

**CHAPTER 105**

**EXAMINATION, ARRAIGNMENT AND RECOGNIZANCE**

**SUBCHAPTER 1**

**GENERAL PROVISIONS**

**§801. Examination of persons arrested**

**(REPEALED)**

SECTION HISTORY

PL 1965, c. 356, §27 (RP).

**§802. Discharge on recognizance in county of arrest**

**(REPEALED)**

SECTION HISTORY

PL 1965, c. 356, §27 (RP).

**§803. Adjournment of examination on recognizance or commitment**

**(REPEALED)**

SECTION HISTORY

PL 1965, c. 19, §5 (AMD). PL 1965, c. 356, §27 (RP).

**§804. Failure to appear**

**(REPEALED)**

SECTION HISTORY

PL 1965, c. 356, §27 (RP).

**§805. Scope of examination**

**(REPEALED)**

SECTION HISTORY

PL 1965, c. 356, §27 (RP).

**§806. Complaint adjudged frivolous or malicious; appeal**

If following an examination, it appears that no offense has been committed or that there is not probable cause to charge the accused, on motion of the defendant the judge shall render judgment whether or not the complaint is frivolous or malicious. If the judge judges the complaint to be frivolous or malicious, he shall order the complainant to pay the costs of prosecution and shall issue execution in favor of the county and against the complainant for such sum, and may receive and pay over said costs to the county treasurer for the use of the county, and if the same are not paid, the judge shall return said execution to the county commissioners, for the use of the county. The complainant has the same right of appeal as in civil cases. [PL 1965, c. 356, §28 (AMD).]

SECTION HISTORY

PL 1965, c. 356, §28 (AMD).

**§807. Prisoner not asked how to be tried; dilatory pleas verified****(REPEALED)**

## SECTION HISTORY

PL 1965, c. 356, §29 (RP).

**§808. Prisoners; bail or discharge if no indictment****(REPEALED)**

## SECTION HISTORY

PL 1987, c. 758, §12 (RP).

**§809. Standing mute****(REPEALED)**

## SECTION HISTORY

PL 1965, c. 356, §30 (RP).

**§810. Copy of indictment furnished; witnesses; assignment of counsel; compensation**

The clerk shall, without charge, furnish to any person indicted for a crime punishable by imprisonment in the State Prison a copy of the indictment. If he is indicted for a crime punishable by imprisonment for life, the clerk shall furnish a copy of the indictment, a list of the jurors returned and process to obtain witnesses, to be summoned and paid at the expense of the State; if for a crime punishable by imprisonment for a term of years, witnesses shall be summoned and paid at the expense of the State only by order of the court under such circumstances as the Supreme Judicial Court shall by rule provide. Before arraignment, competent defense counsel shall be assigned by the Superior or District Court, unless waived by the accused after being fully advised of his rights by the court, in all criminal cases charging a felony, when it appears to the court that the accused has not sufficient means to employ counsel. The Superior or District Court may in any criminal case appoint counsel when it appears to the court that the accused has not sufficient means to employ counsel. The District Court shall order reasonable compensation to be paid to counsel by the District Court for such services in the District Court. The Superior Court shall order reasonable compensation to be paid to counsel out of the state appropriation for such services in the Superior Court. [P&SL 1975, c. 147, Pt. C, §14 (AMD).]

## SECTION HISTORY

PL 1965, c. 352, §§1,2 (AMD). PL 1965, c. 356, §31 (AMD). PL 1971, c. 544, §50 (AMD). P&amp;SL 1975, c. 147, §C14 (AMD).

**§811. Waiver of indictment; petition; information; notification of rights; additional charges; arraignment in vacation****(REPEALED)**

## SECTION HISTORY

PL 1965, c. 356, §32 (RP).

**§812. Negotiated pleas**

**1. Legislative intent and findings.** The Legislature finds that there is citizen dissatisfaction with plea bargaining that has resulted in some criticism of the criminal justice process. The Legislature further finds that part of the dissatisfaction is caused because victims of crimes and law enforcement officers who respond to those crimes have no subsequent contact with the cases as they proceed through the courts for judicial disposition. Victims and law enforcement officers are many times not informed by prosecutors of plea agreements that are to be submitted to the court for approval or rejection under

existing Maine Rules of Unified Criminal Procedure. It is the intent of this section to alleviate these expressions of citizen dissatisfaction and to promote greater understanding by prosecutors of citizens' valid concerns. This is most likely to be accomplished by citizens and law enforcement officers being informed of the results of plea negotiations before they are submitted to the courts. This notification will in no way affect the authority of the court to accept, reject or modify the terms of the plea agreement.

[PL 2015, c. 431, §8 (AMD).]

**2. Notification to victims and law enforcement officers.** Whenever practicable, before submitting a negotiated plea to the court, the attorney for the State shall make a good faith effort to inform the relevant law enforcement officers of the details of the plea agreement reached in any prosecution where the defendant was originally charged with murder, a Class A, B or C crime or a violation of Title 17-A, chapter 9, 11, 12 or 13 and, with respect to victims, shall comply with Title 17-A, section 2102, subsection 1, paragraphs A and B relative to informing victims of the details of and their right to comment on a plea agreement.

[PL 2019, c. 113, Pt. C, §30 (AMD).]

#### SECTION HISTORY

PL 1981, c. 685 (NEW). PL 1995, c. 680, §1 (AMD). PL 2007, c. 475, §4 (AMD). PL 2015, c. 431, §8 (AMD). PL 2019, c. 113, Pt. C, §30 (AMD).

#### **§813. State's attorney present at certain proceedings**

**(REPEALED)**

#### SECTION HISTORY

PL 1983, c. 795, §1 (NEW). PL 1983, c. 862, §43 (RPR). PL 1987, c. 758, §13 (RP).

#### **§814. Opportunity for State to present relevant information**

**(REPEALED)**

#### SECTION HISTORY

PL 1983, c. 795, §1 (NEW). PL 1983, c. 862, §44 (AMD). PL 1987, c. 758, §14 (RP).

## SUBCHAPTER 2

### COMMITMENT OR BINDING OVER

#### **§851. Sureties to make statement of property**

**(REPEALED)**

#### SECTION HISTORY

PL 1965, c. 356, §33 (AMD). PL 1983, c. 795, §2 (AMD). PL 1983, c. 862, §45 (AMD). PL 1987, c. 758, §15 (RP).

#### **§852. Responsibility of sureties**

**(REPEALED)**

#### SECTION HISTORY

PL 1965, c. 356, §34 (AMD). PL 1987, c. 758, §16 (RP).

#### **§853. Judge to recognize material witnesses, or commit them**

**(REPEALED)**

## SECTION HISTORY

PL 1965, c. 356, §35 (RP).

**§854. Recognizance for minor**

**(REPEALED)**

## SECTION HISTORY

PL 1965, c. 356, §35 (RP).

**§855. Bail after commitment**

**(REPEALED)**

## SECTION HISTORY

PL 1965, c. 356, §36 (AMD). PL 1987, c. 758, §17 (RP).

**§856. Return of examinations and recognizances**

**(REPEALED)**

## SECTION HISTORY

PL 1965, c. 356, §37 (RP).

**SUBCHAPTER 3****DISMISSAL****§891. Dismissal on satisfaction of private injury**

**1. General rule.** When a person is charged with a Class D or Class E crime, or is the subject of a juvenile petition alleging a juvenile crime that would constitute a Class D or Class E crime if the juvenile involved were an adult, for which the party injured has a remedy by civil action, if the injured party appears before the court and in writing acknowledges satisfaction for the injury, the court, on payment of all costs, may dismiss the charge.

[PL 2007, c. 536, §1 (NEW).]

**2. Exceptions.** This section does not apply to the crime or juvenile crime of refusing to submit to arrest or detention as defined by Title 17-A, section 751-A, to any crime or juvenile crime in which the alleged victim is a family or household member as defined in Title 19-A, chapter 101 or to any juvenile who has previously been adjudicated of a juvenile crime or who has previously obtained relief under this section with respect to a juvenile petition.

[PL 2007, c. 536, §1 (NEW).]

## SECTION HISTORY

PL 1965, c. 356, §38 (AMD). PL 1979, c. 663, §102 (AMD). PL 1989, c. 862, §2 (AMD). PL 1995, c. 694, §D22 (AMD). PL 1995, c. 694, §E2 (AFF). PL 1999, c. 52, §1 (AMD). PL 2007, c. 277, §1 (AMD). PL 2007, c. 536, §1 (RPR).

**§892. Bar to civil action**

An order of dismissal entered pursuant to section 891 bars all further remedy by civil action for such an injury. [PL 2007, c. 536, §2 (RPR).]

## SECTION HISTORY

PL 1965, c. 356, §39 (AMD). RR 2007, c. 1, §7 (COR). PL 2007, c. 536, §2 (RPR).

## SUBCHAPTER 4

### REMEDIES ON DEFAULT; DISCHARGE OF BAIL

**§931. Forfeiture of bail; enforcement**

**(REPEALED)**

SECTION HISTORY

PL 1965, c. 356, §40 (RPR). PL 1987, c. 758, §18 (RP).

**§932. Bail exonerated by surrender before default upon recognizance**

**(REPEALED)**

SECTION HISTORY

PL 1965, c. 356, §41 (RP).

**§933. Court may remit penalty; sureties may surrender principal in court**

**(REPEALED)**

SECTION HISTORY

PL 1965, c. 356, §41 (RP).

**§934. Liquor cases excepted**

**(REPEALED)**

SECTION HISTORY

PL 1965, c. 356, §41 (RP).

**§935. Action on any recognizance dismissed**

**(REPEALED)**

SECTION HISTORY

PL 1965, c. 356, §41 (RP).

**§936. Unessential omissions and defects in recognizances not fatal**

**(REPEALED)**

SECTION HISTORY

PL 1965, c. 356, §41 (RP).

**§937. Personal recognizance and cash bail**

**(REPEALED)**

SECTION HISTORY

PL 1965, c. 356, §41 (RP).

**§938. Surrender before default**

**(REPEALED)**

SECTION HISTORY

PL 1965, c. 356, §41 (RP).

**§939. Court may order deposit forfeited**

**(REPEALED)**

## SECTION HISTORY

PL 1965, c. 356, §41 (RP).

**§940. Surrender after default****(REPEALED)**

## SECTION HISTORY

PL 1965, c. 356, §41 (RP).

**§941. Private claims paid out of forfeited bail**

When the penalty of a bond to prosecute an appeal is paid to the clerk of the court or county treasurer, the court may award to any person therefrom the same sum that he would have been entitled to receive from the penalty for the offense, if paid on conviction and not on forfeiture of bail. [PL 1965, c. 356, §42 (AMD).]

## SECTION HISTORY

PL 1965, c. 356, §42 (AMD).

**§942. Release on personal recognizance or bond****(REPEALED)**

## SECTION HISTORY

PL 1973, c. 760 (NEW). PL 1975, c. 143, §§1-3 (AMD). PL 1977, c. 696, §167 (AMD). PL 1979, c. 257, §2 (AMD). PL 1979, c. 663, §§103,104 (AMD). PL 1983, c. 429, §§1,2 (AMD). PL 1983, c. 795, §§3,4 (AMD). PL 1983, c. 862, §46 (AMD). PL 1987, c. 758, §19 (RP).

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