

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)

ACTS AND RESOLVES

AS PASSED BY THE

One Hundredth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with
the Revised Statutes of 1954, Chapter 10, Section 27, Subsection VI.

KENNEBEC JOURNAL

AUGUSTA, MAINE

1961

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the One Hundredth Legislature

1961

'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.

Sec. 4. Petition; contents. The petition shall identify the proceedings in which the petitioner was convicted, give the date of the entry of judgment and sentence complained of, specifically alleging valid facts that set forth grounds upon which the petition is based. The petition shall identify any previous proceedings that the petitioner has taken to secure relief from his conviction, setting forth the type of action, date, forum and the result. Argument, citations and discussion of authorities shall be omitted from the petition but may be filed as separate documents.

Sec. 5. Pleadings and procedure. Within 30 days after a copy of the petition has been received by the Attorney General from the clerk of courts, or within such further time as the court may fix, the State shall respond by answer or motion. Thereafter the court may order a hearing on the motion or issue a writ notifying the petitioner and the Attorney General of the time and place of hearing. The court may grant leave at any time prior to entry of judgment to withdraw the petition. The order making final disposition of the petition shall constitute a final judgment for the purpose of review.

Sec. 6. Waiver of claims. All grounds for relief claimed by a petitioner under this remedy must be raised by a petitioner in his original or amended petition, and any grounds not so raised are waived unless the court on hearing a subsequent petition finds grounds for relief asserted therein which could not reasonably have been raised in the original or amended petition.

Sec. 7. Review. A final judgment entered under this chapter may be reviewed by the Supreme Judicial Court sitting as a law court brought by the petitioner or the State in the same mode and scope of review as any civil action.'

Effective September 16, 1961

Chapter 132

AN ACT Prohibiting Dumping of Oil Which May Pollute Waters.

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

R. S., c. 141, § 11-A, additional. Chapter 141 of the Revised Statutes is amended by adding a new section 11-A, to read as follows:

'Sec. 11-A. Dumping of oil. Oil, and a petroleum base, or materials containing significant quantities of such oil shall not be intentionally placed or deposited directly into or on banks of any river or stream, permanent or temporary, lake, pond or tidal waters or on the ice thereof where such material may fall or otherwise find its way into said watercourse or tidal waters, or shall such material be intentionally placed or deposited directly in pits, wells or on ground surfaces in such a manner that oil will percolate, seep or otherwise find access into ground waters or into wells used for the production of water.'

Effective September 16, 1961