

MAINE STATE LEGISLATURE

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STATE OF MAINE
ONE HUNDRED AND SIXTH LEGISLATURE
LEGAL AFFAIRS COMMITTEE

November 5, 1974

Representative Larry Simpson
Chairman
Legislative Council
State House
Augusta, Maine 04330

Dear Representative Simpson:

In compliance with the joint order dealing with "Rural Crime", I have the honor of submitting to you our final report consisting of two parts: Part "A" - A Report to the Legislature; and Part "B" - Suggested Legislation.

Also submitted herewith is a third portion of our final report - "A Report to the Chief Justice". The original is being submitted to the Chief Justice of the Maine Judicial Court.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Cyril M. Joly, Jr.', written over a horizontal line.

Senator Cyril M. Joly, Jr.
Chairman

CMJ/fe
Enc. (3)

Part "A"

REPORT TO THE LEGISLATURE

The Legal Affairs Committee, ordered to hold public hearings on "Rural Crime" at several locations throughout the State of Maine, held a total of five (5) hearings in: Rockland on May 20, 1974

Skowhegan on September 10, 1974

Wiscasset on September 10, 1974

Norway on September 12, 1974

Ellsworth on September 12, 1974

Although the committee was authorized to hold hearings in two other locations, it was felt that sufficient information was derived from these five hearings for purposes of this study. The committee also met on several occasions in Augusta in an effort to achieve the goals of the Joint Order.

From the outset, the committee was concerned with keeping the cost of the study down and towards this end, decided to split into two subcommittees pursuing the same objectives.

While the audiences at the various hearings were small, those who did attend participated fully and gave the committee many worthwhile suggestions. These suggestions covered a wide range of views and contained several recommendations for corrective action. The following comprised the principle points covered:

1. The major recommendation made was one requiring no new legislation. It was simply that there be greater citizen involvement in crime detection and

reporting, thus reducing greatly the probable chances of a successful criminal act. The court system, at all levels, came in for heavy criticism from the general public in attendance at these hearings. From victims of criminal acts, we were informed of: delayed trials, plea bargaining, and lenient sentencing or fines if sentencing or fines took place at all. From County Attorneys, who came in for a large share of criticism also, came the reasons for plea bargaining, reasons which, on the average, were satisfactory to the committee.

2. Still another very popular subject was the leniency of the courts. While leniency on first offenders was not such a hotly contested item, what was felt to be leniency towards repeated offenders was loudly deplored by police and attorneys as well as citizens.
3. A need for jury trial capabilities at the District Court level, combined with vesting original and exclusive jurisdiction for misdemeanors in District Court, was outlined to us by both a County Attorney and a District Court Judge.

4. The coastal and resort areas residents hit hard at multi-postponements of court appearances by the accused. The major point they were highlighting was that these postponements were engineered to outlast the summer visiting witnesses to the offense. As soon as the witness returned to their out-of-state homes, the case would be allowed to come to court by the defendant, but the state would lose its case for lack of witnesses. Crowded court calendars necessitating witnesses, called to be present for that day, to be held over for another day or more, was creating hardships. Witnesses were heard to tell county attorneys that this case was their last involvement with the court system.
5. A suggested item for consideration was one which could have the Superior Court send down or send back cases to District Court. The entire matter of citizen's views concerning the court system was thought alarming enough by the committee so as to have the committee transmit those feelings to the court through the Chief Justice. A copy of that transmittal is also made a part of this report to the legislature and can be found elsewhere in this report.

6. A concern was expressed about the length of waiting time, in some courts, for juvenile hearings. A real problem existed with the person who, as a juvenile, had committed an offense; but who, at the time of his hearing, was now an adult. At every hearing, one subject citizens, police, attorneys, judges, agreed upon, was the need to lower the juvenile age.
7. Several County Attorneys were apprehensive about the new and untested District Attorney system. One felt his county, basically rural, had been linked to a county which had an urban makeup, to the ultimate detriment of both. Another felt case loads had not been considered in the formation of mid-coastal districts in particular.
8. Much comment was developed on the possibility of four-year terms for sheriffs. Complaints centered around the idea that in a two-year term, the citizens received one year of service and the next year of politicking. Surprisingly enough, the majority of people raising this point said they voted for re-election of that sheriff. Again the need to continue trained people in office lends itself to acceptance of the four-year term principle.

9. High hope was expressed for the proposed, and nearly realized, multi-channel radio network which will allow different law enforcement departments to communicate directly with each other for the first time.
10. Law enforcement officials and prosecuting attorneys continually spelled out the importance of an up-to-date, fully-equipped State forensic laboratory. The laboratory was pointed out to us as being the one most tangible asset in fighting crime and insuring swift and sure evidence. Currently, use has to be made of the Federal laboratory in Boston for analysis. Because of delays in lab reports, there are times when the prosecution is not ready by court day to present it's case. This problem, has on occasion, resulted in dismissal of charges.
11. There were many comments made concerning Home Rule for counties. Many felt the legislators were elected to state and not county office and should not have final say on county budgets, staffing of departments at the county level, etc. A point made several times was one concerning civil service status for full-time deputies, a point which was expanded upon many times

to also cover the full-time local police officer. Features of civil service protection were testified to as including: 1) freedom from politics, 2) continuing trained personnel in office, resulting in 3) savings to that particular law enforcement agency as relates to money, time, skills attained and knowledge gained of existing criminals and criminal activities, especially as relates to methods of operation. The newly approved and soon to be operational Uniform Crime Reporting System is another point in favor of continuing enforcement people in office.

12. Each of our hearings brought forth statements by the State Police officer in charge of the area that they were understrength, both by vacancies and increased workloads.
13. The need for schooling, both basic and advanced, was impressed upon us by the many law enforcement people who testified. The great need for field courses, away from the Academy, to accommodate the small departments without replacements to facilitate men going to the Academy in Waterville, was ably stressed upon us and we strongly recommend this.

14. A high hope was held out for affirmative action by the legislature regarding a system of restitution. The feeling of many at our meetings was that because of leniency, delays, plea bargaining, and what have you, the only real loser in the use of our court system was the original victim of the crime.
15. We received many complaints that the "fine" structure was certainly not a deterrent to crime. Antiquated fines, once meant to be severe and an everlasting reminder of one's encounter with the law, no longer reflect a threat to a person's pocketbook nor are they an indicator of what the cost of court, prosecution and apprehension really are. One sheriff pointed out that a \$25 fine used to be worked off at the county jail at \$1 per day. Today that same offense commands the same \$25 fine, but is now worked off at \$5 per day. We understand that the Attorney General's Task Force is making a study of our "fine" system. We recommend that the "fine" structure be included in this survey.
16. We were informed, by very knowledgeable people, that 70% - 80% of crimes committed are by repeat offenders and that crime is an indicator of social ills with wide spread social reform needed.

17. A suggestion, made in part by the County Attorney of Kennebec County and in part by the Sheriff of Washington County, is very worthy of inclusion in this report. That suggestion would have the legislature pass a law licensing auctioneers (already licensed), antique dealers, and used furniture dealers and providing for a strong records-keeping system. We are proposing legislation covering this matter.
18. The committee heard testimony concerning a unique policing system used by the town of Hancock. The committee was so impressed by the report and the method used in solving the rural crime problem in this small, rural community (population 1070 residents), that the full presentation, as received by the committee, is made a part of this report to the legislature, and is included as Exhibit "A".
19. Another program to be considered is one being carried out by the Oxford County Sheriff's Department called "Neighborhood Watch". A copy of how this program works is attached as Exhibit "B".
20. The new bail system passed by the special session of the legislature proved to be another subject meeting with opposition by all. Singled out of this

system for special attention was the widely-hated personal recognizance bail. It is the feeling of the committee that personal recognizance should have been limited to misdemeanors only.

21. A legislative study should be conducted on the activities of the State Police. Testimony has brought out the fact that the State Police have been given additional duties over the years, but that staff increases have not kept pace with the additional responsibilities. It may be that some of those added duties could be better assigned in other areas.

A recommendation that judges be elected was discussed with the only judge that testified before the committee and his comments are worthy of repeating in this report. It was his feeling that elected judges would be the worse kind and that justice would not result but rather abuses would spring up. For instance, a judge would be asked to sit in judgement on the very people he is seeking votes from and from whom he might have sought contributions. In the long run, the entire system would suffer, and the whole thing would be unfair to the judge as well as the public.

Also unrelated to our study, but a subject continually brought up, was the law concerning the treatment of alcoholics or incapacitated persons.

tated persons. It was highly criticized and a committee of the legislature should be directed to hold open and wide-spread public hearings on this law and its effects.

The feeling seems to be that for many years the rights of the accused were examined, reassessed, and upgraded. The general tone at our sessions was that the time has come to let the pendulum swing back to the position offering greater protection to the victim. British Lord Chief Justice Coke some 300 years ago enunciated the principle that "Justice delayed is Justice denied". In the case of rural crime, justice delayed is justice denied to the state and the people who are victims of unlawful conduct.

Several months ago, a Boston newspaper carried an article which said that the penalty for committing a crime in this country was ten times more severe than in England, but that in England the chances of receiving a prison sentence were ten times surer than in this country.

Accompanying this report is a list of proposed legislation for consideration by the legislature. Except for the suggestion that sheriff's be elected for four-year terms, which was an evenly-divided report, the other proposed legislation received almost unanimous support of the committee.

It is however, presented by the committee as its findings of citizen suggestions towards reducing rural crime from its near epidemic proportion.

Suggestions of the Committee on Matters not Requiring
Legislation

A study should be made of the District Court boundaries so that case loads can be evenly divided up.

The State should institute continuing education programs in law enforcement around the state, and the state should pay the salary of law enforcement personnel while they attend.

Consider the possibility of encouraging several small towns to combine and hire a full-time constable with the state agreeing to pick up the tab for the training. This should be strictly voluntary on the part of the town.

We recommend that the functioning of the District Attorney's set up be studied for the next two years to determine whether the present structure adequately takes into consideration the divergence of problems between "rural" and "urban" areas.

Cities and towns should be urged to adhere to the Uniform Crime Reporting System.

We urge sufficient appropriation to permit the hiring of more arson investigators. Testimony indicated that it is essential for fires of suspicious origin to be inspected as soon as possible and the present number of trained men is insufficient to accomplish this.

The committee has studied the Governor's Task Force Report on Corrections. We have not incorporated in this report those items that are adequately covered by the Governor's Report.

The committee was well received everywhere that it traveled. The general public was appreciative of this legislative action aimed at finding some solution to these very serious matters.

The committee in turn, wants to express its thanks to all who worked towards making the committee's goal attainable, from outside agencies, staff, members of the legislature, news media, but most importantly, the interested general public.

EXHIBIT "A"

Background

The major areas of crime in the Town of Hancock are larceny, breaking and entering, both at night and in the daytime. This has caused concern to most of the town's 1070 residents.¹ The targets of the criminals have been the unoccupied summer cottages and some of the business establishments. It was reported to us that in the winter of 1972 there were twenty (20) breaks uncovered by, or reported to, the Hancock County Sheriff's Department.

Law enforcement in the Town of Hancock prior to September of 1973 consisted of elected constables, occasional State Police cruising the roads, and Sheriff's deputies, when called. Elected constables mainly were called upon to post warrants, collect dog taxes and occasional answer minor complaints.

In 1973 a town ordinance was passed requiring town licenses for shellfish taking. In order to enforce the ordinance, a police officer was appointed by the selectmen. As constables were elected, and usually not available during the working day, a local man, retired and working part-time as a caretaker, was appointed. Once a police officer was appointed, calls came in of various types, including larceny investigations. The police officer was to have a radio installed for communications with the Sheriff's office. As Fall approached and the summer residents were leaving, there was an indication of concern over the cottages left empty during the winter, and it was expected that the police officer would provide the necessary security.

As a result, there was a meeting of the selectmen, constables and the police officer to determine the degree of security which could be offered. A decision was made at this meeting that not only would one policeman be inadequate, but that it would not be advisable for one man to patrol alone the deserted areas of Hancock at night. Therefore other police officers would be appointed to supplement the existing police officer and constables. It was also decided to purchase a vehicle to be used as a patrol car, and equip it with blue light, radio and other necessary items. After this decision had been made, the selectmen called a meeting of interested town residents, and nineteen (19) persons responded and volunteered their services as patrolmen. They were sworn in as Special Police officers as authorized by Chapter 213, Title 30, Revised to include subchapter 3A, Paragraphs 2361, 2362, and 2363.

¹ Residents as determined by 1970 census.

Funding

Federal Revenue Sharing funds were used to purchase, and provide operating funds for a police car, and to furnish it with the necessary equipment.

Originally, the police officer was paid on an hourly basis, while on call. However, at present all members of the police department have elected to work voluntarily with no remuneration.

Donations for equipment were made by the Hancock Village Improvement Society, a private civic association of cottage owners.

Training

With the complete cooperation of the Hancock County Sheriff's Department and the State Police, weekly training sessions were established for the first two months of operation. These sessions covered patrol procedures, arrests, reports and suggestions on how to minimize harrassment of the police by local teenagers. Also, a full day was devoted to First Aid training.

Most of the officers participated in the in-service training program sponsored by the Ellsworth Police Department last Fall.

Organization

The police department has a chief who is responsible to the selectmen. The chief prepares the patrol schedule weekly. In winter months, two (2) patrols per night are included when necessary. In addition to the regular two-man team scheduled for the cruiser, a back-up team is on call, using a private vehicle equipped with a portable blue light and portable radio.

Summertime patrols are maintained primarily to cover the businesses and the school. An occasional patrol of residential areas is made, and complaints are answered which involve domestic problems and dog law violations.

The availability of personnel in the summer is quite limited, and the schedule usually provides for one officer to cover two nights, except for Saturday, when a regular team is assigned. Each officer responsible for the patrol maintains the cruiser and finds another officer to go with him on patrol. By mid-September all officers are available, and a regular schedule is maintained.

Equipment and Weapons

Each officer is issued a blue jacket with a patch (labeled "Special Police") and a badge. This is the only part of the uniform which the town furnishes.

The cruiser has a first-aid kit, blankets, spotlight, 5-cell flashlight, handcuffs and an indian firepump for brush and grass fires. A supply of necessary forms are also available, including officers' Daily Log forms on which a record of each patrol is maintained.

Two cannisters of mace are kept in the cruiser, and two extras are available for the back-up patrol. No weapons or mace are issued to any individual officer.

Some officers who have weapons, and who have been qualified in the past on their proper use, carry them on patrol.

Effectiveness

Reports from the Hancock County Sheriff's Department indicate that in the winter of 1972 there were twenty (20) breaks, in the winter of 1973 there were twelve (12) breaks, and in the winter of 1974 up to the present there were nine (9) breaks. The Hancock police department patrols started in October of 1973.

As a result of the energy crisis, gasoline thefts are on the increase. Hence, Beano nights at the Hancock school became a target, along with the businesses where vehicles are parked overnight. Since the first gasoline theft at Beano, patrols have visited the parking area, and occasionally a private car with a special officer has also checked the area, resulting in no further gasoline thefts.

A theft of gasoline was thwarted at the Cianbro company's plant, though the thieves escaped. Since then several attempts have been thwarted, minimizing gasoline thefts in these areas. A letter of appreciation has been received by the Department from the Cianbro Corporation.

Conclusions

1.) Many Maine towns with small year-round populations have large areas to cover. These towns cannot begin to raise revenues to provide adequate police protection. Many such towns have

numerous summer cottages which require the protection that only continuous police patrols can give. State Police and Sheriffs' department cannot provide such patrol protection for so many areas. Police departments, such as Hancock has, can provide an adequate degree of security.

2.) The continued presence of a police vehicle, and the knowledge that police are patrolling in private cars, serve as a deterrent to the local criminal or potential criminal. It is not known how effective this can be in deterring professional thieves from out of the area.

3.) A single-man police department with a trained officer cannot be as effective, in deterring breaks, as a continuous nightly patrol can. Investigations after the fact may lead to arrests and recovery of stolen property, but prevention is the best answer. If nothing else, it can minimize the case load of the court systems.

Recommendations

1.) Small towns should be encouraged to follow the example of the Town of Hancock.

2.) To encourage volunteers, money should be raised at town meeting to pay the men while actually on patrol. One man each night would be paid while another volunteer rides at no pay. Although this has not been necessary in the Town of Hancock, discussion with other towns leads to the conclusion that people want some remuneration for their time.

3.) Extensive training programs for these police departments should be made available.

4.) LEAA or State funds could be made available to send at least one officer from such departments to the Maine Law Enforcement and Criminal Justice Academy.

5.) LEAA funding criteria could be revised to allow small towns to equip small police departments and train them, to the extent that they can function effectively.

6.) Special Police officers should be appointed with their authority limited to time on patrol and in specific areas of jurisdiction only. Traffic problems should be left to those

agencies capable of coping with them. Such Special officers in conjunction with one or two regular police officers or constables to handle matters other than nightly patrols, will make an effective crime deterrent force.

7.) As a motor vehicle provides transportation for the criminal, it is urged that legislation be passed to hold the vehicle owner responsible for his vehicle if used in a crime, unless he can furnish sufficient evidence to absolve himself (such as theft or unauthorized use of the vehicle).

8.) Great care should be taken in selecting police officers. Even in a volunteer police department, glory seekers and persons seeking power should be carefully avoided. This will lead to better public relations.

EXHIBIT "B"

State of Maine
County of Oxford
Sheriff's Office
South Paris, Maine

October 7, 1974

Legislative Legal Affairs Committee
State House
Augusta, Maine

Mr. Chairman, Members of the Committee:

The National Neighborhood Watch Program was launched in the spring of 1973.

The program is national in scope; its goal is the reduction of the offenses of Burglary and Larceny, through an effort to make citizens more aware of these specific crimes, as well as enlist citizen support to reduce these offenses in their own communities.

The program is supported by a grant awarded by the Law Enforcement Assistance Administration. The National Sheriffs' Association was chosen to administer the program because the Sheriff is traditionally the chief law enforcement officer of his county, with county-wide law enforcement authority and responsibility.

The crimes of Burglary and Larceny were chosen as the focal point of the program because Burglary has increased 70% and Larceny has increased 109% during the past five years. These two crimes account for about 70% of all reported crime, nationwide.

The National Crime Prevention Institute reports: "Criminal opportunity can be lessened in a number of ways. First, the environment can be designed so that the individual considering the criminal act feels that there is a good chance for him to be seen by someone who will take action on their own or call authorities. Second, the target of his attack can be so formidable that he does not believe his abilities will allow him to conclude the action and thirdly, if he actually.....attempts to reach the goal, the probability of his failure can be increased through the ready response of law enforcement agencies. The process is a system....and tying it all together is the constant surveillance by both members of the community and law enforcement. Crime prevention should be a constant concern to everyone at all times."

Informational and educational material, in the form of crime prevention brochures, educational program booklets, bumper stickers, window stickers, etc., were prepared and sent to participating Sheriffs. The material was the principal vehicle used to get the 'message' to the residents of the counties in the program. Spot announcements and reminders on radio and in the local newspapers were used successfully to fan the fires of interest in the undertaking.

The materials distributed contained useful information on selected steps to take, to help reduce the risk of becoming a burglar's target. The recommendations made to the property owner have been tried and found to have a high degree of success in accomplishing their purpose.

Oxford County was one of the first counties in the nation to be selected to take part in the program. We welcomed the opportunity, as we are convinced that the key to any successful offensive against Burglary and Larceny, rests in a concerned and participating citizenry.

The printed material was placed in stores, markets, insurance offices, banks, real estate offices, fair displays and in some rural areas, distributed to property owners by the area deputy sheriff.

The response was very good; numerous householders called our office for additional information on implementing the recommendations made for securing residences. We also noticed an increase in the number of calls received pertaining to strangers seen in residential areas.

Not long after the Neighborhood Watch Program was initiated in Oxford County, a telephone call was received at the sheriff's office. The caller was a lady who had read the material distributed; she said she had to report something that seemed suspicious to her. A man was offering new automobile tires and new bicycles for sale, at a price way below what is usually charged for these items. This rang a bell in the mind of the deputy taking the call. Two days before, the Augusta Police Department put out a teletype item on the larceny of a trailer load of new tires and new bicycles, valued at approximately \$8,000.00. A deputy was immediately assigned to investigate. Within a few hours, he had located some of the tires and two bicycles, the person who had sold the items was positively identified and the Augusta Police Department confirmed that the recovered items were part of the shipment stolen from their city. Before the day came to an end, over \$4,000.00 worth of the stolen property was recovered, the location where the balance of the unrecovered property was hidden was discovered and the perpetrator was arrested. We credit the lady's prompt reporting of this incident to us, with the swift arrest -- recovery clearing of this larceny.

More recently, another housewife reported to us that the burglar alarm at a neighbor's home had just sounded; she gave us a description of the vehicle that she could see in the driveway. Deputies were dispatched to seal the area; the vehicle and its occupants was stopped not far from the scene of the break. The vehicle contained a husband and wife and three infant children. Before our investigation was concluded, this couple was implicated in over three hundred daytime breaks, in five counties.

Here again, it was an ordinary citizen's alertness that contributed to the taking out of circulation of a most active criminal pair. The possibilities for drastically reducing daytime breaks into residences is unlimited, if we can muster the active participation of the thousands of housewives and retired persons who spend most of their time at home.

The Neighborhood Watch Program has provided the stimulus necessary to activate this support in Oxford County.

To conclude: we have enjoyed marked success in our efforts against the Burglar; we attribute much of this success to the high degree of cooperation we have received from the people we serve. We urge our brother law enforcement officers in other jurisdictions, not to overlook this vast source of manpower; it's like adding part-time personnel to the department.

Respectfully yours,

/s/ Alton L. Howe

Alton L. Howe
Sheriff, Oxford County

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PART "B"

SUGGESTED LEGISLATION

A. Bail

1. Personal Recognizance for misdemeanors only.
2. A mandatory jail sentence of (days) (months) (year) shall be meted in addition to any penalty assigned if found guilty of having committed a crime while on bail pending a hearing on a prior charge.

B. Counties and Sheriffs

1. Civil Service for full-time deputy sheriffs.
2. Four-year terms for sheriffs. (divided report)
3. Sheriffs should attend law enforcement schools.
4. Home rule for counties -- recommend a study committee be instituted to include eliminating maximum salaries for sheriffs.

C. Court System

1. Amend constitution to eliminate jury trials for misdemeanors for which the maximum penalty is less than \$500 or less than six months in jail.
2. Legislation setting up jury trials at the District Court level.
3. Six-man juries for misdemeanors.
4. Vest original and exclusive jurisdiction for misdemeanors in District Court, leaving Superior Court functions to felonies and civil matters.

- C. Court System (Continued)
 - 5. Handling of minor traffic offenses administratively by Secretary of State or by a traffic court.
- D. Fines and Penalties
 - 1. A law mandating restitution. (Title 34, section 1631 (1) (a) line 4 -- change "may" to "shall".)
 - 2. Mandatory sentence for all those convicted of trafficking in hard or soft drugs except those instances involving less than one ounce of marijuana.
- E. General
 - 1. Licensing auctioneers, antique dealers, used furniture dealers and providing for a strong records-keeping system.
- F. Juveniles
 - 1. Lowering of juvenile age to 16.
- G. State Police
 - 1. Setting up and equipping a State Forensic Laboratory.
 - 2. A study be made of the various responsibilities and duties of the State Police. Study to determine whether State Police can be relieved of some of their duties by transferring the work to other departments. If this does not release sufficient numbers, then the department should be authorized to hire more police officers.

REPORT TO THE CHIEF JUSTICE

SENATE

CYRIL M. JOLY, JR., KENNEBEC, CHAIRMAN
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STATE OF MAINE

ONE HUNDRED AND SIXTH LEGISLATURE

LEGAL AFFAIRS COMMITTEE

November 5, 1974

The Honorable Armand A. Dufresne, Jr.
Chief Justice
Supreme Judicial Court
Lewiston, Maine 04240

Dear Mr. Chief Justice:

As you may be aware, the Legal Affairs Committee of the State Legislature was directed earlier this year to conduct a study of rural crime in Maine.

We have now completed our studies and are submitting a two-part report to the Legislative Council. A copy of which is enclosed.

As could have been expected, the hearings gave an opportunity to many frustrated citizens who, for the first time, had an opportunity to express their concern and dissatisfaction with many elements of our court system as they saw it. For this reason, we compiled a third report which we are submitting to you and a copy to the Legislative Council.

We are passing these thoughts and suggestions on to you in this report for your information and would appreciate any comments that you might have to make which we would be more than happy to pass on to the Legislative Council.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Cyril M. Joly, Jr.' with a large, sweeping flourish at the end.

Senator Cyril M. Joly, Jr.
Chairman

CMJ/fe
Enc. (3)

The Legal Affairs Committee of the 106th Legislature was directed to study the ever-increasing problem of rural crime and recommend legislation to minimize that problem. In addition to fulfilling this duty, the committee has decided to report our findings and suggested legislation to you as Chief Justice since the court system was discussed in many cases.

The people are up in arms over:

1. Apparent leniency shown by some judges, particularly in cases involving second or subsequent offenses.
2. Multi-postponements creating:
 - A. Long delays.
 - B. Loss of witnesses -- particularly in tourist areas.
 - C. Crowded court calendars.
3. Infrequent terms of Superior Court in rural counties.
4. Delays in juvenile hearings, sometimes because of case loads which results also in juvenile becoming of adult age by hearing time.
5. The almost totally lacking decision to order restitution making the victim many times the only loser.

6. What they feel to be too much plea bargaining; which, while not including the judge, is blamed on the courts.

The committee has heard many complaints but has received too few suggestions to correct the situation. However, there were some recommendations worthy of consideration. These are relayed to you for your information and comments:

1. Police officers be sworn in at the state level.
This would erase questions of territorial limitations covering all matters including their current right of "hot pursuit".
2. Civil service for full-time police officers at all levels of government. This was a heavily-favored recommendation for several reasons, among them being: job security; continuation of trained people in office, regardless of political officeholder changes; savings to levels of government retaining trained personnel.
3. Refinements of the bail system which would limit personal recognizance to misdemeanors only, and repeal the provision that allows for appeal to the "nearest sitting Superior Court Judge" with trans-

portation provided "forthwith" by the sheriff.

Somewhere, somehow, someone is going to have to be responsible for final authority and that someone could very well be the District Court Judge.

4. Indictments from the Grand Jury should use full name, street address, and age, in order to avoid confusion with a totally unsuspecting and in-no-way involved person.

In addition to presenting problems that might be corrected by legislation, the following are some of the more pressing points presented by the various speakers:

1. Plea bargaining must take into consideration all parties involved, including the complaining officer.
2. Judges should insist on forfeiture of bail in all instances where the defendant "fails to show".
3. There should be compulsory periodic training for all District Court Judges.
4. Bail Commissioners should be more careful in determining the net worth of sureties.
5. A limit of two postponements -- except in those cases where all parties involved agree in writing to a further delay. Involved parties include judge,

defendant, prosecutor and arresting officer or his department. The great fear expressed along the coast and summer resort areas is that if enough postponements can be garnered enough time will have elapsed so as to have witnesses depart the area with resultant dismissals. Sentiment was strong for a statute on this point. We feel that this could be more easily handled administratively.

The committee would appreciate your comments and recommendations concerning these problems.