

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE LAW LIBRARY

NINETY - EIGHTH LEGISLATURE

Legislative Document

No. 278

S. P. 128

In Senate, January 30, 1957.

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

CHESTER T. WINSLOW, Secretary.

Presented by Senator Cole of Waldo.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT for Mandatory Disposition of Detainers within the State of Maine.

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

R. S., c. 27, §§ 8-A, 8-B and 8-C, additional. Chapter 27 of the Revised Statutes is hereby amended by adding thereto 3 new sections, to be numbered 8-A, 8-B and 8-C, to read as follows:

'Disposition of Detainers.

Sec. 8-A. Disposition of detainers, procedure. Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of this State, and whenever during the continuance of the term of imprisonment there is pending in this State any untried indictment, information or complaint against the prisoner, he shall be brought to trial within 180 days after he shall have caused to be delivered to the prosecuting official of the county in which the indictment, information or complaint is pending and the appropriate court written notice of the place of his imprisonment and his request for a final disposition to be made of the indictment, information or complaint. For good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the Warden, Commissioner of Institutional Service or other official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner and any decisions of the State Parole Board relating to the prisoner.

The written notice and request for final disposition shall be given or sent by the prisoner to the Warden, Commissioner of Institutional Service or other official having custody of him, who shall promptly forward it, together with the certificate, to the appropriate prosecuting official and court by registered or certified mail, return receipt requested.

The Warden, Commissioner of Institutional Service or other official having custody of the prisoner shall promptly inform him in writing of the source and contents of any untried indictment, information or complaint against him concerning which the Warden, Commissioner of Institutional Service or other official has knowledge and of his right to make a request for final disposition thereof.

Escape from custody by the prisoner subsequent to his execution of the request for final disposition shall void the request.

Sec. 8-B. Action to be brought within time specified. In the event that the action is not brought to trial within the period of time provided, no court of this State shall any longer have jurisdiction thereof, nor shall the untried indictment, information or complaint be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

Sec. 8-C. Application. The provisions of sections 8-A and 8-B shall not apply to any person adjudged to be mentally ill.'