

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-527)
110TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "D" to SENATE AMENDMENT "A" to S.P. 649,
L.D. 1677, Bill, "AN ACT to Make Corrections of Errors and
Inconsistencies in the Laws of Maine."

Amend the amendment by inserting at the end before the
statement of fact the following:

'Further amend the bill by inserting at the end before the
emergency clause the following:

Sec. 1. 17-A MRSA, §11, sub-~~§~~5, as last amended by PL
as
1981, c. 317, §5 and repealed by PL 1981, c. 324, §13, is
repealed.

Sec. 2. 17-A MRSA §34, sub-~~§~~5, as enacted by PL 1981,
c. 324, §14, is amended to read:

5. If a statute defining a crime ~~in this code~~ does not
expressly prescribe a culpable mental state with respect to
some or all of the elements of the crime, a culpable mental
state is nevertheless required, pursuant to subsections 1, 2
and 3, unless:

A. The statute expressly provides that a person may be
guilty of a crime without a culpable state of mind as to
those elements; or

B. A legislative intent to impose liability without a
culpable state of mind as to those elements otherwise
appears.

HOUSE AMENDMENT "D" to SENATE AMENDMENT "A" to S.P. 649, L.D.
1677

Sec. 3. 17-A MRSA §1253, sub-§1-A, first sentence, as amended by PL 1981, c. 317, §25, is further amended to read: When a person who has been previously sentenced in another jurisdiction has not commenced or completed that sentence, the court, subject to section ~~1155~~ 1256, subsection 1, may, with consideration of the factors stated in section ~~1155~~ 1256, subsection 2, sentence the person to a term of imprisonment which shall be treated as a concurrent sentence from the date of sentencing although the person is incarcerated in an institution of the other jurisdiction.'

Sec. 3-A. Effective date. The amendments to the Revised Statutes, Title 17-A, section 11, subsection 5; section 34, subsection 5; and ~~section 1253, sub-~~ section 1-A, first sentence, contained in Part B of this Act shall take effect 90 days after adjournment of the Legislature.

HOUSE AMENDMENT "D" to SENATE AMENDMENT "A" to S.P. 649,
L.D. 1677

Statement of Fact

These amendments to the Errors and Inconsistencies' bill are presented at the request of the Criminal Law Advisory Commission. Two of the Commission's bills, both signed into law by the Governor on May 26, 1981, created the inconsistencies. One bill, chapter / 324, which reorganized several chapters of the criminal code, repealed two sections of Title 17-A, sections 11 and 1155 and reenacted them under different section numbers. The other bill, chapter / 317, being more substantive in scope, had either amended or referred to the original sections. These amendments resolve the conflicts.

Filed by Mr. Hobbins of Saco.
Reproduced and distributed under the direction of the Clerk
of the House.

6/2/81

(Filing No. H-527)