

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985

Chapters 1-384

PUBLISHED BY THE REVISOR OF STATUTES IN ACCORDANCE WITH
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SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
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1985

of this State, any political subdivision of this State, any other state or of the Federal Government.

Effective September 19, 1985.

CHAPTER 208

S.P. 393 - L.D. 1092

AN ACT to Repeal the Minimum Size for Scallops.

Be it enacted by the People of the State of Maine as follows:

12 MRSA §6721, as enacted by PL 1977, c. 661, §5, is repealed.

Effective September 19, 1985.

CHAPTER 209

H.P. 361 - L.D. 481

AN ACT to Amend Certain Aspects of Post-conviction Review.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 15 MRSA §2121, sub-§1-A is enacted to read:

1-A. Assigned justice. "Assigned justice" means the Justice or Active Retired Justice of the Supreme Judicial Court or the Justice or Active Retired Justice of the Superior Court assigned the post-conviction review proceeding when a special assignment has been made. It means any Justice or Active Retired Justice attending to the regular criminal calendar when the post-conviction review proceeding is assigned to the regular criminal calendar.

Sec. 2. 15 MRSA §2123, sub-§1-A is enacted to read:

1-A. Supreme Court Justice. A single Justice of the Supreme Judicial Court or an Active Retired Justice of the Supreme Judicial Court shall have and exercise jurisdiction, and have and exercise all of the powers, duties and authority necessary for exercising the same jurisdiction as the Superior Court relative to a post-conviction review proceeding.

Sec. 3. 15 MRSA §2124, sub-§3, ¶A, as enacted by PL 1979, c. 701, §15, is amended to read:

A. Incarceration imposed in this State, in another state or in a Federal Court pursuant to a sentence for a subsequent criminal judgment for a crime punishable by incarceration for a year or more, the length of the incarceration being greater than it would otherwise have been in the absence of the challenged criminal judgment of this State. The criminal judgment which is challenged must be for a crime punishable by incarceration for a year or more. This requirement is not satisfied by a showing only that the court imposing the present sentence was aware of the challenged criminal judgment or if it appears from the length or seriousness of the person's total criminal record that the challenged criminal judgment, taking into account its seriousness and date, could have little or no effect on the length of incarceration under the subsequent sentence;

Sec. 4. 15 MRSA §2129, sub-§2, as amended by PL 1983, c. 688, §9, is repealed and the following enacted in its place:

2. Assignment of case. The procedure for the assignment of a post-conviction review case shall be as the Chief Justice of the Supreme Judicial Court shall provide by administrative order.

Effective September 19, 1985.

CHAPTER 210

S.P. 303 - L.D. 792

AN ACT to Provide that an Unpermitted Leave
from a Court Appearance shall be
Classified as an Escape.

Be it enacted by the People of the State of Maine as follows: