

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundredth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the One Hundredth Legislature

1961

Chapter 128

AN ACT Relating to Certificate of Secretary of State as Evidence and Suspension of Right to Operate in Motor Vehicle Cases.

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

Sec. 1. R. S., c. 22, § 5-A, additional. Chapter 22 of the Revised Statutes, as amended, is further amended by adding a new section to be numbered 5-A, to read as follows:

'Sec. 5-A. Certificate as evidence. The certificate of the Secretary of State or his deputy, under seal of the State, shall be received in any court in this State as prima facie evidence of the issuance, suspension or revocation of any operator's license or any certificate of registration of any motor vehicle.'

Sec. 2. R. S., c. 22, § 6, amended. The first sentence of section 6 of chapter 22 of the Revised Statutes, as amended by section 1 of chapter 10 of the public laws of 1955, is further amended to read as follows:

'The Secretary of State or the deputy secretary of state may suspend or revoke any certificate of registration or any license issued to any person to operate a motor vehicle or right to operate a motor vehicle after hearing for any cause which he deems sufficient.'

Effective September 16, 1961

Chapter 129

AN ACT Relating to Penalty for Failure of Owners of Motor Vehicles to Have Vehicles Inspected.

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

R. S., c. 22, § 45-A, additional. Chapter 22 of the Revised Statutes is amended by adding a new section to be numbered 45-A, to read as follows:

'Sec. 45-A. Penalty. Any person who violates the first paragraph of section 45 shall be summoned before a proper tribunal not less than 7 days after the date of the alleged violation. Any such person so summoned may remit to the court before which he is ordered to appear, the sum of \$2 for such violation. In the event such person does not remit said \$2 to the proper court before the date such person is ordered to appear, he shall appear at said court as directed and shall be punished according to section 164.'

Effective September 16, 1961

Chapter 130

AN ACT Relating to Rabbit Hunting in Lincoln County.

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

R. S., c. 37, § 106, amended. The first paragraph of section 106 of chapter 37 of the Revised Statutes, as revised, is amended to read as follows:

'There shall be a closed season on wild hares or rabbits from the first day of March to the 30th day of the following September, except in the Counties of Franklin, Oxford, Kennebec, Hancock, Washington, Knox, Somerset, Lincoln, Penobscot, Piscataquis and Aroostook, where there shall be a closed season from the first day of April to the 30th day of the following September.'

Effective September 16, 1961

Chapter 131

AN ACT Relating to Remedy of Coram Nobis.

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

R. S., c. 126-A, additional. The Revised Statutes are amended by adding a new chapter 126-A, to read as follows:

'Chapter 126-A.

Coram Nobis.

Sec. 1. Availability of coram nobis; conditions. Any person convicted of a crime and incarcerated thereunder, or released on probation, or paroled from a sentence thereof, who claims that his sentence was imposed in violation of the Constitution of the United States or the Constitution of this State, or that there were errors of fact not of record which were not known to the accused or the court and which by the use of reasonable diligence could not have been known to the accused at the time of trial and which, if known, would have prevented conviction, may institute a coram nobis proceeding to set aside the plea, conviction and sentence, provided the alleged error has not been previously or finally adjudicated or waived in the proceedings resulting in the conviction or in any other proceeding that the petitioner has taken to secure relief from his conviction.

The remedy of coram nobis provided in this chapter is not a substitute for nor does it affect any remedies which are incident to the proceedings in the trial court, or any other review of the sentence or conviction. A petition may be filed at any time after the criminal conviction is final.

Sec. 2. Jurisdiction. The Superior Court in the county where the conviction was had shall have jurisdiction of the petition and any hearing held thereunder.

Sec. 3. Commencement of proceedings, verification, filing, service. The proceeding shall be commenced by filing an original petition verified by the petitioner and 2 copies thereof with the clerk of courts in the county where the conviction took place. Facts within the personal knowledge of the petitioner and the authenticity of all documents and exhibits included in or attached to the petition must be sworn to affirmatively as true and correct. The clerk shall file the petition on the docket upon its receipt and bring it promptly to the attention of the court and to the Attorney General by sending him a copy of the petition by certified mail. Such petition, while pending, and for cause shown may be amended. Amendments when allowed shall be filed in the same manner as an original petition.