitment after final  
40 decision.'