

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)

ACTS AND RESOLVES
OF THE
SEVENTY-SECOND LEGISLATURE

OF THE
STATE OF MAINE

1905.

Published by the Secretary of State, agreeably to Resolves of
June 28, 1820, February 18, 1840, and March 16, 1842.

AUGUSTA
KENNEBEC JOURNAL PRINT
1905

PUBLIC LAWS

OF THE

STATE OF MAINE.

1905.

Chapter 106.

An Act to amend Section twenty-six of Chapter one hundred and thirty-five of the Revised Statutes, relating to Sentences.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Section 26,
chapter, 135,
R. S.,
amended.

Section twenty-six of chapter one hundred and thirty-five of the revised statutes is hereby amended by inserting in said section, before the word "Questions," in the first line thereof, the words, 'Sentence shall be imposed upon conviction, either by verdict or upon demurrer, of a crime which is not punishable by imprisonment for life, although exceptions are allowed.'

Also by inserting after the word "recognize," in the fifteenth line, the words, 'the court, on request of the defendant upon whom sentence is imposed, may allow stay of execution of sentence, in which case such commitment shall be to await final decision; otherwise, commitment shall be in execution of sentence.'

Also by inserting after the word "prison," in the seventeenth line thereof, the words, 'or any person is committed pending decision on report or exceptions, as herein provided, and remains imprisoned after the adjournment of court.'

Also by adding at the end of said section, the following: 'If a person shall be so admitted to bail after commitment in execution of sentence, as above provided, such admission to bail shall vacate the effect of the original commitment, and the full term of imprisonment shall commence from the date of commitment after final decision.' So that said section as amended, shall read as follows:

Sentence
shall be
imposed upon
conviction.

'Section 26. Sentence shall be imposed upon conviction, either by verdict or upon demurrer, of a crime which is not punishable by imprisonment for life, although exceptions are alleged. Questions of law may be reserved on a report signed by the presiding justice, and in such case, and where exceptions are allowed, the defendant may, when the offense charged is bailable, recognize with sureties, in such sum as the court orders, with conditions substantially as follows: "The condition of this recognizance is such that, whereas there is now pending in the

-form of
recognizance.

court, within and for the county of _____, an indictment against the said _____ for the offense of _____, in the course of the proceedings upon which, questions of law requiring the decision of the justices of the supreme judicial court have arisen; now if said _____ shall personally appear before said _____ court, to be held in and for said

county, from term to term, until and including the term of said court next after the certificate of decision shall be received from said justices, and shall abide the decision and order of said court, and not depart without license, then this recognizance shall be void.' If he does not so recognize, the court, on request of the defendant upon whom sentence is imposed may allow stay of execution of sentence, in which case commitment shall be to await final decision; otherwise, such commitment shall be in execution of sentence. When a verdict of guilty is rendered against any person for an offense punishable by imprisonment in the state prison, or any person is committed pending decision on report or exceptions, as herein provided, and remains imprisoned after the adjournment of court, he shall be admitted to bail only by the justice trying him, by some person by him appointed therefor, or by some justice of the supreme judicial court. If a person shall be so admitted to bail after commitment in execution of sentence, as above provided, such admission to bail shall vacate the effect of the original commitment, and the full term of imprisonment shall commence from the date of commitment after final decision.'

—stay of execution of sentence may be had.

Approved March 21, 1905.

Chapter 107.

An Act to amend the Revised Statutes, Chapter one hundred and twenty-five, Section fifty-three, relating to Cruelty to Animals.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Section fifty-three of chapter one hundred and twenty-five of the revised statutes is hereby amended by striking out from the eighth, ninth and tenth lines the words, "for their travel and services, in conducting such investigations, such agents shall be paid by the county in which such services are rendered, the same fees as are now allowed officers by law for the service of a warrant for arrest," and inserting instead thereof the following: 'for services and expenses in conducting such investigations such agents shall be paid a reasonable sum by the county in which such services are rendered and expenses incurred, and for their travel the same fees as are now allowed officers, by law, for the service of a warrant for arrest,' so that the said section as amended, shall read as follows:

Section 53, chapter 125, amended.

'Section 53. Sheriffs, deputy sheriffs, police officers, constables and agents appointed under the provisions of the follow-

Duty of officers to prosecute for violations.