

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-FIRST LEGISLATURE

HOUSE

NO. 444

House of Representatives, March 22, 1923.

Reported by Mr. Maher from Committee on Judiciary and ordered printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Barwise of Bangor.

STATE OF MAINE

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

AN ACT Amending Section Thirty-five of Chapter One Hundred Four of the Revised Statutes Relating to Reduction of Bail by Bail Commissioners.

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

Section thirty-five of chapter one hundred four of the revised statutes is hereby amended by inserting the words, 'or by a judge of a municipal court,' after the words "Superior Court" in the eighteenth line of said section, so that as amended said section thirty-five shall read as follows:

'Sect. 35. Commissioners admit to bail persons committed for not finding sureties. R. S. c. 101, § 35. 1915, c. 293.

3 When a person is confined in a jail for aailable offense,
4 or for not finding sureties on a recognizance, except when
5 a verdict of guilty has been rendered against him for an
6 offense punishable in the state prison, and except when such
7 person is committed pending decision on report or excep-
8 tions as provided in section twenty-seven of chapter one
9 hundred and thirty-six, any such commissioner, on appli-
10 cation, may inquire into the case and admit him to bail, and
11 exercise the same power as any justice of the supreme
12 judicial court or superior court can; and may issue a writ
13 of habeas corpus, and cause such person to be brought
14 before him for this purpose, and may take such recogni-
15 zance; provided, however, that during a term of the supreme
16 judicial court or superior court a bail commissioner is not
17 authorized to admit to bail any person confined in jail or
18 held under arrest by virtue of a precept returnable to said
19 term; and when a person is confined in jail for aailable
20 offense, or for not finding sureties on a recognizance, and
21 the amount of his bail has been fixed by a justice of the
22 supreme judicial court or by a judge of a superior court, or
23 by a judge of a municipal court, a bail commissioner is not
24 authorized to change the amount of such bail. Such bail
25 commissioner shall receive not exceeding the sum of five
26 dollars in each case in which bail is so taken, the same to
27 be paid by the person so admitted to bail; but the person
28 admitted to bail shall not be required to pay any other
29 fees or charges to any officer for services connected with
30 the giving of such bail.'