

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
FIRST SPECIAL SESSION

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ONE HUNDRED AND SEVENTH LEGISLATURE

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**Legislative Document**

**No. 2227**

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S. P. 704

In Senate, February 18, 1976

Approved for introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Order S. P. 635, as amended. Passed to be engrossed without Reference to Committee and printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Collins of Knox.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SIX

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**AN ACT Delaying the Effective Date of the Maine Criminal Code in Order  
to Allow Sufficient Time for Necessary Revisions.**

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

Whereas, the Maine Criminal Code, as enacted by the 107th Legislature will become effective March 1, 1976 and several sections have been identified which are in need of amendment, correction or clarification before this code becomes operative; and

Whereas, there is presently a bill (L. D. 2217) pending before the current Special Session of the 107th Legislature which contains the aforesaid amendments, corrections and clarifications; and

Whereas, it is deemed appropriate and necessary for an orderly transition by the courts, law enforcement agencies, District Attorneys and the public generally that there be sufficient time to properly notify all those interested in the aforesaid amendments, corrections and clarifications and to have these amendments, corrections and clarifications become effective on the same date as the Criminal Code; 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.** ~~17-A~~ **MRSA § 1, sub-§ 2**, as enacted by PL 1975, c. 499, § 1, is amended to read:

2. This code shall become effective ~~March~~ **April 1, 1976**, and it shall apply only to crimes committed subsequent to its effective date. Prosecution for crimes committed prior to the effective date shall be governed by the prior law which is continued in effect for that purpose as if this code were not in force; provided ~~however~~ that in any such prosecution the court may, with the consent of the defendant, impose sentence under the provisions of the code. **In such cases, the sentencing authority of the court is determined by the application of section 4 to the prior law; provided that the provisions of section 4 relating to civil violations shall not apply to offenses committed prior to the effective date of the code.** For purposes of this section, a crime was committed subsequent to the effective date if all of the elements of the crime occurred on or after that date; a crime was not committed subsequent to the effective date if any element thereof occurred prior to that date.

**Sec. 2.** PL 1975, c. 623, § 83 is repealed and the following enacted in place thereof:

**Sec. 83.** PL 1975, c. 499, § 72 is enacted to read:

**Sec. 72. Effective date.** Sections 2 to 71 of this Act shall become effective April 1, 1976.

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

#### STATEMENT OF FACT

The purpose of this bill is to delay the operational effective date of the Maine Criminal Code from March 1, 1976 to April 1, 1976 so that L. D. 2217, which is referred to and described in the emergency preamble to this bill, may go through the regular legislative process and the courts, the law enforcement agencies, the District Attorneys and the general public of this State may be properly informed of the changes to the Criminal Code contained in L. D. 2217 in its enacted form before the code becomes operational.