

MAINE STATE LEGISLATURE

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Acts and Resolves

As Passed by the

Seventy-Eighth Legislature

OF THE

STATE OF MAINE

1917

Including Acts and Resolves of the Special Session of the
Seventy-Seventh Legislature held in 1916.

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Seventy-Eighth Legislature

1917

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Sec. 3. R. S., c. 23, § 4, relating to liability of owner, amended. Section four of said chapter twenty-three is hereby amended by striking out all of said section after the words "to be so used" in the fourth line thereof and substituting therefor the following: 'or who, after being notified in writing of such illegal use by an officer or citizen of the county in which the building or tenement is located, omits to take all proper measures either to abate said nuisance or, failing therein, to eject therefrom the person or persons maintaining such nuisance is guilty of aiding in the maintenance of a nuisance and shall be fined not less than two hundred nor more than one thousand dollars and in addition thereto be imprisoned not less than sixty days nor more than one year, and in default of payment of said fine shall be imprisoned for an additional term of not less than sixty days nor more than one year', so that said section as amended shall read as follows:

'Sec. 4. Responsibility of owner more clearly defined; liability increased. Whoever knowingly lets any building or tenement owned by him, or under his control, for any purpose named in section one, or knowingly permits the same or part thereof to be so used, or who, after being notified in writing of such illegal use by an officer or citizen of the county in which the building or tenement is located, omits to take all proper measures either to abate said nuisance or, failing therein, to eject therefrom the person or persons maintaining such nuisance is guilty of aiding in the maintenance of a nuisance and shall be fined not less than two hundred nor more than one thousand dollars and in addition thereto be imprisoned not less than sixty days nor more than one year, and in default of payment of said fine shall be imprisoned for an additional term of not less than sixty days nor more than one year.'

Approved April 3, 1917.

Chapter 156.

An Act to Repeal Section Forty-two of Chapter One Hundred Twenty-seven and to Amend Section Twenty-seven of Chapter One Hundred Thirty-six and Section One of Chapter One Hundred Thirty-seven of the Revised Statutes, Relating to Imposing Sentences.

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

Sec. 1. R. S., c. 127, § 42, relating to county attorney causing speedy sentence. Section forty-two of chapter one hundred twenty-seven of the revised statutes is hereby repealed.

Sec 2. R. S., c. 137, § 1, relating to punishment for offenses, amended. Section one of chapter one hundred thirty-seven of the revised statutes is hereby amended by striking out the third sentence of said section, so that said section as amended shall read as follows:

'Sec. 1. Provisions as to punishment by imprisonment and fine, imprisonment or fine, etc., eliminated. No person shall be punished for an offense until convicted thereof in a court having jurisdiction of the person and case. When no punishment is provided by statute, a person convicted of an offense shall be imprisoned for less than one year or fined not exceed-

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ing five hundred dollars. In all cases where a fine is imposed he may be sentenced to pay the costs of prosecution; and for violations of sections six to thirteen of chapter forty-two, and of sections twenty-two, twenty-three, twenty-four, twenty-nine and thirty-four of chapter one hundred and twenty-seven, he shall be sentenced to pay such costs.'

Sec. 3. R. S., c. 136, § 27, relating to sentence after conviction, amended. Section twenty-seven of chapter one hundred thirty-six of the revised statutes is hereby amended by adding after the word "life" in the third line thereof, the words, 'provided that the court at the term of conviction may in its discretion continue the matter for sentence, suspend sentence or stay the execution of sentence', so that said section as amended shall read as follows:

'Sec. 27. For offense not punishable by life imprisonment, court may continue for sentence, suspend sentence, or stay execution. Sentence shall be imposed upon conviction, either by verdict or upon demurrer, of a crime which is not punishable by imprisonment for life, provided that the court at the term of conviction may in its discretion continue the matter for sentence, suspend sentence or stay the execution of sentence, 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 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.'

Approved April 3, 1917.