

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 578

7 S.P. 219

In Senate, February 14, 1985

8 Referred to the Committee on Judiciary. Sent down for concurrence and
9 ordered printed. Ordered sent forthwith.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Carpenter of Aroostook.

Cosponsored by Representative Kane of So. Portland.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Make Certain Housekeeping Changes
18 to the Maine Criminal Code.
19

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

22 Sec. 1. 17-A MRSA §4, sub-§2, as repealed and
23 replaced by PL 1981, c. 324, §3, is repealed.

24 Sec. 2. 17-A MRSA §4-A, sub-§4, as amended by PL
25 1981, c. 698, §91, is repealed.

26 Sec. 3. 17-A MRSA §4-B is enacted to read:

27 §4-B. Civil violations

28 1. All civil violations are expressly declared
29 not to be criminal offenses. They are enforceable by
30 the Attorney General, his representative or any other
31 appropriate public official in a civil action to re-
32 cover what may be designated a fine, penalty or other
33 sanction, or to secure the forfeiture that may be de-
34 creed by the law.

1 2. A law or ordinance may be expressly desig-
2 nated as a civil violation.

3 3. A law or ordinance which prohibits defined
4 conduct, but does not provide an imprisonment penal-
5 ty, is a civil violation, enforceable in accordance
6 with subsection 1. A law or ordinance which is
7 stated to be a criminal violation or which otherwise
8 uses language indicating that it is a crime, but does
9 not provide an imprisonment penalty is a civil viola-
10 tion, enforceable in accordance with subsection 1,
11 unless the law or ordinance is an exception to the
12 operation of this subsection.

13 4. Evidence obtained pursuant to an unlawful
14 search and seizure shall not be admissible in a civil
15 violation proceeding arising under Title 22, section
16 2383.

17 Sec. 4. 17-A MRSA §401, sub-§3, as amended by PL
18 1977, c. 510, §52, is further amended to read:

19 3. A person may be convicted both of burglary
20 and of the crime which he committed or attempted to
21 commit after entering or remaining in the structure,
22 but sentencing for both crimes shall be governed by
23 chapter 47, ~~section 1155~~ 51, section 1256.

24 Sec. 5. 17-A MRSA §1203, sub-§3, as amended by
25 PL 1977, c. 512, §40, is repealed.

26 Sec. 6. 17-A MRSA §1253, sub-§1-A, as amended by
27 PL 1983, c. 456, §2, is repealed and the following
28 enacted in its place:

29 1-A. When a person is sentenced to a concurrent
30 sentence as authorized by section 1256, subsection 7,
31 the provisions of this section shall apply and shall
32 be administered by the supervisory officer of this
33 state's institution when the person is committed to
34 the custody of the department, or by the sheriff of
35 this state's county jail when the person is committed
36 to the custody of the sheriff. If the person is re-
37 leased from imprisonment under the sentence of the
38 other jurisdiction prior to the termination of this
39 state's sentence, the remainder of this state's sen-
40 tence shall be served at the appropriate state insti-
41 tution or county jail.

1 Section 6 removes from the Maine Revised Stat-
2 utes, Title 17-A, section 1253, subsection 1-A, that
3 which more properly belongs in the Maine Revised
4 Statutes, Title 17-A, section 1256. The Maine Re-
5 vised Statutes, Title 17-A, section 1256 specifically
6 addresses multiple sentences of imprisonment. It re-
7 tains that portion of the Maine Revised Statutes, Ti-
8 tle 17-A, section 1253, subsection 1-A which is con-
9 cerned with the actual calculation of periods of im-
10 prisonment. It makes clear the following: That all
11 the provisions of the Maine Revised Statutes, Title
12 17-A, section 1253 are potentially applicable to
13 those concurrent sentences; that the responsibility
14 for making the necessary calculations relative to the
15 state sentence is vested in either the supervisory
16 officer, when the state sentence is to the depart-
17 ment, or the sheriff, when the state sentence is to a
18 county jail; and that any remaining time owed on the
19 state sentence following the person's release by the
20 other jurisdiction will be served in the State at the
21 appropriate institution or county jail.

22 Section 7 places the removed substance of the
23 Maine Revised Statutes, Title 17-A, section 1253,
24 subsection 1-A, in a new Maine Revised Statutes, Title
25 17-A, section 1256, subsection 7.

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