MAINE STATE LEGISLATURE

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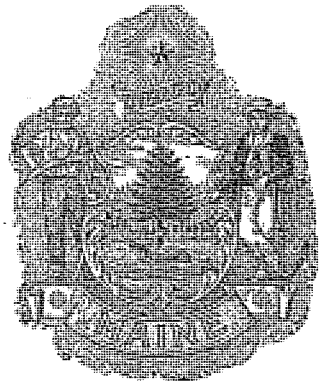
SIXTH REVISION

THE REVISED STATUTES

OF THE

STATE OF MAINE

PASSED SEPTEMBER 29, 1916, AND TAKING EFFECT JANUARY 1, 1917



By the Authority of the Legislature

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expense thereof shall be paid by the county; but this section shall not apply to cases where motion for new trial is filed.

Sec. 30. In case of error in the sentence, proceedings. R. S. c. 135, § 29. When a final judgment in any criminal case is reversed by the supreme judicial court, upon a writ of error, on account of error in the sentence, the court may render such judgment therein as should have been rendered, or may remand the case for that purpose to the court before whom the conviction was had.

CHAPTER 137.

Sentence, and Its Execution in Criminal Cases, and the Liberation of Poor Convicts.

Sentences and the Imposition Thereof.

Sec. 1. No person shall be punished until convicted; sentence to imprisonment and fine, or to both; costs. R. S. c. 136, § 1. No person shall be punished for an offense until convicted thereof in a court having jurisdiction of the person and case. When no punishment is provided by statute, a person convicted of an offense shall be imprisoned for less than one year or fined not exceeding five hundred dollars. When it is provided that he shall be punished by imprisonment and fine, or by imprisonment or fine, or by fine and in addition thereto imprisonment, he may be sentenced to either or both. In all cases where a fine is imposed he may be sentenced to pay the costs of prosecution; and for violations of sections six to thirteen of chapter forty-two, and of sections twenty-two, twenty-three, twenty-four, twenty-nine and thirty-four of chapter one hundred and twenty-seven, he shall be sentenced to pay such costs.

See 127, § 48; 101 Me. 518; 110 Me. 98.

Sec. 2. Punishment when convict has been previously sentenced to any state prison. R. S. c. 136, § 2. When a person is convicted of a crime punishable by imprisonment in the state prison, and it is alleged in the indictment and proved or admitted on trial, that he had been before convicted and sentenced to any state prison by any court of this state, or of any other state, or of the United States, whether pardoned therefor or not, he may be punished by imprisonment in the state prison for any term of years.

Sec. 3. State prison sentence; imprisonment for misdemeanor. R. S. c. 136, § 3. Unless otherwise specially provided, all imprisonments for one year or more, shall be in the state prison; and all for a less term, in the county jail or house of correction. When it is provided that imprisonment

shall be in jail, the sentence may be for imprisonment there or in a house of correction; and it may be conditional that the convict shall pay a fine and costs, but that if it is not paid in ten days, then he shall be imprisoned for not more than six months.

See c. 143, § 6; 69 Me. 182; 84 Me. 33; 99 Me. 334.

Sec. 4. Work-jail sentences. R. S. c. 136, § 4. When the punishment provided by law may be imprisonment in the state prison for three years or less, such punishment may be inflicted by the court, in its discretion, in either of the work-jails.

See c. 83, § 13.

Sec. 5. Alternative sentences to work-jails; authority of inspectors, in case of incorrigible or dangerous convicts. R. S. c. 136, § 5. When a convict is sentenced to imprisonment and labor in either of the work-jails, the court or magistrate may in addition sentence him to the other punishment provided by law for the same offense, with the condition that if such convict cannot be received at the work-jail to which he is sentenced, or if at any time before the expiration of said sentence, in the judgment of the inspectors of jails, he becomes incorrigible, or unsafe, they may order that he suffer such alternative sentence or punishment; and if said alternative sentence is to the state prison, the sheriff of the county where such convict is imprisoned, shall forthwith, upon receiving the order of said inspectors, cause said convict to be conveyed to the state prison at the expense of the county where he was sentenced.

See c. 83, § 13; 110 Me. 100.

Sec. 6. Courts may sentence to any work-jail, nearest to the county where offense was committed; prison sentences include labor. R. S. c. 136, § 6. The supreme judicial court, the superior court and any municipal or police court or trial justice, in the county where a work-jail is situate, or in any county where there is no work-jail, may, subject to the provisions of the following section, sentence any person convicted of an offense punishable by imprisonment, to either of the work-jails nearest or most convenient to the county where the offense is committed, and all sentences of imprisonment shall include labor. The keeper of such work-jail shall receive and detain such prisoner in the same manner as if committed by a court sitting in the county where such work-jail is situated. Any officer of any county qualified to serve criminal precepts in his county may serve any precept required by this section and the preceding, whether such service is performed in whole or in part in one or more counties, and processes shall be issued and directed accordingly.

Sec. 7. Commitment shall be in county where convicted. R. S. c. 136, § 7. Any person sentenced by any trial justice or judge of any municipal or police court to a term of imprisonment in a jail, not exceeding four months, shall be committed to the jail in the county in which such person is convicted, provided such county has a suitable jail, otherwise such commitment may be to any jail in the state.

Sec. 8. Expenses of prisoners from other counties, how to be paid. R. S. c. 136, § 8. There shall be paid to the county to which a prisoner from any other county may be sentenced and committed, by such other county, such sum as may be agreed upon by the county commissioners of said coun-

ties, for subsistence and detention, deducting the amount received for labor, and if said commissioners do not agree upon the amount to be paid, representation of the facts may be made to the supreme judicial court, or any justice thereof, and the amount shall be determined by such court or justice, either in term time or vacation.

Sec. 9. In cases of misdemeanors, sureties to keep the peace may be required. R. S. c. 136, § 9. In addition to the punishment prescribed by law, the court may require any person convicted of an offense not punishable by imprisonment in the state prison, to recognize to the state, with sufficient sureties, in a reasonable sum, to keep the peace and be of good behavior for a term not exceeding two years, and to stand committed until he so recognizes.

110 Me. 99.

Probation Officers and Their Duties.

Sec. 10. Probation officers, appointment of; tenure, and compensation; appointment of additional officer. 1909, c. 263, § 1. The governor, by and with the consent of the council, shall, on recommendation of the county commissioners of any county, appoint therein one probation officer, who shall be a male citizen of the county in which he is appointed and of good moral character; he shall hold office during the pleasure of such governor and council, and shall receive as his compensation such sum as the county commissioners of his county shall fix, which shall be paid from the county treasury in equal monthly instalments. The county commissioners of such county shall at their next session after such appointment by the governor, determine and fix the amount of such compensation, which shall not be diminished during the term of office of a probation officer, but may be increased if it seems just to the county commissioners so to do. In addition to such compensation, each probation officer shall receive monthly such sums as he has reasonably and properly paid for his expenses incurred in the performance of his duty; each probation officer shall on or before the last day of each month submit under oath to the county commissioners in his county an itemized statement of such expenditures. If in any county it seems to the governor and council necessary to have more than one probation officer, the governor, by and with the consent of the council, may appoint one or more associates, who shall have all the authority under the direction of the probation officer which such probation officer has, and who shall receive for compensation and expenses such sum as the county commissioners in his county shall deem just and proper.

Sec. 11. Authority and duties of probation officers. 1909, c. 263, § 1. Each probation officer shall have the authority to perform the duties prescribed in sections ten to twenty-four, of this chapter, both inclusive, and for the purpose of performing such duties is hereby invested with all the authority necessary therefor. Such probation officers in each county shall attend the supreme judicial court or superior court during the times when persons convicted of crime are sentenced, and shall give to the court upon request such information with reference to any individual accused or convicted of crime as shall be in his possession. Such probation officer shall attend the sessions of other courts within his county having criminal juris-

diction as often and as continuously as the performance of his duties shall permit, and shall give to such other courts information of the kind above mentioned.

Sec. 12. Court may continue for sentence, suspend sentence, or suspend the execution of any sentence, and place respondent in custody of probation officer; respondent to report to probation officer. 1909, c. 263, § 2. When any person by plea of guilty, or upon trial, is convicted of any offense other than an offense punishable by imprisonment for life before any court having criminal jurisdiction, such court may in its discretion continue the matter for sentence, suspend sentence, or suspend the execution of any sentence, to be done under the provisions of sections ten to twenty-four, of this chapter, both inclusive; but nothing herein contained shall be held to take away the right of appeal from any respondent, or any right to have his case reviewed or retried under the provisions of law as they now exist. The court at or before the time for sentence shall inquire into the circumstances of the respondent and of his offense, and if the matter is continued for sentence, the respondent shall be placed in the custody and under the control of the probation officer in the county where such respondent has been convicted. Such sentence may be continued by the court indefinitely, or to a definite time, and in every instance the court may order the respondent to report to the probation officer at such times and places as the court shall designate, and shall cause a writing signed by the clerk or by the court, to be given to the respondent, showing such continuance for sentence, the time during which the same is continued, and the times and places when the respondent is to report to such probation officer.

Sec. 13. Court may impose sentence and release respondent to custody of probation officer, with opportunity to pay fine. 1909, c. 263, § 2. If the offense of which the respondent is convicted is within the jurisdiction of the court trying the same, the court may in its discretion impose a fine, or an alternative sentence of imprisonment, and release respondent into the custody of the probation officer, with an opportunity to pay such fine and costs to the probation officer within a definite time. When such respondent pays such fine and costs, or any part thereof, to the probation officer, such officer shall give the respondent a receipt therefor.

Sec. 14. Court may suspend sentence and place respondent on probation; violation of terms of probation. 1909, c. 263, § 2. The court may in its discretion, if the offense is within the jurisdiction of the court trying the cause, suspend sentence for a definite period of time, or for an indefinite time not exceeding one year, 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 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 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 sentence has not been imposed, the court may forthwith impose sentence.

Sec. 15. Personal recognizance of parent of child under sixteen years. 1909, c. 263, § 3. Whenever a child under the age of sixteen years is arrested and charged with an offense other than a felony, or a crime which if committed by an adult would be a felony, the officer making such arrest may accept in lieu of bail, and without committing such child to any jail or police station, the personal recognizance in writing, without security, of the parent, guardian or other lawful custodian of such child to produce such child before the proper court or magistrate on the following day at a time and place to be specified in said recognizance; and thereupon such officer shall place such child in the care and custody of the person executing such recognizance, who on failure to so produce such child, pursuant to the terms of such recognizance, shall be liable to punishment by the court or magistrate as for criminal contempt. And similar recognizance may be taken by the court or magistrate for the subsequent production of such child at a time and place to be specified therein pending the final termination of the proceedings, and non-compliance therewith shall subject the person giving the same to the same punishment.

Sec. 16. Child convicted of offense may be placed in custody of probation officer. 1909, c. 263, § 3. When any such child has been convicted of any offense other than an offense punishable by imprisonment for life, the court or magistrate having jurisdiction, instead of committing such child to confinement in any institution, or the ordering of payment of fine and costs, may place such child in the custody of the probation officer under suspension of such sentence, or a continuance of the same for a period not exceeding one year. At any time within such year, if it appears to the court that justice requires it, said court or magistrate may cause such child to be brought into court and either impose sentence, if the case has been continued for sentence, or order such child to enter upon the execution of his sentence, if the execution of the same has been suspended.

Sec. 17. Notice of arrest to parent, guardian or legal custodian of child, and to probation officer. 1909, c. 263, § 3. Whenever any child under the age of sixteen years has been arrested for any offense and is confined in any jail or police station, the officer making such arrest shall forthwith notify the parent, guardian or legal custodian of such child of the fact of such arrest, and of the time and place where his trial is to be held. Such officer shall also notify a probation officer in his county of the fact of such arrest, and of the time and place of such trial. And any court having jurisdiction of the offense may upon application of such probation officer, by an order in writing, cause such child to be forthwith placed in the custody of such probation officer pending the trial and final determination of said cause.

Sec. 18. Continuance without trial; child in custody of probation officer; discharge of respondent without trial. 1909, c. 263, § 3. When any child under the age of sixteen years is brought before any court or magistrate for trial charged with any offense other than an offense punishable by imprisonment for life, the court may in its discretion continue such cause without trial from time to time, not exceeding thirty days at any one time,

and release such child into the custody and control of the probation officer, who shall have authority to permit such child to remain in the home of such child if the same seems to him proper, or he may retain such child in his own custody, if the same can be done without expense to the county or the state. If at any time it seems to the court just and proper to discharge any such respondent without trial, the same may be done, and no child so discharged, nor any other person, shall have any right of action against any officer or other person on account of any of the proceedings in such case.

Sec. 19. Court may appoint officer pro tempore. 1909, c. 263, § 3. In case of the absence of the probation officer at the time and place when any such child is so arrested or to be tried, the court having jurisdiction may appoint some discreet male citizen of the county a probation officer pro tempore for the purpose of that particular case, who shall perform his duties without compensation or expense, and such probation officer shall have all the authority to perform all of the duties of the probation officer under sections ten to twenty-four, both inclusive of this chapter; but the authority of such probation officer shall cease when he shall have performed the duties with reference to that particular cause.

Sec. 20. Record of commitment to custody of probation officer; proceedings if terms of probation are violated. 1909, c. 263, § 3. Whenever any such child has been committed to the custody and control of any probation officer, the court or magistrate shall cause to be entered upon the records of such court the fact of such commitment and the terms thereof, and the court shall have authority to order such probationer to report to the probation officer at such times and places as the court in its order shall direct. If at any time it appears to the court that such probationer has violated the terms of his probation, or that justice requires it, the court may order such child brought before it and may summarily deal with such child as the law provides.

Sec. 21. Authority of probation officer. 1909, c. 263, § 3. Any probation officer having committed to his custody any child or other person, shall have the same authority with reference to the person of such child or other person as he would have were he surety upon the recognizance of such child or other person.

Sec. 22. Continuance for sentence for purpose of restitution. 1909, c. 263, § 4. If any person commits an offense against another for which the latter would have a civil action for damages, and such damages do not exceed the sum of twenty dollars, the court trying such offender may in its discretion, if such offender is found guilty, continue the matter for sentence and commit the respondent to the custody of the probation officer for a definite period, within which time such offender may make restitution to the person injured. And if within such period such offender has made such restitution, the court at the expiration of such period may make such legal disposition of the case as seems proper to the court.

Sec. 23. Investigation of school attendance. 1909, c. 263, § 5. All probation officers shall investigate as fully as may be and order the attendance at some school of all children between the ages of five and sixteen, and for this purpose such probation officer shall have all authority of truant officers.

See c. 16, §§ 63-71.

Sec. 24. County of Cumberland excepted. 1909, c. 263, § 6. The county of Cumberland is expressly excepted from the provisions of the fourteen preceding sections; nor shall the provisions of chapter three hundred and forty-six of the special laws for the year nineteen hundred and five and of chapter three hundred and thirty-six of the special laws for the year nineteen hundred and seven be in any way thereby affected.

Note. Probation officer for Cumberland county, P. & S. L. 1905, c. 346; P. & S. L. 1915, c. 27; for city of Westbrook, P. & S. L. 1907, c. 336.

Indeterminate Sentences.

Sec. 25. Sentences to state prison and to state school for boys. 1913, c. 60, § 1. When any person shall be convicted of crime the punishment for which prescribed by law, may be imprisonment in the state prison, or the state school for boys, the court imposing sentence, shall not fix a definite term of imprisonment in said state prison, and may not fix a definite term in said state school for boys, but shall or may fix a minimum term of imprisonment which shall not be less than six months in any case. The judge shall at the time of pronouncing such sentence recommend and state therein what, in his judgment, would be a proper maximum penalty in the case at bar not exceeding the maximum penalty provided by law, and the penalty so stated shall be the maximum sentence in such case. He shall before or at the time of passing such sentence ascertain by examination of such prisoner on oath, or otherwise, and in addition to such oath, by such other evidence as can be obtained, any facts tending to indicate briefly the causes of the criminal character or conduct of such prisoner, which facts, and such other facts as shall appear to be pertinent in the case, he shall cause to be entered upon the minutes of the court.

Sec. 26. Maximum and minimum terms. 1913, c. 60, § 2. The maximum term of imprisonment shall not exceed the longest term fixed by law for the punishment of the offense of which the person sentenced is convicted, and the minimum term of imprisonment fixed by the court shall not exceed one-half of the maximum term of imprisonment fixed by statute.

Sec. 27. Persons subject to imprisonment for life excepted. 1913, c. 60, § 3. The provisions of sections twenty-five to forty-five, both inclusive, of this chapter, shall not apply to any person convicted of an offense the only punishment for which prescribed by law is imprisonment for life. Provided, that in all cases where the maximum sentence, in the discretion of the court, may be for life or any number of years, the court imposing sentence shall fix both the minimum and maximum sentence. The minimum term of imprisonment thus fixed by the court shall not exceed one-half of the maximum term so fixed.

Sec. 28. Record shall be forwarded to warden or superintendent and to the governor. 1913, c. 60, § 4. Whenever a person shall be convicted of a crime and sentenced to imprisonment pursuant to the provisions of sections twenty-five to forty-five, both inclusive, of this chapter, the clerk of the court shall make and forward to the warden or superintendent of the institution to which the convict is sentenced, and also to the governor, a record containing a copy of the information or complaint, the sentence pronounced by the court, the name and residence of the judge presiding

at the trial, prosecuting attorney and sheriff, and the names and post-office addresses of the jurors and the witnesses sworn on the trial, together with a statement of any fact or facts which the presiding judge may deem important or necessary for a full comprehension of the case, and a reference to the statute under which the sentence was imposed. One copy of such record shall be delivered to the warden or superintendent at the time the prisoner is received into the institution and one copy shall be forwarded to the governor within ten days thereafter.

Sec. 29. Advisory board in matter of paroles; clerk. 1913, c. 60, § 5. The governor shall appoint a committee of three from the executive council to act as an advisory board in the matter of paroles. They may hire a clerk, who shall be sworn to keep true records of the proceedings of said board and to the faithful and impartial performance of his duties. The governor and executive council may fix the compensation of said clerk.

Sec. 30. Authority to grant parole; rules; prisoners must serve minimum sentence. 1913, c. 60, § 6. Authority to grant parole under the provisions of sections twenty-five to forty-five, both inclusive, of this chapter, is hereby conferred exclusively upon the governor, in all cases of manslaughter, rape, offenses by public officers in violation of their duties as such officers, and of persons convicted and serving sentence for conspiracy to defraud municipalities, or for bribing, or attempting to bribe public officers. In all other cases such authority is hereby conferred upon the advisory board in the matter of paroles. The governor and the advisory board acting jointly, may adopt such rules as they may deem wise or necessary to properly carry out the provisions of sections twenty-five to forty-five, both inclusive, of this chapter, and may amend such rules at pleasure. Provided, that prisoners, under the provisions of said sections, shall be eligible to parole only after the expiration of their minimum term of imprisonment, and prisoners who have been twice previously convicted of a felony shall not be eligible to parole.

Sec. 31. Application for parole; action thereon by governor or advisory board. 1913, c. 60, § 7. Application shall be made to the governor, or to the advisory board, upon uniform blanks prescribed by the governor and the advisory board, to the wardens or superintendents of the penal institutions named in section twenty-five. The warden or superintendent when requested by a prisoner whose minimum term of imprisonment has expired and who is eligible to parole, shall furnish such prisoner with a blank application for parole. The application shall be filled out and delivered to the warden or superintendent who shall immediately forward the same to the governor or to the advisory board with his recommendation indorsed thereon. Upon receipt of such application and recommendation, the governor or the advisory board shall make such investigation in the matter as they may deem advisable and necessary, and may, in their discretion, grant such application and issue a parole or permit to such applicant to go at large without the enclosures of the prison.

Sec. 32. Prisoner on parole deemed to be serving his sentence. 1913, c. 60, § 7. The prisoner so paroled, while at large by virtue of such parole, shall be deemed to be still serving the sentence imposed upon him, and shall

be entitled to good time the same as if confined in prison. Provided, that whenever the prisoner so paroled shall have been committed to or confined in any such prison or reformatory from a county other than the county in which the prison or reformatory in which he has been last confined is situated, it shall be made a condition of his parole that he shall not live or remain in the county in which the prison or reformatory in which he was last confined is situated, without the express consent of the officers or board granting such parole, which consent may be granted or revoked by such officer or board, for cause shown at any time before such convict is finally discharged.

Sec. 33. Certain convicts in the state prison, March 14, 1913, eligible to parole. 1913, c. 60, § 1. Every person confined in the state prison on the fourteenth day of March, nineteen hundred and thirteen, under sentence for a definite term for a felony, unless the term be for life, who has never before been convicted of a crime punishable by imprisonment in a state prison, shall be subject to the jurisdiction of the governor and advisory board in the matter of paroles and may be paroled in the same manner and subject to the same conditions and penalties as prisoners confined under indeterminate sentences under the provisions of sections twenty-five to forty-five, both inclusive, of this chapter. The minimum and maximum terms of the sentences of said prisoners are hereby fixed and determined to be as follows: The definite term for which each person is sentenced shall be the maximum limit of his term and if the definite term for which the person is sentenced is two years or less the minimum limit of his term shall be one year. If the definite term for which the person is sentenced is more than two years, one-half of the definite term of his sentence shall be the minimum limit of his term.

Sec. 34. Arrangements for employment of prisoner. 1913, c. 60, § 8. No prisoner shall be released on parole until the governor or advisory board in the matter of paroles shall have satisfactory evidence that arrangements have been made for such honorable and useful employment of the prisoner as he is capable of performing, and some responsible person (not a relative) shall agree to act as his "first friend and adviser," who shall execute an agreement to employ the prisoner, or use his best efforts to secure suitable employment for him. Said "first friend and adviser" may, in the discretion of the governor or the advisory board, be required to furnish a bond, or other satisfactory security, to the governor for the faithful performance of his obligation as such "first friend and adviser." All money collected upon such bond or security shall be turned over to the treasurer of state and credited by him to the general fund of the state.

Sec. 35. Prisoners on parole shall be in legal custody of warden or other officer; may be returned to prison. 1913, c. 60, § 9. Every such prisoner, while on parole, shall remain in the legal custody and under the control of the warden or superintendent of the prison from which he is paroled and shall be subject at any time to be taken back within the enclosure of said prison for any reason that may be satisfactory to the warden or superintendent, and full power to retake and return any such paroled prisoner to the prison from which he was allowed to go at large is hereby expressly conferred upon the warden or superintendent of such prison, whose written

order shall be a sufficient warrant authorizing all officers named therein to return such paroled prisoner to actual custody in the prison from which he was permitted to go at large. When the warden or superintendent shall return to prison any paroled prisoner, he shall at once report the fact, and his reasons therefor, to the advisory board in the matter of paroles and his action shall stand approved unless reversed by a majority vote of said board, but no prisoner shall be returned twice for the same offense.

Sec. 36. A prisoner violating his parole shall be considered as an escaped prisoner. 1913, c. 60, § 10. A prisoner violating the provisions of his parole and for whose return a warrant has been issued by the warden or superintendent shall, after the issuance of such warrant be treated as an escaped prisoner owing service to the state, and shall be liable, when arrested, to serve out the unexpired portion of his maximum imprisonment, and the time from the date of his declared delinquency to the date of his arrest shall not be counted as any part or portion of the time to be served.

Sec. 37. Crime by paroled prisoner while at large. 1913, c. 60, § 11. Any prisoner committing a crime while at large upon parole or conditional release and being convicted and sentenced therefor shall serve the second sentence to commence from the date of the termination of the first sentence whether such sentence is served or annulled.

Sec. 38. Duration of parole; final discharge. 1913, c. 60, § 12. At the time of granting parole to any prisoner either by the governor or the advisory board, they shall each respectively determine the length of time the prisoner shall remain on parole, which shall not be more than four years in any case. After any prisoner has faithfully performed all the obligations of his parole for the period of time fixed, and has regularly made his monthly reports as required by the rules providing for his parole, he shall be deemed to have fully served his entire sentence, and shall then receive a certificate of final discharge from the warden or superintendent in whose custody he is. A copy of such final discharge shall at once be sent to the clerk of the advisory board, who shall file the same in the office of the governor.

Sec. 39. Monthly report of paroled prisoner; duty of officer receiving report; report of advisory board. 1913, c. 60, § 13. On the last day of each month, each paroled prisoner shall make a written report to the warden of the prison, or superintendent of the institution from which he was released, showing his conduct during the current month, his employment, earnings and expenditures, his probable post-office address and place of employment for the coming month, and the warden or superintendent in charge of each institution of this state named in section twenty-five shall, not later than the fifteenth day of each month, tabulate and report to the advisory board, in writing, the information thus received, and he shall immediately communicate to the advisory board all violations and infractions of the rules governing such paroled prisoners. In their annual report to the governor, the advisory board shall include a summary of the paroles and releases under sections twenty-five to forty-five, both inclusive, of this chapter, the names of all prisoners who have violated their paroles, the nature of such violations, together with such information concerning the operations under the law as may be deemed to be of public interest.

Sec. 40. Record shall be kept at institution where prisoner was confined. 1913, c. 60, § 14. There shall be kept in the prison or institution named in section twenty-five, by the warden or superintendent thereof, a book containing a full and accurate record of each and every transaction had under the provisions of this chapter relating to paroles. A summary of such record shall be filed with the advisory board in the matter of paroles, to be by said board compiled and included in its annual report, which report shall be submitted in writing to the governor on or before the first day of December annually and shall be accompanied by such recommendations as the board may see fit to make.

Sec. 41. Clerk of board to furnish blanks. 1913, c. 60, § 15. The clerk of the advisory board in the matter of paroles is hereby authorized to provide all blanks required for the proper execution of the provisions of this chapter relating to paroles, after the forms for such blanks have been approved by the governor and the advisory board.

Sec. 42. State to furnish clothing to paroled prisoner; ticket. 1913, c. 60, § 16. Whenever any prisoner is released upon parole he shall receive from the state, clothing not exceeding ten dollars in cost, and a non-transferable ticket, at his own expense, to the county where his "first friend" resides. The warden may, in his discretion, at the risk of the state, advance to any paroled prisoner the cost of a ticket as above provided and expenses not to exceed two dollars, and failure on the part of the paroled prisoner to return the money so advanced within sixty days may be declared a violation of parole warranting the return of the violator to prison.

Sec. 43. Notice to sheriff or chief of police. 1913, c. 60, § 17. Whenever the parole of any prisoner shall be ordered by the advisory board, or the governor, the clerk of said board shall at once notify the sheriff of the county or the chief of police of the city to which he is paroled, of the issuance of such parole, naming the county where convicted, the crime for which convicted, the name and address of the "first friend," and the length of time during which said prisoner shall be required to report before receiving final discharge.

Sec. 44. Sheriff, chief of police or probation officer may act as "first friend." 1913, c. 60, § 18. Any sheriff, chief of police, or probation officer, shall upon the request of the governor or the advisory board, act as "first friend" and adviser for paroled prisoners while on parole from any prison or reformatory in the state, and shall, upon the approval of the clerk of the advisory board, be paid from the general fund of the state not otherwise appropriated, one dollar per month for each paroled prisoner for such service. Whenever the term of office of any such officer, acting as "first friend," shall expire while any such parole is in force, the duties of such "first friend" shall be assumed by the successor in office of such officer.

Sec. 45. Power of governor to grant pardons not impaired. 1913, c. 60, § 19. Nothing in the twenty preceding sections shall be construed to interfere or impair the power of the governor to grant pardons or commutations of sentence; nor shall anything therein contained be construed to interfere with the rights of any person who may be serving out a term of imprison-

ment in any penal institution in this state by virtue of a sentence imposed under any law heretofore or now in force.

See Const. Me. Art. V, Part I, § 11.

Execution of Sentences.

Sec. 46. Clerk's minutes are authority for officer to execute sentences. R. S. c. 136, § 10. When a convict is sentenced to pay a fine or costs, or to be imprisoned in the county jail or house of correction, the clerk of courts, as soon as may be, shall make out and deliver to the sheriff or some officer in court, a transcript of the minutes of the conviction and sentence duly certified by him; which shall be sufficient authority for the officer to execute such sentence.

93 Me. 44.

Sec. 47. Sentence in default of payment of fine and costs. 1905, c. 156. Whoever is convicted in any court or by a trial justice, of a crime which is punishable by a fine only, without imprisonment, and is liable to imprisonment in a county jail for the non-payment of said fine, may be sentenced to pay said fine and the costs of prosecution, and in default of payment thereof to be imprisoned in accordance with law; but the payment of said fine and costs at any time before the expiration of the imprisonment shall be a full performance of the sentence.

Sec. 48. Removal of convicts to state prison; clothing for convict. R. S. c. 136, § 11. When a convict is sentenced to confinement in the state prison, such clerk shall make out a warrant under seal of the court, directed to the warden of the prison, requiring him to cause such convict, without needless delay, to be removed from the county jail to the state prison; the warden and all sheriffs and jail keepers shall strictly obey its directions; and the clerk, as soon as may be, shall deliver such warrant to the sheriff of the county, and he shall forthwith deliver it to said warden. The sheriff shall provide the convict with comfortable clothing in which to be removed to the state prison.

Sec. 49. Identification of criminals by Bertillon method. 1911, c. 5. Prisoners who have been convicted of a felony and committed under sentence may, if deemed advisable, for the purpose of subsequent identification be measured and described in accordance with the Bertillon method for the identification of criminals, and their photographs and finger-prints taken.

Liberation of Poor Convicts.

Sec. 50. Convict, unable to pay fine or costs, may be liberated; proceedings. R. S. c. 136, § 12. Except when otherwise expressly provided, any convict, sentenced to pay a fine or costs, and committed for default thereof and for no other cause, who is unable to pay the same, may be liberated by the sheriff, after thirty days from his commitment, by giving his note for the amount due, to the treasurer of the same county, accompanied by a written schedule of all his property of every kind, signed and sworn to before the sheriff, jailer or any justice of the peace or trial justice, and the sheriff shall deliver the same to said treasurer, for the use of the county, within thirty days; and all convicts so committed may be placed at labor in the same manner as persons sentenced to imprisonment and labor.

74 Me. 220.

Sec. 51. Notes are a lien on convict's real estate. R. S. c. 136, § 13. Such note continues a lien on all the maker's real estate until it is fully paid; and if judgment is rendered on it in favor of the treasurer, the same proceedings may be had on the execution as in other cases of contract.

Sec. 52. Penalty for making a false schedule of property. R. S. c. 136, § 14. If such convict is convicted of knowingly and wilfully making a false schedule, on oath, as to the nature or amount of his property, he shall receive no benefit from his liberation, but may be again imprisoned until the performance of the original sentence.

CHAPTER 138.

Collection and Disposal of Fines and Costs in Criminal Cases.

Duty of Clerks of Court.

Sec. 1. Fines, forfeitures and criminal costs, shall be paid to county; criminal costs and expenses shall be paid by the counties; duties of clerks as to bills of costs, and certificates of fines. R. S. c. 137, § 1. All fines, forfeitures and costs in criminal cases shall be paid into the treasury of the county where the offense 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 courts 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. Clerks of 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.

Sec. 2. Duty of clerks to collect fines and costs, or to issue process for their collection. R. S. c. 137, § 2. Each clerk, in default of payment to him of fines, forfeitures and bills of costs, shall 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.