

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-seventh Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with subsection VI of section 27 of chapter 10 of the Revised Statutes of 1954.

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Ninety-seventh Legislature

1955

cuting officer and the accused; but no member of a grand jury finding an indictment shall sit on the trial thereof, if challenged therefor by the accused.'

Effective August 20, 1955

Chapter 120

AN ACT Relating to Abstracts of Criminal Records for State Bureau of Identification.

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

R. S., c. 15, § 19-A, additional. Chapter 15 of the revised statutes is hereby amended by adding thereto a new section to be numbered 19-A to read as follows:

'Sec. 19-A. Courts to submit criminal records. Every court and trial justice in every case wherein a person is convicted of the violation of any criminal statute shall forthwith transmit to the State Bureau of Identification an abstract, duly certified, setting forth therein the names of the parties, the nature of the offense, the date of hearing, the plea, the judgment and the result. For this purpose the State Bureau of Identification shall furnish to said courts proper abstract forms.'

Effective August 20, 1955

Chapter 121

AN ACT Relating to Jurisdiction of State Courts after Federal Court Disposed of Criminal Case.

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

R. S., c. 148, § 34, additional. Chapter 148 of the revised statutes is hereby amended by adding thereto a new section to be numbered 34, to read as follows:

'State Jurisdiction After Federal Court Disposition.

Sec. 34. Court action after Federal Court has acted. Whenever any Federal Court finds that a prisoner in any penal institution in this State has been deprived of any of the rights guaranteed to him by the Constitution of the United States before, at or after his trial, so that the judgment or sentence or both are erroneous and said court holds the case on its docket pending corrective action by the proper state official, the Attorney General may act as follows. He may file a petition in the Superior Court of the county where the prisoner was tried and convicted in term time or with any justice of said court in vacation, setting forth the petition of the prisoner to the Federal Court and the decision of that court, and the Superior Court of conviction or any justice thereof in vacation shall then recall the judgment and sentence held erroneous and order it stricken from the records of said court and shall set the prisoner down for trial if in term time or bind him over to the next criminal term in said county if in vacation, after setting his bail. If the sentence only is erroneous, the Superior Court of the county of conviction in term time or any justice thereof in vacation, on presentation of the Attorney General's petition as aforesaid, shall recall the erroneous sentence