

MAINE STATE LEGISLATURE

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SEVENTH REVISION

THE
REVISED STATUTES

OF THE
STATE OF MAINE

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Fugitives from Justice.

Sec. 57. Reward for the arrest and return of escaped prisoners and fugitives from justice. R. S. c. 140, § 8. Whenever a prisoner convicted of or charged with a capital crime or other high offense, escapes from prison; or there is reasonable cause to believe that a person who is charged with such offense and has not been apprehended therefor, cannot be arrested and secured in the ordinary course of proceedings, the governor may, upon application in writing, of the attorney-general or county attorney for the county in which such offense was committed, and upon such terms and conditions as he deems expedient and proper, offer a suitable reward, not exceeding one thousand dollars, for the arrest, return, and delivery into custody of such escaped prisoner or fugitive from justice; and upon satisfactory proof that the terms and conditions of such offer have been complied with, he may, with the advice and consent of the council, draw his warrant upon the treasurer of state for the payment thereof.

CHAPTER 148.

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.
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Duty of Clerks of Court.

Sec. 1. Fines, forfeitures, and criminal costs, to be paid to county; criminal costs and expenses to be paid by the counties; duties of clerks as to bill of costs, and certificates of fines. R. S. c. 138, § 1. 1917, c. 116. 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 superior court 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, including actual expenses incurred by county attorneys in the performance of their official duties, payment of which is hereby expressly provided. Clerks of court 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. 138, § 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 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 to pay over to county treasurer fines and costs collected. R. S. c. 138, § 3. Sheriffs, jailers, and constables, 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. 138, § 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 court, 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. 138, § 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 to deliver notes and securities to treasurer. R. S. c. 138, § 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 to pay over fines to those entitled to same. R. S. c. 138, § 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 punished by imprisonment for not more than six months.

See c. 144, § 23.

Sec. 8. Magistrates to give bond for faithful performance of duties; penalty for acting without bond. R. S. c. 138, § 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 collection and payment over 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 more than 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 to keep docket of fines and forfeitures; examination of docket and magistrate by county commissioners. R. S. c. 138, § 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. 138, § 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. 138, § 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 to exhibit schedule of notes to county commissioners; proceedings thereon. R. S. c. 138, § 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 to publish list of costs. R. S. c. 138, § 13. Each county treasurer shall, at the close of each criminal term of the 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 to make annual report to attorney-general. R. S. c. 138, § 14. He shall, on or before the twentieth day of November, annually, make

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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 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, a breach of a treasurer's bond; penalty. R. S. c. 138, § 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.

*69 Me. 368.

Duty of County Attorneys.

Sec. 16. Each county attorney to examine records of clerks and treasurers. R. S. c. 138, § 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. 138, § 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 such fine, forfeiture or bill of costs, to show a proper discharge, or the cause for not collecting the same and paying it over; and such sheriff or other officer 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.