

CHAPTER 11

SECURITY TO KEEP THE PEACE

§281. Power of courts to keep the peace; security required

The Justices of the Superior Court and Judges of the District Court, in term time or in vacation, have power to cause all laws for the preservation of the public peace to be kept; and in the execution thereof may require persons to give security to keep the peace and be of good behavior, as provided.

§282. Complaint that offense threatened

A judge described in section 281, on complaint that any person threatens to commit an offense against the person or property of another, shall examine, on oath, the complainant and any other witnesses produced, reduce the complaint to writing and cause the complainant to sign it. If on examination of the facts the judge thinks that there is just cause to fear the commission of an offense, the judge shall issue a warrant reciting the substance of the complaint and commanding the officer to whom it is directed to arrest forthwith the accused and bring the accused before the judge or court. [RR 2023, c. 2, Pt. D, §38 (COR).]

SECTION HISTORY

RR 2023, c. 2, Pt. D, §38 (COR).

§283. Complaint not sustained; frivolous or malicious

If the judge, on examination of the facts, is not satisfied that there is just cause to fear the commission of any offense, he shall immediately discharge the accused. If he judges the complaint to be unfounded, frivolous or malicious, he may order the complainant to pay the costs of prosecution, who shall thereupon be answerable to the judge, officer and witnesses for their fees as for his own debt.

§284. Sureties to keep peace; costs; binding over

When the accused is brought before the judge and the accused's defense is heard, the accused may be ordered to recognize, with sufficient sureties, in the sum required by the judge, to keep the peace toward all persons and especially toward the person requiring the security, for a term of less than one year, and to pay the costs of prosecution; but the accused may not be bound over to any court, unless the accused is charged with some other specific offense requiring it. [RR 2023, c. 2, Pt. D, §39 (COR).]

SECTION HISTORY

RR 2023, c. 2, Pt. D, §39 (COR).

§285. Discharge on compliance; commitment

If the accused complies with such order, the accused must be discharged. If the accused does not comply, the accused must be committed to jail for the time for which the accused was required to find sureties or until the accused complies with the order. The judge shall state in the mittimus the cause of commitment and the time and sum for which security was required and return a copy of the warrant to the next term of the Superior Court in the county, and the court shall have cognizance of the case, as if the accused had appealed to that court. [RR 2023, c. 2, Pt. D, §40 (COR).]

SECTION HISTORY

RR 2023, c. 2, Pt. D, §40 (COR).

§286. Appeals

A person aggrieved by the order of a judge requiring the person to recognize as provided in section 284 may, on giving the security required, appeal to the next term of the Superior Court in the county. The judge shall thereupon require such witnesses as the judge thinks proper to recognize to appear at the appellate court. The court may affirm or reverse the order of the judge, require the accused to recognize anew with sufficient sureties and make an order as to costs as the court determines reasonable. [RR 2023, c. 2, Pt. D, §41 (COR).]

SECTION HISTORY

RR 2023, c. 2, Pt. D, §41 (COR).

§287. Failure to prosecute appeal

If the appellant fails to prosecute the appellant's appeal, the appellant's recognizance must be in force for any breach of its conditions without an affirmation of the order and must stand as security for any costs that the appellant is ordered by the court to pay. [RR 2023, c. 2, Pt. D, §42 (COR).]

SECTION HISTORY

RR 2023, c. 2, Pt. D, §42 (COR).

§288. Recognizance after commitment

A person committed for not recognizing as aforesaid may be discharged by a Justice of the Superior Court or a bail commissioner on giving the security required.

§289. Recognizance returned to court; penalty remitted

All recognizances taken under this chapter shall be returned to the Superior Court on or before the first day of the next term, and be there filed by the clerk as of record. In any action thereon, if the forfeiture is found or confessed, the court may remit so much of the penalty, and on such terms, as it thinks proper.

§290. Sureties may surrender principals; new recognizances

A surety in a recognizance taken under this chapter may surrender the principal the same as bail in civil cases, and the surety must thereupon be discharged from liability for any subsequent breach of the recognizance. The principal may recognize anew with sufficient sureties for the residue of the term before a judge and then be discharged. [RR 2023, c. 2, Pt. D, §43 (COR).]

SECTION HISTORY

RR 2023, c. 2, Pt. D, §43 (COR).

§291. Judge on view; sureties without formal complaint

A person who in the presence of any of the judges aforesaid or of any court of record makes an affray; threatens to kill or beat another or to commit any violence against another's person or property; or contends with hot and angry words to the disturbance of the peace may be ordered, without process or other proof, to recognize to keep the peace and be of good behavior for a term not exceeding 3 months and may be otherwise dealt with as is provided in sections 281 to 290. [RR 2023, c. 2, Pt. D, §44 (COR).]

SECTION HISTORY

RR 2023, c. 2, Pt. D, §44 (COR).

§292. Persons going armed without reasonable cause

A person who goes armed with any dirk, pistol or other offensive and dangerous weapon, without just cause to fear an assault on that person or that person's family or property, may, on complaint of any person having cause to fear an injury or breach of the peace, be required to find sureties to keep the

peace for a term of less than one year and, in case of refusal, may be committed as provided in section 285. [RR 2023, c. 2, Pt. D, §45 (COR).]

SECTION HISTORY

RR 2023, c. 2, Pt. D, §45 (COR).

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