

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 553

S. P. 173

In Senate, February 6, 1975

Referred to Committee on State Government. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Speers of Kennebec.

STATE OF MAINE

**IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE**

**AN ACT Relating to the Maine Law Enforcement Planning and
Assistance Agency.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Law Enforcement Planning and Assistance Agency is receiving substantial sums of money from the Federal Government for the planning and improvement of criminal justice in Maine; and

Whereas, the Maine laws relating to disbursement of Federal Funds by the Maine Law Enforcement Planning and Assistance Agency must be amended to reflect changes which have occurred in the Federal Laws; and

Whereas, these changes in the Maine laws are immediately necessary to prevent any interruption in the establishment of programs for the reform and improvement of the criminal justice system in Maine; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 5 MRSA, Pt. 9, first 4 lines, as enacted by PL 1969, c. 465, are amended to read:

PART 9

~~LAW ENFORCEMENT~~ CRIMINAL JUSTICE PLANNING AND ASSISTANCE

CHAPTER 315

~~LAW ENFORCEMENT~~ CRIMINAL JUSTICE PLANNING AND ASSISTANCE AGENCY

Sec. 2. 5 MRSA, § 3350, as last amended by PL 1973, c. 332, is further amended to read:

§ 3350. Criminal Justice Planning and Assistance Agency

There is established to carry out the purpose of this chapter a Maine ~~Law Enforcement~~ Criminal Justice Planning and Assistance Agency in the Executive Department to carry out programs of planning for more effective ~~law enforcement~~ administration of criminal justice and for assisting local and state agencies in improving ~~law enforcement~~ criminal justice in the State. The agency is to have those powers necessary to be designated as the "State Planning Agency" within the meaning of Title 1 of Public Law 90-351, the "Omnibus Crime Control and Safe Streets Act of 1968", as amended, and ~~Public Law 90-445~~, the "Juvenile Delinquency Prevention and Control Act of 1968" and the "Justice and Delinquency Act of 1974," and the "Law Enforcement Revenue Sharing Act of 1973."

Sec. 3. 5 MRSA, § 3351, as amended by PL 1973, c. 263, is further amended to read:

§ 3351. Directors

The agency shall have no less than 12 nor more than 30 members, appointed by the Governor, including, ex officio, the Attorney General, the Chief of the Maine State Police, the Director of the Bureau of Corrections of the Department of Mental Health and Corrections, the State Planning Director, ~~the Chairman of the Joint Legislative Judiciary Committee~~ and the Chief Medical Examiner.

The remaining members shall include representatives of units of local government, including elected officials, appointed executives and law enforcement officers; sheriffs; representatives of groups dealing with juvenile delinquency; representatives of the community generally.

Agency membership shall reflect, to the degree possible, a reasonable geographical and urban-rural balance.

Directors shall serve a term of 2 years ~~but of those first appointed, 1/2 shall be for a term of one year and 1/2 for a term of 2 years.~~

~~Directors shall be ineligible to succeed themselves more than once~~

Directors shall receive their actual expenses incurred in the performance of their official duties.

Sec. 4. 5 MRSA, §§ 3354 and 3355, as enacted by PL 1969, c. 465, are amended to read:

§ 3354. Grants to other agencies

The agency shall be authorized to make grants for planning and for improvement of ~~law enforcement~~ **criminal justice** consistent with the intent of Public Laws 90-351 and ~~90-445~~ **93-415**, as amended, to any agency or organization in law enforcement and criminal justice administration activities.

§ 3355. Acceptance of funds

Funds from the Federal Government or from any individual, foundation or corporation may be accepted by the ~~Law Enforcement~~ **Criminal Justice** Planning and Assistance Agency and expended for purposes consistent with this chapter.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

The intent of this Act is reflected in the emergency preamble.