

# **MAINE STATE LEGISLATURE**

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NINETY-EIGHTH LEGISLATURE

## **Legislative Document**

No. 666

S. P. 350

In Senate, February 11, 1941.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Farris of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-ONE

**AN ACT** Relating to Probation Officers and Their Duties.

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

**Sec. 1. R. S., c. 147, § 15, amended.** Section 15 of chapter 147 of the revised statutes is hereby amended to read as follows:

**'Sec. 15. Personal recognizance of parent of child under 17 years.**  
Whenever a child under the age of ~~sixteen~~ 17 years is arrested and charged with an offense other than a felony, or a crime which if committed by an adult would be a felony, the officer making such arrest may accept in lieu of bail, and without committing such child to any jail or police station, the personal recognizance in writing, without security, of the parent, guardian, or other lawful custodian of such child to produce such child before the proper court or magistrate on the following day at a time and place to be specified in said recognizance; and thereupon such officer shall place such child in the care and custody of the person executing such recognizance, who on failure to so produce such child, pursuant to the terms of such recognizance, shall be liable to punishment by the court or magistrate as for criminal contempt. And similar recognizance may be taken by the court or magistrate for the subsequent production of such child at a time and place to be specified therein pending the final termination of the pro-

ceedings, and noncompliance therewith shall subject the person giving the same to the same punishment.'

**Sec. 2. R. S., c. 147, § 17, amended.** Section 17 of chapter 147 of the revised statutes is hereby amended to read as follows:

**'Sec. 17. Notice of arrest to parent, guardian, or legal custodian of child, and to probation officer.** Whenever any child under the age of ~~sixteen~~ 17 years has been arrested for any offense and is confined in any jail or police station, the officer making such arrest shall forthwith notify the parent, guardian, or legal custodian of such child of the fact of such arrest, and of the time and place where his trial is to be held. Such officer shall also notify a probation officer in his county of the fact of such arrest, and of the time and place of such trial. And any court having jurisdiction of the offense may upon application of such probation officer, by an order in writing, cause such child to be forthwith placed in the custody of such probation officer pending the trial and final determination of said cause.'

**Sec. 3. R. S., c. 147, § 18, amended.** Section 18 of chapter 147 of the revised statutes is hereby amended to read as follows:

**'Sec. 18. Continuance without trial; child in custody of probation officer; discharge of respondent without trial.** When any child under the age of ~~sixteen~~ 17 years is brought before any court or magistrate for trial charged with any offense other than an offense punishable by imprisonment for life, the court may in its discretion continue such cause without trial from time to time, ~~not~~ exceeding 30 days at any one time, and release such child into the custody and control of the probation officer, who shall have authority to permit such child to remain in the home of such child if the same seems to him proper, or he may retain such child in his own custody, if the same can be done without expense to the county or the state. If at any time it seems to the court just and proper to discharge any such respondent without trial, the same may be done, and no child so discharged, nor any other person, shall have any right of action against any officer or other person on account of any of the proceedings in such case.'