

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-sixth Legislature

OF THE

STATE OF MAINE

From April 4, 1931, to March 31, 1933

AND MISCELLANEOUS STATE PAPERS

Published by the Secretary of State in conjunction with the Revisor of Statutes in accordance with the Resolves of the Legislature approved June 28, 1820, March 18, 1840, March 16, 1842, and an Act approved April 2, 1931.

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

1933

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-sixth Legislature

1933

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CHAP. 152

'Sec. 13. When person charged with being a fugitive, judge or magistrate may issue warrant for his arrest. Whenever any person within this state shall be charged on the oath of any credible person before any judge or other magistrate of this state with the commission of ~~any~~ a crime in any other state and **except in cases arising under section 6**, with having fled from justice; or whenever complaint shall have been made before any judge or other magistrate in this state setting forth on the affidavit of any credible person in another state that a crime has been committed in such other state and that the accused has been charged in such state with the commission of the crime and **except in cases arising under section 6**, has fled therefrom and is believed to have been found in this state, the judge or magistrate shall issue a warrant directed to the sheriff of the county in which the oath or complaint is filed directing him to apprehend the person charged, wherever he may be found in this state, and bring him before the same or any other judge, court, or magistrate who may be convenient of access to the place where the arrest may be made, to answer the charge or complaint and affidavit; and a certified copy of the sworn charge or complaint and affidavit upon which the warrant is issued shall be attached to the warrant.'

Sec. 5. R. S., c. 150, § 14, amended. Section 14 of chapter 150 of the revised statutes is hereby amended to read as follows:

'Sec. 14. Arrest may be made without warrant if person charged with crime punishable by death or life imprisonment; hearing to be held. The arrest of a person may be lawfully made also by an officer or a private citizen without a warrant upon reasonable information that the accused stands charged in the courts of another state with a crime punishable by death or life imprisonment for a term exceeding one year ~~in the courts of another state~~; but when so arrested the accused must be taken before a judge or magistrate with all practicable speed and complaint must be made against him under oath setting forth the ground for the arrest as in the last section; and thereafter his answer shall be heard as if he had been arrested on a warrant.'

Approved March 24, 1933.

Chapter 152.

Uniform Act to Secure the Attendance of Witnesses from Without the State in Criminal Cases.

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

Sec. 1. **Summoning witness in this state to testify in another state.** If a judge of a court of record in any state which by its laws has made

provision for commanding persons within that state to attend and testify in criminal prosecutions in this state certifies under the seal of such court that there is a criminal prosecution pending in such court, that a person being within this state is a material witness in such prosecution, and that his presence will be required for a specified number of days, upon presentation of such certificate to any judge of a court of record in the county in which such person is, such judge shall fix a time and place for a hearing and shall notify the witness of such time and place.

If at the hearing the judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution in the other state, that the witness will not be compelled to travel more than 1,000 miles to reach the place of trial by the ordinary traveled route, and that the laws of the state in which the prosecution is pending and of any other state through which the witness may be required to pass by ordinary course of travel will give to him protection from arrest and the service of civil and criminal process, he shall issue a summons, with a copy of the certificate attached, directing the witness to attend and testify in the court where the prosecution is pending at a time and place specified in the summons.

If the witness, who is summoned as above provided, after being paid or tendered by some properly authorized person the sum of 10 cents a mile for each mile by the ordinary traveled route to and from the court where the prosecution is pending and \$5 for each day that he is required to travel and attend as a witness, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this state.

Sec. 2. Witness from another state summoned to testify in this state. If a person in any state, which by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions in this state, is a material witness in a prosecution pending in a court of record in this state, a judge of such court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required. This certificate shall be presented to a judge of a court of record in the county in which the witness is found.

If the witness is summoned to attend and testify in the criminal prosecution in this state he shall be tendered the sum of 10 cents a mile for each mile by the ordinary traveled route to and from the court where the prosecution is pending and \$5 for each day that he is required to travel and attend as a witness. A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within this state a longer period of time than the period mentioned in the certificate.

CHAP. 153

Sec. 3. Exemption from arrest and service of process. If a person comes into this state in obedience to a summons directing him to attend and testify in a criminal prosecution in this state he shall not while in this state pursuant to such summons be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons.

If a person passes through this state while going to another state in obedience to a summons to attend and testify in a criminal prosecution in that state or while returning therefrom, he shall not while so passing through this state be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons.

Sec. 4. Uniformity of interpretation. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of the states which enact it.

Sec. 5. Short title. This act may be cited as "Uniform Act to Secure the Attendance of Witnesses from Without the State in Criminal Cases".

Sec. 6. R. S., c. 144, § 13, repealed. Section 13 of chapter 144 of the revised statutes is hereby repealed.

Approved March 24, 1933.

Chapter 153.

AN ACT Relating to Parole of Prisoners.

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

Sec. 1. R. S., c. 147, § 28, amended. Section 28 of chapter 147 of the revised statutes is hereby amended to read as follows:

'Sec. 28. Parole board to make rules and regulations; prisoners must serve minimum sentence. The parole board of ~~prison commissioners~~ may adopt such rules as it may deem wise or necessary properly to carry out the provisions of sections 25 to 43, both inclusive, of this chapter and may amend such rules at pleasure. Prisoners, under the provisions of said sections, shall be eligible to parole and may be paroled by the ~~said~~ parole board only after the expiration of their minimum term of imprisonment with the deduction provided by law.'

Sec. 2. R. S., c. 147, § 29, amended. Section 29 of chapter 147 of the revised statutes is hereby amended to read as follows:

'Sec. 29. Application for parole; action thereon by parole board. Ap-