

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
AS PASSED BY THE
Ninetieth and Ninety-first
Legislatures
OF THE
STATE OF MAINE
From April 26, 1941 to April 9, 1943
AND MISCELLANEOUS STATE PAPERS

Published by the Revisor of Statutes in accordance
with the Resolves of the Legislature approved June
28, 1820, March 18, 1840, March 16, 1842, and Acts
approved August 6, 1930 and April 2, 1931.

KENNEBEC JOURNAL
AUGUSTA, MAINE
1943

PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Ninety-first Legislature

1943

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Ninety-first Legislature

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Chapter 1

AN ACT Relating to Jurisdiction of Trial Justices.

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

R. S., c. 144, § 6, amended. Section 6 of chapter 144 of the revised statutes, as enacted by section 5 of chapter 118 of the public laws of 1933, is hereby amended by adding at the end of said section, the following:

‘, except as otherwise provided for by law.’

Effective July 9, 1943

Chapter 2

AN ACT Relating to Writs of Error in Criminal Cases.

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

R. S., c. 116, § 12, amended. Section 12 of chapter 116 of the revised statutes is hereby repealed and the following enacted in place thereof:

‘Sec. 12. Effect; custody of plaintiff; release on bail. Writs of error shall issue of course upon all other judgments in criminal cases, and applications for the same shall be made to the supreme judicial court or to the superior court in the county where the restraint exists, if in session; if not in session, to a justice of either of said courts. Such court or such justice thereof in vacation may stay or delay execution of sentence or judgment, with an express order to stay all proceedings thereon; and in that case the court, or such justice thereof in vacation, may make such order as the

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case requires for the custody of the plaintiff in error, or for letting him to bail; and when issued by the court, it shall be returnable thereto; but when issued by a justice thereof in vacation, it may be returnable before a justice of said court, and be heard and determined by him, or returnable to said court; or upon a writ of habeas corpus, if entitled thereto, he may procure his enlargement by giving bail.'

Effective July 9, 1943

Chapter 3

AN ACT Relating to Probation in Criminal Cases.

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

R. S., c. 147, § 14, amended. Section 14 of chapter 147 of the revised statutes, as amended by chapter 87 of the public laws of 1935 and as amended by chapter 43 of the public laws of 1937, is hereby further amended to read as follows:

'Sec. 14. Court may suspend sentence and place respondent on probation; violation of terms of probation; sentence may be imposed in vacation. The court may in its discretion, if the offense is within the jurisdiction of the court trying the cause, **continue for sentence**, suspend sentence for a definite period of time, or for an indefinite time not exceeding ~~one~~ 2 years, 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 **fix the period of time of such probation and the terms and conditions thereof**, and 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~~ Whenever such respondent violates the terms of his probation, the probation officer shall forthwith report the same to the court which finally tried the cause, ~~and the court may thereupon 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 the sentence has not been imposed, the court may forthwith impose sentence. The probation officer may bring any such respondent who has violated the terms of his probation before the court which finally tried the cause, in vacation, and any justice of said court upon being satisfied of the facts, may order the respondent to forthwith comply with the~~