

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED JANUARY 25, 1871;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

UNITED STATES AND OF THE STATE OF MAINE:

WITH AN APPENDIX.

BY AUTHORITY OF THE LEGISLATURE.



PORTLAND:
PUBLISHED BY BAILEY & NOYES.

CHAP. 136.**CHAPTER 136.**

COLLECTION AND DISPOSAL OF FINES AND COSTS IN CRIMINAL CASES.

DUTY OF THE CLERK IN RELATION THERETO.

- SEC. 1. Certificate of fines and costs required from the clerk of the judicial courts. County to pay costs in criminal cases. Fines and costs to be paid into county treasury.
2. Duty of clerks to collect fines and costs, or issue process.

DUTY OF SHERIFFS AND OTHER OFFICERS.

- SEC. 3. Officers to pay over to county treasurer fines and costs collected.
4. Penalty for their neglect. Treasurer's duty.
5. Officers receiving warrants, &c., for collection, to produce receipts to the court, or give a good excuse.
6. Sheriff to deliver over certain securities to the county treasurer.

DUTY OF TRIAL JUSTICES.

- SEC. 7. Justices to account for, and pay over fines to treasurers of county or town; penalty for neglect.
8. Justice to keep docket, to present it to county commissioners. They may summon him before them.
9. May issue capias, if he fails to appear.

DUTIES OF COUNTY TREASURERS.

- SEC. 10. Fees allowed, must be claimed within three years.
11. Treasurer to exhibit schedule of notes for cost, to county commissioners. Duty of commissioners.
12. County treasurer to publish lists of costs.
13. Treasurer to report to attorney general.

DUTY OF COUNTY ATTORNEYS.

- SEC. 14. The county attorneys shall examine the records of courts, and accounts of treasurers, and move for process to enforce collection.
15. He shall summon any delinquent officer before the court to show cause why fines are not collected, and use all other means to enforce collections.

Fines, forfeitures and costs, how disposed of. Costs how paid. Clerks to make copies of bills of costs. R. S. c. 135, § 1. 1858, c. 41, §§ 1, 2, 3, 4.

SEC. 1. All fines, forfeitures, and costs in criminal cases shall be paid into the treasury of the county where the offence is prosecuted, for the use of such county, and all the costs and expenses attending the administration of criminal justice therein, shall be paid by said county, unless otherwise specially provided. The supreme judicial court, and the superior court for the county of Cumberland, shall allow bills of costs accruing therein, but all other costs and expenses in criminal cases shall be audited by the commissioners of the county where they accrued. The clerks of the courts shall attest duplicate copies of all bills of costs allowed therein, and certificates of all fines and forfeitures imposed and accruing to the county, before the rising

of the court, or immediately after, and deliver one of said copies and certificates to the county treasurer, and retain one for the use of the county commissioners. CHAP. 136.

SEC. 2. He shall, in default of payment to him of fines, forfeitures, and bills of costs, issue warrants of distress, or such other process therefor as the court finds necessary, to enforce the execution of any order, sentence, or judgment in behalf of the state; deliver them to the sheriff, or to such coroner or constable as the county attorney directs, and enter of record the name of the officer and the time when they are delivered to him. Duty of clerks as to fines and costs.
R. S. c. 136, § 2.

DUTY OF SHERIFFS AND OTHER OFFICERS.

SEC. 3. All sheriffs, jailers, constables, and coroners, who, by virtue of their office, receive any fines, forfeitures, or bills of costs, except debts and costs received upon execution in favor of the state, shall forthwith pay them to the treasurer of the county in which they accrued. Officers to pay over to county treasurer fines and costs collected.
R. S. c. 136, § 3.
1858, c. 41, § 1.

SEC. 4. If any such officer neglects to pay over such fine, forfeiture, or costs, for the space of thirty days after the receipt thereof; or if he permits any person, sentenced to pay such fine, forfeiture, or bill of costs, and committed to his custody, to go at large without payment, unless by order of law, and does not, within thirty days after such escape, pay the amount thereof to the county treasurer, he shall forfeit and pay double the amount; and the county treasurer shall give notice of such neglect to the county attorney, who shall sue therefor in an action of debt, in the name of such treasurer, to the use of the county. Penalty for neglect.
Treasurer's duty.
R. S. c. 136, § 4.
1858, c. 41, § 1.

SEC. 5. Every sheriff or other officer, to whom any process is committed for the recovery of any such fine, forfeiture, or costs, by the clerk of the courts, shall, at the next session of the court in the same county, produce thereto a receipt in full for the same, or assign a satisfactory excuse for not doing so; and in case of neglect the court shall order a prosecution to be commenced therefor by the county attorney. Officers receiving warrants, &c.
R. S. c. 136, § 5.

SEC. 6. The sheriff in each county, as often at least as every three months, shall deliver over to the treasurer of his county, all notes or other securities by him taken for fines and costs, on the liberation of poor convicts from prison pursuant to law. Sheriff to deliver securities to county treasurer.
R. S. c. 136, § 6.

DUTY OF TRIAL JUSTICES.

SEC. 7. Every trial justice or judge of a municipal or police court shall render an account of and pay over all fines and forfeitures by him received, upon convictions and sentences before him, accruing to the county, to the treasurer of the county, and when they accrue to the town, to the treasurer of the town, within six months after he receives the same; and for any neglect, he shall forfeit and pay, in Justice to pay over fines to treasurer of county or town, &c.
R. S. c. 136 § 7.

CHAP. 136. each instance, double the amount, to be recovered in an action of debt in the name of the county treasurer, when they accrue to the state or county, and in the name of the town treasurer, when they accrue to the town.

Justice shall keep docket and present it to the county commissioners annually. They may summon and examine him on oath. Allow him reasonable compensation. 1865, c. 288, § 2.

SEC. 8. Every such justice shall keep a correct docket of all examinations and trials had before him, of persons accused of criminal offences, setting forth therein a true account of all fines and forfeitures by him imposed or received upon convictions, or sentences; and once a year deliver or transmit to the county commissioners of his county, at one of their regular sessions, such docket or a copy thereof, accompanied by his affidavit that he has faithfully complied with the requirements of the preceding section; and said commissioners shall examine said dockets or copies and may summon such justice to appear before them with his original docket and records, by giving him not less than ten days' written notice, served by giving him a copy in hand, or by leaving it at his last and usual place of abode. He may be examined on oath relative to his official conduct, and if it is found that he has faithfully observed the requirements of law, he shall be allowed reasonable compensation for his travel and expenses, to be paid from the county treasury.

If he fails to appear, *capias* may issue. 1865, c. 288, § 2.

SEC. 9. When he fails to appear, the commissioners may issue a *capias* and have him brought, with his papers, before them; and if he fails to show reasonable cause for his neglect, he shall pay the expenses of bringing him before the commissioners, and they may issue a warrant of distress for the collection of the same.

COUNTY TREASURER. HIS DUTIES.

Fees must be claimed within three years. R. S. c. 136, § 9. 1858, c. 41, § 1.

SEC. 10. All sums allowed to any person as fees, or for expenses in any criminal prosecution, and payable from the county treasury, may be claimed by such person of the county treasurer, at any time within three years after the allowance, and not afterwards.

Treasurer to exhibit a schedule of notes to the commissioners—proceedings thereon. They shall audit all criminal costs. R. S. c. 136, §§ 13, 14.

SEC. 11. A schedule of all notes and securities, with the amount due on each, received by the county treasurer from the sheriff pursuant to section six, shall be by him laid before the county commissioners at their next session, to be filed with the clerk, and the county commissioners, from time to time, shall examine such notes and securities; order the county attorney to take such measures for their collection as they judge expedient, or authorize the treasurer to compound and cancel them on such terms as they direct.

County treasurer shall publish lists of costs, &c. 1858, c. 41, § 5.

SEC. 12. Each county treasurer shall, at the close of the terms of the supreme judicial court in his county, and of the court of county commissioners, cause to be published in some paper printed in said county three weeks successively, a list containing the aggregate amount of costs allowed in each case, and specifying the court

or magistrate that allowed the same, and before whom the case originated. CHAP. 136.

SEC. 13. He shall, on or before the twentieth day of November, annually, make a report to the attorney general, showing the amount paid out of his office during the year ending the first day of November, for costs of prosecutions in the supreme judicial court, in the superior court for the county of Cumberland, on bills of costs allowed by county commissioners for support of prisoners in jail, to grand jurors and to traverse jurors at terms of court held exclusively for criminal business; also the amounts received from fines, costs, and forfeitures in said courts, from magistrates, jailers and other officers.

Shall make report to attorney general. 1863, c. 169.

DUTY OF COUNTY ATTORNEYS.

SEC. 14. The county attorneys shall examine the records and files in the offices of clerks in their counties, and the certificates and accounts in the offices of the county treasurers, relating to fines, forfeitures, and bills of costs, accruing to their several counties; ascertain, as far as practicable, the causes of any delinquencies in paying over the same; and move the court for all necessary orders and processes to enforce the collection thereof.

The county attorneys shall examine records, &c. R. S. c. 136, § 17. 1858, c. 41, § 1.

SEC. 15. When it appears that any sheriff or other officer is not discharged of any fine, forfeiture, or bill of costs, committed to him to collect, the county attorney shall cause him to be summoned and brought before the court that imposed it, to show a proper discharge, or the cause for not collecting and paying it over; and he shall carry into execution all lawful orders of the court relating to the collection and payment thereof, and, by all other means pertaining to his office, promote and enforce the same.

He shall summon any delinquent officer before the court, &c. R. S. c. 136, § 18.