

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1261

S.P. 410

In Senate, April 14, 1987

Reference to the Committee on Judiciary suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate
Presented by Senator BRANNIGAN of Cumberland.
Cosponsored by Representative PARADIS of Augusta,
Representative MACBRIDE of Presque Isle, Representative COTE of
Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT Relating to a Court Granting
Continuance under the Corrections Law.

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

Sec. 1. 34-A MRSA §3042, sub-§5, as enacted by PL 1983, c. 459, §6, is repealed and the following enacted in its place:

5. Continuance. For good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

Sec. 2. 34-A MRSA §3042, sub-§6, 1A, as enacted by PL 1983, c. 459, §6, is amended to read:

1 A. The untried indictment, information or com-
2 plaint is no longer of any force ef or effect;

3 STATEMENT OF FACT

4 The Maine Revised Statutes, Title 34-A, section
5 3042, subsection 5, was intended to incorporate the
6 substance of its statutory precursor, namely, the 2nd
7 sentence of the first paragraph of Title 34, section
8 1391. It does not do so. The variance is serious
9 since, in its present form, Title 34-A, section 3042,
10 subsection 5, suggests that continuances are sought
11 by the prisoners alone when, in fact, continuances
12 are most generally sought by the State.

13 Section 2 makes a nonsubstantive word change.

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