

MAINE STATE LEGISLATURE

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

Legislative Document

No. 59

S. P. 43

In Senate, January 16, 1957.

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

CHESTER T. WINSLOW, Secretary

Presented by Senator Woodcock of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT Relating to Duties of Assistant County Attorney in Waiver of Indictment.

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

R. S., c. 147, § 33, amended. The 2nd, 3rd and 6th paragraphs of section 33 of chapter 147 of the Revised Statutes, as enacted by chapter 187 of the public laws of 1955, is hereby amended to read as follows:

‘After the filing of such petition, and after the accused in open Court, or before any Justice of the Superior Court in vacation, 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 **or the assistant county attorney** may proceed against the accused person by information.’

‘The information shall be plain, concise and definite written statement of the essential facts constituting the offense charged. It shall be signed by the county attorney **or the assistant county attorney**, and in such cases the Superior Court, or any Justice of the Superior Court in vacation, 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.’

‘If the county attorney **or the assistant 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, or any Justice of the Superior Court in vacation, and be recorded.'