

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-ninth Legislature

OF THE

STATE OF MAINE

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STATE OF MAINE

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such brilliance and so positioned as to blind, dazzle or otherwise impair the vision of the driver of any motor vehicle upon said street or highway; or any rotating or flashing light or signal which imitates or simulates the flashing or rotating lights used on school buses, police, fire or highway vehicles, except safety signaling devices required by law. Whoever violates this section shall be punished by a fine of not more than \$100.'

Effective September 12, 1959

Chapter 209

AN ACT Relating to Waiver of Indictment.

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

R. S., c. 147, § 33, amended. Section 33 of chapter 147 of the Revised Statutes, as enacted by chapter 187 of the public laws of 1955, and as amended by chapter 3 of the public laws of 1957, is further amended to read as follows:

'Sec. 33. Waiver of indictment; petition; information; notification of rights; additional charges. Any person charged with an offense not punishable by life imprisonment, who has been bound over to await the action of a grand jury in any Superior Court, and who desires to waive indictment and have a prompt arraignment upon waiver of said indictment, may file a petition in writing with the clerk of said court requesting prompt arraignment by information.

After the filing of such petition, and after the accused in open court, or before any Justice of the Superior Court in vacation, has been advised of the nature of the offense and of his rights, said accused may waive in open court prosecution by indictment, which waiver shall be recorded. Thereupon the Attorney General or any of the deputy or assistant attorneys general or the county attorney or the assistant county attorney, hereinafter in this section referred to as the prosecuting officer, may proceed against the accused person by information.

The information shall be made under the oath of the prosecuting officer upon information and belief before a justice of the peace or a notary public. It shall be a plain, concise and definite written statement of the essential facts constituting the offense intended to be charged in the complaint. In preparing the information, errors and deficiencies, either in form or substance, appearing in said complaint may be corrected. The information may charge the accused with any lesser offense which is contained in the greater offense intended to be charged in the complaint. It shall be signed by the ~~county attorney or the assistant county attorney~~ prosecuting officer, and in such cases the Superior Court, or any Justice of the Superior Court in vacation, shall have jurisdiction, in term time or in vacation, as if an indictment had been found, and upon plea of nolo contendere or guilty shall thereupon impose sentence and order its execution or may dispose of the case as provided in chapter 27-A, section 6, and upon entry of any other plea shall continue the matter to the next term at which criminal trials are held. The court, or any justice thereof in vacation, under appropriate circumstances, shall have authority to place the case on file with or without plea, or to grant a motion made by the prosecuting officer to enter a nolle prosequi as to part or all of said information.

The accused person may then be arraigned upon said information at such time as the court, or any justice of the Superior Court thereof in vacation, may designate, whether in term time or vacation.

The court which binds over an accused person ~~will~~ shall notify him of his right to apply for waiver of indictment and prompt arraignment ~~as aforesaid~~.

~~If the county attorney or the assistant county attorney desires~~ The prosecuting officer upon investigation may elect to charge the accused person with ~~an~~ another offense or offenses not punishable by life imprisonment, and not ~~con-~~tained alleged in the complaint upon which such accused person has been so bound over, in which event he may, before consenting to proceedings by information, prepare and sign an information or informations under oath setting forth such other offense or offenses, which may be either felonies or misdemeanors, and file the same with the clerk of courts and cause the accused to be served with an attested copy thereof in order that the accused may have an opportunity to waive indictment upon such other offense or offenses, and an affidavit of such waiver by the accused shall be presented to the court, or any justice of the Superior Court thereof in vacation, and be recorded, whereupon the case may be handled as hereinbefore provided in this section.

The Superior Court shall, by rule, establish forms and petitions to waive indictment ~~hereunder~~, and may, by rule, make such other regulations or procedure ~~hereunder~~ as justice may require.'

Effective September 12, 1959

Chapter 210

AN ACT Relating to Inheritance Taxation of Jointly Owned Property.

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

Sec. 1. R. S., c. 155, § 2, sub-§ I, ¶ D, amended. Paragraph D of subsection I of section 2 of chapter 155 of the Revised Statutes, as enacted by section 2 of chapter 430 of the public laws of 1955, is amended to read as follows:

'D. By survivorship in any form of joint ownership, other than joint bank deposits and joint building and loan shares, ~~whenever~~ created, ~~on or after the effective date of this act~~ the value of decedent's interest in such joint ownership to be determined for the purpose of this chapter as provided by section 10-A.'

Sec. 2. R. S., c. 155, § 10-A, amended. Section 10-A of chapter 155 of the Revised Statutes, as enacted by section 3 of chapter 430 of the public laws of 1955, is amended to read as follows:

'Sec. 10-A. Value of share of joint owner. If the decedent, at the time of his death, shall be the co-owner of any form of property, other than joint bank deposits or joint building and loan shares, in any form of joint ownership, ~~whenever~~ created ~~on or after the effective date of this act~~, the value of such joint ownership shall be determined by dividing the whole value of the property by