

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST SPECIAL SESSION

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 2331

S. P. 776

In Senate, March 26, 1976

Approved for Introduction by a Majority of the Committee on Reference of Bills Pursuant to Joint Order S. P. 635, as amended.

HARRY N. STARBRANCH, Secretary

Presented by Senator Collins of Knox.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SIX

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

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 soon become effective 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 and as amended by PL 1975, c. 649, § 1, is further amended to read:

2. This code shall become effective ~~April~~ **May 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 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. 649, § 2, is amended to read:

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~~ **May 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 change the effective date of the Criminal Code from April 1, 1976 to May 1, 1976.