

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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**Legislative Document**

**No. 1658**

H. P. 1211

House of Representatives, March 19, 1971

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Lund of Augusta.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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**AN ACT to Create a Commission to Prepare a Revision of the Criminal  
Laws.**

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

**Sec. 1. Commission; duties.** A special commission shall be constituted and appointed to supervise the preparation, in final legislative draft form, of a proposed Criminal Code for the State of Maine, such proposed code to be presented to the regular session of the 107th Maine Legislature. Such proposed Criminal Code shall include and consist of a complete revision, redraft and rearrangement of all sections of the Revised Statutes pertaining to the criminal law. Such proposed Criminal Code may, without limitation, incorporate such necessary repealers, amendments and modifications of existing laws as, in the judgment of such commission, are necessary and appropriate to accomplish such purposes. Such proposed code may include such new or modified provisions as, in the judgment of the commission, will best serve the interests of the people of the State, and the commission shall give due consideration to the criminal laws of other states, and the requirements for enforcement thereof. Such commission shall employ a chief counsel, and, subject to his recommendations, such additional counsel as may be required, to perform the necessary research and drafting of such code, the chief counsel to meet the requirements as set forth. Such commission shall hold such public hearings as may be deemed necessary to acquaint the public. It is the purpose and intent hereof to provide such commission with sufficient authority and funds to enable it to present to the Maine Legislature a fully modern, integrated and consistent criminal code.

**Sec. 2. Membership.** The membership of the commission shall consist of not less than 14 nor more than 17 persons to be appointed by the Chief Justice

of the Supreme Judicial Court as follows: Four members shall be appointed from the active or retired bench, at least one of whom shall be a member of the Supreme Judicial Court and one member shall be from the Superior Court. Four members shall be members of the bar, 2 of whom shall have been active in the trial of criminal cases. Two members shall be from the field of mental health and corrections, one of whom shall be the Warden of the Maine State Prison. At least 4 shall be qualified by reason of common sense and broad experience in everyday affairs, as representative of the public, which may include persons within the foregoing categories. Members shall serve for a term of 2 years and may be reappointed by the Chief Justice. In the event of the death or resignation of any member, the vacancy for his unexpired term shall be filled by the Chief Justice. Eight members of the commission shall constitute a quorum.

**Sec. 3. Meetings.** The said commission shall be appointed promptly upon enactment hereof, and the Chief Justice shall notify all members of the time and place of the first meeting. At that time the commission shall organize, elect a chairman, vice-chairman and secretary-treasurer, adopt rules as to the administration of the commission and its affairs. The commission shall maintain minutes of its meetings and such financial records as may be required by the State Auditor and shall report periodically its progress to the Chief Justice.

**Sec. 4. Chief counsel.** The commission shall contract a chief counsel who need not be a resident of this State, who shall have the responsibility for legal research and drafting required in connection with the preparation of the proposed Criminal Code, under the direction and supervision of the commission. No person shall be employed as chief counsel who shall not, by virtue of prior training, experience, ability and reputation, have clearly demonstrated the ability to perform the tasks to be assigned to him by the commission.

**Sec. 5. Reimbursement of expenses.** The members of the commission shall serve without compensation, but may be reimbursed for their reasonable expenses in attending meetings, procuring supplies, correspondence and other related and necessary expenditures.

**Sec. 6. Federal funds.** The commission shall be authorized on behalf of the State to accept federal funds and may seek the advice and assistance of the Law Enforcement Planning and Assistance Agency in carrying out its duties.

**Sec. 7. Appropriation.** There is appropriated from the Unappropriated Surplus of the General Fund the sum of \$20,000 for the fiscal year ending June 30, 1973 to carry out the purposes of this Act.

## STATEMENT OF FACT

The Maine Criminal Laws have never within the memory of man been subject to a comprehensive revision and many provisions of the Maine

Criminal Laws have remained substantially the same since Maine became a State. The Attorney General's Advisory Committee on revision of the Criminal Laws established by chapter 203 of the private and special laws of 1963, as amended, rejected the concept of adapting the model penal code to the needs of Maine.