

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST SPECIAL SESSION - 1989

Legislative Document

No. 1808

S.P. 687

In Senate, August 21, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Received by the Secretary of the Senate on August 18, 1989. Referred to the Committee on Judiciary and 1,400 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator HOBBS of York.
Cosponsored by Representative PARADIS of Augusta.

STATE OF MAINE

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

An Act Concerning Errors and Inconsistencies in the Laws of Maine.

(EMERGENCY)



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

4 Whereas, Acts of this and previous Legislatures have
6 resulted in certain technical errors and inconsistencies in the
laws of Maine; and

8 Whereas, these errors and inconsistencies create
10 uncertainties and confusion in interpreting legislative intent;
and

12 Whereas, it is vitally necessary that these uncertainties
14 and this confusion be resolved in order to prevent any injustice
or hardship to the citizens of Maine; and

16 Whereas, in the judgment of the Legislature, these facts
18 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
20 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

24 **Sec. 1. 17-A MRSA §1105, sub-§1, ¶B,** as amended by PL 1989, c.
26 305; c. 333, §1; c. 383, §1; and c. 538, §1, is repealed and the
following enacted in its place:

28 B. The person violates section 1103, 1104 or 1106, and, at
30 the time of the offense, the person has been convicted of
32 any offense under this chapter punishable by a term of
34 imprisonment of more than one year, or under any law of the
36 United States, of another state or of a foreign country
38 relating to scheduled drugs, as defined in this chapter, and
punishable by a term of imprisonment of more than one year.
For purposes of this paragraph, a person shall have been
convicted of an offense on the date the judgment of
conviction was entered by the trial court;

40 **Sec. 2. Effective date.** The section of this Act that repeals
and replaces the Maine Revised Statutes, Title 17-A, section
42 1105, subsection 1, paragraph B shall take effect September 30,
1989.

44 **Sec. 3. 17-A MRSA §1105, sub-§1, ¶C,** as enacted by PL 1989, c.
46 333, §2; c. 383, §2; and c. 538, §2, is repealed and the
following enacted in its place:

48 C. A person violates section 1103, 1104 or 1106, and, at
50 the time of the offense, the person uses, carries, possesses
or is armed with a firearm;

2 **Sec. 11.** PL 1989, c. 492, first 2 lines after the enacting clause are
repealed and the following enacted in their place:

4 **28-A MRSA §456, sub-§§1 and 3,** as enacted by PL 1987, c. 45,
6 Pt. A, §4, are amended to read:

8 **Sec. 12. Effective date.** That section of this Act which amends
Public Law 1989, chapter 492 shall take effect September 30, 1989.

10 **Sec. 13.** PL 1989, c. 497, §15 is repealed and the following
12 enacted in its place:

14 **Sec. 15. Application.** Section 12 shall be applied
16 retroactively to April 21, 1988.

18 **Sec. 14.** PL 1989, c. 501, Pt. L, §6 is repealed.

20 **Sec. 15.** PL 1989, c. 501, Pt. L, §6-A is enacted to read:

22 **Sec. 6-A. 11 MRSA §9-407, sub-§(2),** as amended by PL 1981, c.
279, §4, is further amended to read:

24 (2) Upon the written request of any person, the filing
officer shall issue ~~his~~ a certificate of information, in such
26 form as the Secretary of State may approve, showing whether there
is on file on the date and hour stated therein any presently
28 effective financing statement naming a particular debtor and any
statement of assignment thereof and if there is, giving the date
and hour of filing of each such statement and the names and
30 addresses of each secured party therein. The uniform fee for a
certificate shall be ~~\$3~~ \$10 for the first page of that
32 certificate, plus 50¢ for each additional page. Upon request the
filing officer shall furnish a copy of any filed financing
34 statement, continuation statement, termination statement,
statement of assignment or statement of release for a fee of ~~\$1~~
36 \$2 and if any such statement consists of more than 3 pages, an
additional fee of 50¢ for the 4th and each succeeding page.

40 Notwithstanding this subsection, if the filing officer is a
municipal clerk or a register of deeds, ~~his~~ issuance of the
42 certificate of information is discretionary.

44 Upon reasonable request and within the existing ability of the
office of the Secretary of State to respond, the filing officer
46 shall furnish to any municipal clerk, without charge and for
municipal purposes only, a copy of any filed financing statement,
48 continuation statement, termination statement, statement of
assignment or statement of release.

50 **Sec. 15-A. Effective date.** The section of this Act that

2 repeals and replaces Public Law 1989, chapter 501, Part L,
section 6, shall take effect retroactively to June 30, 1989.

4 **Sec. 16. PL 1989, c. 547, §4, under the caption DEFENSE AND**
6 **VETERANS' SERVICES, DEPARTMENT OF, 2nd to last sentence is**
amended to read:

8 Provides funds for the per
10 diem of ~~legislative~~ members
and the expenses of the
12 Commission on Vietnam and
Atomic Veterans.

14 **Emergency clause.** In view of the emergency cited in the
16 preamble, this Act shall take effect when approved, except as
otherwise indicated.

18 STATEMENT OF FACT

20 Section 1 resolves a conflict where 4 public laws amended
22 the same section.

24 Sections 3 and 4 resolve a conflict where 3 public laws
26 amended the same section.

28 Section 6 resolves a conflict where 2 public laws amended
the same section.

30 Section 8 makes a technical correction.

32 Section 9 eliminates changes to a section in Title 30 that a
34 different chapter incorporates in Title 30-A.

36 Section 10 corrects a technical error.

38 Section 11 corrects an error in an amending clause.

40 Section 13 corrects a technical error.

42 Sections 14 and 15 correct a technical error.

44 Section 16 amends the wording of an appropriation section
that should have been amended when the composition of the
46 Commission on Vietnam and Atomic Veterans was changed. As
originally proposed, the commission would have included
48 legislative members. As finally enacted, the commission
contains no legislative members. When legislative members were
50 amended out of the bill, the appropriation language referring to
legislative members receiving compensation was not changed
52 accordingly. This section deletes the inappropriate reference to
legislative members.