

MAINE STATE LEGISLATURE

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N I N E T Y - S E V E N T H L E G I S L A T U R E

Legislative Document

No. 557

S. P. 216

In Senate, February 9, 1955

Referred to the Committee on Judiciary, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Lessard of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

AN ACT Relating to Waiver of Indictment.

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

R. S., c. 147, § 33, additional. Chapter 147 of the revised statutes is hereby amended by adding thereto a new section to be numbered 33, to read as follows:

'Waiver of Indictment.

Sec. 33. Waiver of indictment; petition; information; notification of rights; additional charges. Any person charged with an offense not punishable by life imprisonment, who has been bound over to await the action of a grand jury in any Superior Court, and who desires to waive indictment and have a prompt arraignment upon waiver of said indictment, may file a petition in writing with the clerk of said court requesting prompt arraignment by information.

After the filing of such petition, and after the accused in open court has been advised of the nature of the offense and of his rights, said accused may waive in open court prosecution by indictment, which waiver shall be recorded. Thereupon the county attorney may proceed against the accused person by information.

The information shall be a plain, concise and definite written statement of the essential facts constituting the offense charged. It shall be signed by the county attorney, and in such cases the Superior Court shall have jurisdiction in term time or in vacation as if an indictment had been found, and upon plea of guilty shall thereupon impose sentence, and upon entry of any other plea shall continue the matter to the next term at which criminal trials are held.

The accused person may then be arraigned upon said information at such time as the court may designate, whether in term time or vacation.

The court which binds over an accused person will notify him of his right to apply for waiver of indictment and prompt arraignment as aforesaid.

If the county attorney desires to charge the accused person hereunder with an offense or offenses not punishable by life imprisonment, and not contained in the complaint upon which such accused person has been so bound over, he may, before consenting to proceedings by information, prepare an information or informations setting forth such other offenses and file the same with the clerk of courts and cause the accused to be served with attested copy thereof in order that the accused may have an opportunity to waive indictment upon such other offenses, and an affidavit of such waiver by the accused shall be presented to the court and be recorded.

The Superior Court shall, by rule, establish forms and petitions to waive indictment hereunder, and may, by rule, make such other regulations or procedure hereunder as justice may require.'