

MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

HOUSE

NO. 236

House of Representatives, March 2, 1923.

Referred to Committee on Judiciary and five hundred copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Nichols of Portland.

STATE OF MAINE

**IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-THREE**

AN ACT to Amend Section Thirty-five of Chapter One Hundred Four of the Revised Statutes Relating to Commissioners Admitting to Bail Persons Committed for not Finding Sureties.

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

Section thirty-five of chapter one hundred four of the 2 revised statutes is amended by adding to said section the 3 following words:

'All judges of municipal or police courts shall be bail 2 commissioners ex-officio. No attorney at law who has 3 acted as bail commissioner in any proceeding, shall act as 4 attorney for or in behalf of any respondent for whom he

5 has taken bail in such proceeding nor shall any attorney at
6 law who has acted as such attorney for a respondent in an
7 offense, act as bail commissioner in any proceeding grow-
8 ing out of the offense with which the respondent is charged
9 or for not finding sureties on a recognizance growing out
10 of such proceeding,' so that said section when amended
11 shall read as follows:

'Sect 35. When a person is confined in a jail for a
2 bailable offense, or for not finding sureties on a recogni-
3 zance, except when a verdict of guilty has been rendered
4 against him for an offense punishable in the state prison,
5 and except when such person is committed pending de-
6 cision on report or exceptions as provided in section twenty-
7 seven of chapter one hundred and thirty-six, any such
8 commissioner, on application, may inquire into the case
9 and admit him to bail, and exercise the same power as
10 any justice of the supreme judicial court or superior court
11 can; and may issue a writ of habeas corpus, and cause
12 such person to be brought before him for this purpose,
13 and may take such recognizance; provided, however, that
14 during a term of the supreme judicial court or superior
15 court a bail commissioner is not authorized to admit to
16 bail any person confined in jail or held under arrest by
17 virtue of a precept returnable to said term; and when a
18 person is confined in jail for a bailable offense, or for not
19 finding sureties on a recognizance, and the amount of his
20 bail has been fixed by a justice of the supreme judicial

21 court or by a judge of a superior court, a bail commissioner
22 is not authorized to change the amount of such bail. Such
23 bail commissioner shall receive not exceeding the sum of
24 five dollars in each case in which bail is so taken, the
25 same to be paid by the person so admitted to bail; but the
26 person admitted to bail shall not be required to pay any
27 other fees or charges to any officer for services connected
28 with the giving of such bail. All judges of municipal or
29 police courts shall be bail commissioners ex-officio. No
30 attorney at law who has acted as bail commissioner in any
31 proceeding, shall act as attorney for or in behalf of any
32 respondent for whom he has taken bail in such proceeding
33 nor shall any attorney at law who has acted as such attorney
34 for a respondent in an offense, act as bail commissioner in
35 any proceeding growing out of the offense with which the
36 respondent is charged or for not finding sureties on a
37 recognizance growing out of such proceeding.'