

MAINE STATE LEGISLATURE

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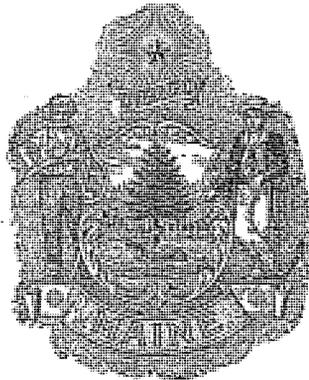
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Sec. 51. Notes are a lien on convict's real estate. R. S. c. 136, § 13. Such note continues a lien on all the maker's real estate until it is fully paid; and if judgment is rendered on it in favor of the treasurer, the same proceedings may be had on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

- Sections 1-2 Duty of Clerks of Court.
 Sections 3-6 Duty of Sheriffs and other Officers.
 Sections 7-10 Duty of Trial Justices and Judges of Municipal and Police Courts.
 Sections 11-15 Duty of County Treasurers.
 Sections 16-17 Duty of County Attorneys.

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.

Duty of Sheriffs and Other Officers.

Sec. 3. Officers shall pay over to county treasurer fines and costs collected. R. S. c. 137, § 3. 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 executions in favor of the state, shall forthwith pay them to the treasurer of the county in which they accrued.

Sec. 4. Penalty for neglect. R. S. c. 137, § 4. If any such officer neglects to pay over such fine, forfeiture or costs, for 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 forfeits to the county 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.

Sec. 5. Duty of officers receiving process for recovery of fines. R. S. c. 137, § 5. Every sheriff or other officer, to whom any process for the recovery of such fine, forfeiture or costs, is committed by the clerk of 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 so doing; and in case of neglect, the court shall order a prosecution to be commenced therefor by the county attorney.

Sec. 6. Sheriff shall deliver notes and securities to treasurer. R. S. c. 137, § 6. Each sheriff, as often as every three months, shall deliver 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.

Duty of Trial Justices and Judges of Municipal and Police Courts.

Sec. 7. Magistrates shall pay over fines to those entitled to same. R. S. c. 137, § 7. Every trial justice or judge of a municipal or police court shall render, under oath, an account of all fines and forfeitures upon convictions and sentences before him, and pay them over within two months after he receives the same; to the treasurer of the town if they accrue to the town, and to the treasurer of the county if they accrue to the state or county, or to any corporation, person, society or association, in whole or in part, for the use of the party entitled thereto; and for any neglect in making such payments, he forfeits in each instance double the amount so neglected to be paid over, to be recovered by indictment for the parties entitled to such fines and forfeitures, and in default of payment, according to the sentence of the court, he shall be imprisoned in jail not exceeding six months.

See c. 134, § 22.

Sec. 8. Magistrates shall give bond for faithful performance of duties. R. S. c. 137, § 8. Every trial justice or judge of a municipal or police court, before he performs any official act as such justice or judge, pertaining to any criminal process or proceeding, shall give bond to the county in such sum and with such sureties as the county commissioners of said county shall approve, conditioned that he will, during his continuance in office, faithfully perform, as the law requires, all his duties relating to the col-

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lection and payment over of all fines and forfeitures which may come into his hands by virtue of his office. Such bond shall be held by the county treasurer and enforced for the security of any and all parties entitled to such fines and forfeitures, and a suit on such bond for the benefit of one party shall not bar a suit thereon for the benefit of any other party. Every such justice or judge who shall perform any such official acts before giving such bond, forfeits not exceeding one hundred dollars, to be recovered by indictment, but a failure to give such bond shall not render invalid such official acts.

Sec. 9. Trial justices and municipal and police judges shall keep docket of fines and forfeitures; examination of docket and magistrate by county commissioners. R. S. c. 137, § 9. Every such trial justice, or judge shall keep a correct docket of all examinations and trials before him of persons accused of offenses, setting forth therein a true account of all fines and forfeitures by him imposed or received upon conviction or sentence; and once a year shall 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 section seven; and said commissioners shall examine said docket or copies and may summon such justice or judge to appear before them with his original docket and records, by 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 official requirements of law he shall be allowed a reasonable compensation for his travel and expenses, to be paid from the county treasury.

Sec. 10. Upon failure to appear, *capias* may issue. R. S. c. 137, § 10. If 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 collection of the same.

Duty of County Treasurers.

Sec. 11. Fees must be claimed within three years. R. S. c. 137, § 11. 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.

Sec. 12. Treasurer shall exhibit schedule of notes to county commissioners; proceedings thereon. R. S. c. 137, § 12. 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.

Sec. 13. County treasurer shall publish list of costs. R. S. c. 137, § 13. Each county treasurer shall, at the close of each criminal term of the supreme judicial or superior court, and of each term of the court of county commissioners, in his county, publish in some paper printed in said county for 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.

Sec. 14. Treasurer shall make annual report to attorney-general. R. S. c. 137, § 14. 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 on the first day of said November, for costs of prosecutions in the supreme judicial court, and in the superior court; upon bills of costs allowed by county commissioners for support of prisoners in jail; and to grand jurors and to traverse jurors at terms of court held for criminal business; also the amount received from fines, costs and forfeitures in said courts, from magistrates, jailers and other officers.

69 Me. 368.

Sec. 15. Neglect is a breach of treasurer's bond. R. S. c. 137, § 15. Neglect to make and forward such report is a breach of his official bond, and for every day of such neglect he forfeits five dollars to the state, and the attorney-general shall bring an action on such treasurer's official bond, to recover such forfeiture.

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Duty of County Attorneys.

Sec. 16. Each county attorney shall examine records of clerks and treasurers. R. S. c. 137, § 16. County attorneys shall examine the records and files in the offices of clerks, and the certificates and accounts in the offices of treasurers, relating to fines, forfeitures and bills of costs accruing to their counties; ascertain, so 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.

Sec. 17. He shall summon delinquent sheriff or other officer before court. R. S. c. 137, § 17. 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 it and paying it over; and he shall carry into execution all lawful orders of the court relating to the collection and payment thereof, and shall, by all other means pertaining to his office, promote and enforce the same.