

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE

1909

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fourth
Legislature

1909

CHAP. 262

—municipal officers may appoint certain officers.

—appointments to be recorded.

office, the municipal officers may fill such vacancies by the written appointment of proper persons, who shall be summoned by the constable to appear and take the oath of office provided in section twenty-five subject to the penalties provided in section twenty-six. Such appointment and oath shall be recorded as in case of a choice by the town. No person shall be so appointed without his consent.'

Approved April 2, 1909.

Chapter 262.

An Act to authorize Cities and Towns to permit the use of Lunch Wagons on public ways.

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

Lunch wagons, license of.

Section 1. The mayor and aldermen of any city, or selectmen of any town, may, if in their opinion public convenience so requires, license any reputable person upon the payment of an annual license fee, to be fixed by said licensing authority, to maintain a vehicle for the sale of food in such part of any public way and during such hours as the licensing authority may designate, provided that public travel is not incommoded thereby, and no other or further license shall be required for this purpose. Any such license may be revoked, for reasonable cause, at any time, by the licensing authority.

—license may be revoked.

When license shall not be granted.

Section 2. No license, as aforesaid, shall be granted to use any part of any public way the fee in which is not owned by the city or town, against the objection of the owners of the land abutting on that part of the way.

Approved April 2, 1909.

Chapter 263.

An Act to authorize Courts to suspend or continue for Sentence on Probation, and to provide for the Appointment of Probation Officers.

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

Probation officers, appointment of.

—tenure, and compensation.

Section 1. The governor, by and with the consent of the council, shall on recommendation of the county commissioners of any county appoint therein one probation officer, who shall be a male citizen of the county in which he is appointed and of good moral character, who shall hold office during the pleasure of such governor and council, and who shall receive as his compensation such sum as the county commissioners of his county shall fix, which shall be paid out of the county treasury in equal

monthly installments. The county commissioners of such county shall at their next session after such appointment by the governor, determine and fix the amount of such compensation, which shall not be diminished during the term of office of a probation officer, but may be increased if it seems just to the county commissioners so to do. In addition to such compensation, each probation officer shall receive monthly such sums as he has reasonably and properly paid for his expenses incurred in the performance of his duty, and each probation officer shall on or before the last day of each month submit under oath to the county commissioners in his county an itemized statement of such expenditures. Each probation officer shall have the authority to perform the duties prescribed in this act, and for the purpose of performing such duties is hereby invested with all the authority necessary therefor. If in any county it seems to the governor and council necessary to have more than one probation officer, the governor, by and with the consent of the council, may appoint one or more associates, who shall have all the authority under the direction of the probation officer which such probation officer has, and who shall receive for compensation and expenses such sum as the county commissioners in his county shall deem just and proper. Such probation officers in each county shall attend the supreme or superior court during the times when persons convicted of crime are sentenced, and shall give to the court upon request such information with reference to any individual accused or convicted of crime as shall be in his possession. Such probation officer shall attend the sessions of other courts within his county having criminal jurisdiction as often and as continuously as the performance of his duties shall permit, and shall give to such other courts the same information last above mentioned.

—authority.

—county may have more than one officer.

—shall attend supreme and superior court.

—shall attend other courts.

Section 2. When any person by plea of guilty, or upon trial, is convicted of any offense other than a capital offense before any court having criminal jurisdiction, such court is invested with authority in its discretion to continue the matter for sentence, suspend sentence, or suspend the execution of any sentence, to be done under the provisions of this act, but nothing herein contained shall be held to take away the right of appeal from any respondent, or any right to have his case reviewed or re-tried under the provisions of law as they now exist. The court at or before the time for sentence shall inquire into the circumstances of the respondent and of his offense, and if the matter is continued for sentence, the respondent shall be placed in the custody and under the control of the probation officer in

Court may continue the matter for sentence, suspend sentence, or suspend the execution of any sentence.

—respondent shall be placed in custody of probation officer.

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—court may order respondent to report to probation officer.

the county where such respondent has been convicted. Such sentence may be continued by the court indefinitely, or to a definite time, and in every instance the court may order the respondent to report to the probation officer at such times and places as the court shall designate, and shall cause to be given to the respondent a writing signed by the clerk or by the court, showing such continuance for sentence, the time during which the same is continued, and the times and places when the respondent is to report to such probation officer.

—court may impose fine, or an alternative of imprisonment and release respondent to custody of probation officer, with opportunity to pay fine.

If the offense of which the respondent is convicted is within the jurisdiction of the court trying the same, the court may in its discretion impose a fine, or an alternative sentence of imprisonment, and release respondent into the custody of the probation officer, with an opportunity to pay such fine and costs to the probation officer within a definite time. When such respondent pays such fine and costs, or any part thereof, to the probation officer, such officer shall give the respondent a receipt therefor.

—court may suspend sentence and commit respondent to custody of probation officer.

The court may in its discretion, if the offense is within the jurisdiction of the court trying the cause, suspend sentence for a definite period of time, or for an indefinite time not exceeding one year, and such respondent may be committed to the custody and control of the probation officer. In all cases where the respondent is committed to the custody or control of the probation officer, the court shall give to each respondent a writing showing the terms of his probation and the times and places when and where such respondent is to report to such probation officer. And if at any time any such respondent violates the terms of his probation, it shall be the duty of the probation officer to forthwith report the same to the court which finally tried the cause, and the court shall have authority thereupon to decree said probation ended, and either impose the sentence, if the cause has been continued for sentence, or in all other cases order the respondent to forthwith comply with the original sentence, and in all cases where sentence has not been imposed, the court may forthwith impose sentence.

—court shall give respondent writing showing terms of his probation.

Officer arresting child, under the age of 16, charged with offense other than felony, may accept in lieu of bail, without committing to jail, per-

Section 3. Whenever a child under the age of sixteen 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 proceedings, and non-compliance therewith shall subject the person giving the same to the same punishment.

sonal
recognizance of
parent, etc.

When any such child has been convicted of any offense other than a capital offense, the court or magistrate having jurisdiction, instead of committing such child to confinement in any institution, or the ordering of payment of fine and costs, may place such child in the custody of the probation officer under suspension of such sentence, or a continuance of the same for a period not exceeding one year. At any time within such year, if it appears to the court that justice requires it, said court or magistrate may cause such child to be brought into court and either impose sentence, if the case has been continued for sentence, or order such child to enter upon the execution of his sentence, if the execution of the same has been suspended.

—child convicted of offense other than capital, may be placed in custody of probation officer.

Whenever any child under the age of sixteen years has been arrested for any offense and is confined in any jail or police station, it shall be the duty of the officer making such arrest forthwith to 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.

—officer shall notify parent, guardian or legal custodian of child arrested, and of place of trial.

—shall notify probation officer.

When any child under the age of sixteen years is brought before any court or magistrate for trial charged with any offense other than a capital offense, the court may in its discretion continue such cause without trial from time to time, not exceeding thirty 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 may continue cause without trial from time to time, not exceeding 30 days, and release child into custody of probation officer.

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—may discharge respondent without trial.

—in absence of probation officer, court may appoint officer pro tempore.

—when child has been committed to custody of probation officer, court shall cause to be entered upon records of such court the fact of such commitment.

Court may, if a person is found guilty of committing an offense against another, continue the matter for sentence and commit respondent to the custody of probation officer.

Duty of probation officers.

court just and proper to discharge any such respondent without trial, the same may be done, and no child so discharged, or 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.

In case of the absence of the probation officer at the time and place when any such child is so arrested or to be tried, the court having jurisdiction may appoint some discreet male citizen of the county a probation officer pro tempore for the purpose of that particular case, who shall perform his duties without compensation or expense, and such probation officer shall have all the authority to perform all of the duties of the probation officer under this act; but the authority of such probation officer shall cease when he shall have performed the duties with reference to that particular cause.

Whenever any such child has been committed to the custody and control of any probation officer, the court or magistrate shall cause to be entered upon the records of such court the fact of such commitment and the terms thereof, and the court shall have authority to order such probationer to report to the probation officer at such times and places as the court in its order shall direct. If at any time it appears to the court that such probationer has violated the terms of his probation, or that justice requires it, the court may order such child brought before it and may summarily deal with such child as the law provides.

Any probation officer having committed to his custody any child or other person, shall have the same authority with reference to the person of such child or other person as he would have were he surety upon the recognizance of such child or other person.

Section 4. If any person commits an offense against another for which that other would have a civil action for damages, which damages in amount would not exceed the sum of twenty dollars, the court trying such offender may in its discretion, if such offender is found guilty, continue the matter for sentence and commit the respondent to the custody of the probation officer for a definite period, within which time such offender may make restitution to the person offended against. And if within such period such offender has made such restitution, the court at the expiration of such period may make such legal disposition of the case as seems proper to the court.

Section 5. It shall be the duty of all probation officers to investigate as fully as may be and order the attendance at some school all children between the ages of five and sixteen, and for this purpose such probation officer shall have all authority of truant officers.

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Section 6. The county of Cumberland is expressly excepted from the provisions of this act; nor shall the provisions of chapter three hundred and forty-six of the special laws for the year nineteen hundred and five and of chapter three hundred and thirty-six of the special laws for the year nineteen hundred and seven be in any way hereby affected.

County of Cumberland excepted.
—chapter 346, special laws, 1905, and chapter 336 special laws, 1907, not affected.

Approved April 2, 1909.

Chapter 264.

An Act to amend Section eleven of Chapter eight of the Revised Statutes, relating to the duties of State Assessors.

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

Section eleven of chapter eight of the revised statutes is hereby amended by inserting in the second line thereof, after the word "land" the words 'any unorganized townships and lot or parcel of land,' so that said section as amended shall read as follows:

Section 11, chapter 8, R. S., amended.

'Section 11. A statement of the amount of the assessed valuation for each town, township and lot or parcel of land, in any unorganized townships, and lot or parcel of land not included in any township, after adjustment as provided by section eight, the aggregate amount for each county, and for the entire state as fixed by the board of equalization, shall be certified by said board and deposited in the office of the secretary of state as soon as completed, and before the first day of December preceding the regular sessions of the legislature. The valuation thus determined shall be the basis for the computation and apportionment of the state and county taxes, until the next biennial assessment and equalization.'

Shall file with the secretary of state, biennially, a state valuation as fixed by the board.

Approved April 2, 1909.

Chapter 265.

An Act for the propagation of Shell Fish on the coast of Maine.

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

Section 1. The commissioner of sea and shore fisheries is hereby authorized from time to time, as his judgment may determine, to select proper locations below low water mark on the coast of Maine for the propagation of oysters and quahaugs, and between high and low water mark for the propagation of clams, cause the same to be properly stocked with oysters, quahaugs, and clams, and erect proper and sufficient marks or bounds to

Authorized to select proper locations and make experiments in propagation of shell fish.