

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fifth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with  
the Revised Statutes of 1964, Title 3 Section 164, Subsection 6.

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THE KNOWLTON AND MCLEARY COMPANY  
FARMINGTON, MAINE  
1971

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PUBLIC LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
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~~Any inmate transferred under this section shall not be subject to confinement at hard labor as provided in section 501, but shall be entitled to treatment consistent with the purposes of the center.~~

Sec. 8. R. S., T. 34, § 1672, sub-§ 3, amended. Subsection 3 of section 1672 of Title 34 of the Revised Statutes, as amended, is further amended to read as follows:

3. **Expiration of 15-year term in life imprisonment cases.** Prior to the expiration of a 15-year term of imprisonment, less deduction for good behavior, when the prisoner has been convicted of an offense punishable only by life imprisonment ~~provided the prisoner has never been convicted of another offense punishable only by life imprisonment;~~

Effective September 23, 1971

## Chapter 398

### AN ACT Relating to Home Rule Procedure.

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

Whereas, the amendment of local municipal charters have been ceded exclusively to the several municipalities of the State of Maine by the Legislature; and

Whereas, the municipal home rule legislation which enables these changes to be made requires the charter commissions to prepare the changes for submission to the voters; and

Whereas, the following legislation is vitally necessary to extend the time in which the charter commissions shall prepare the changes in order to avoid hasty legislation and provide more time for the voters to become familiar with the proposed changes; and

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

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

R. S., T. 30, § 1913, sub-§ 5, amended. The 2nd paragraph and the first sentence of the 3rd paragraph of subsection 5 of section 1913 of Title 30 of the Revised Statutes, as enacted by chapter 563 of the public laws of 1969, are amended to read as follows:

Within 9 months after its election, the charter commission shall prepare a preliminary report including the text of the charter or charter revision which the commission intends shall be submitted to the voters and any explanatory information the commission deems desirable, shall cause such report to be

printed and circulated throughout the municipality, and shall provide sufficient copies of the preliminary report to the municipal clerk to permit its distribution to each voter requesting same.

Within ~~10~~ 12 months after its election, the charter commission shall submit to the municipal officers its final report, which shall include the full text and an explanation of the proposed new charter or charter revision, such comments as the commission deems desirable, an indication of the major differences between the current and proposed charters and a written opinion by an attorney admitted to the bar of this State that the proposed charter or charter revision is not in conflict with the Constitution or the general laws.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 4, 1971

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## Chapter 399

### AN ACT Relating to Division of Real and Personal Property by the Court under a Decree of Divorce.

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

**Sec. 1.** R. S., T. 19, § 721, amended. The first paragraph of section 721 of Title 19 of the Revised Statutes is repealed.

**Sec. 2.** R. S., T. 19, § 722-A, additional. Title 19 of the Revised Statutes is amended by adding a new section 722-A to read as follows:

#### § 722-A. Disposition of property

1. **Disposition.** In a proceeding for divorce or for legal separation, or a proceeding for disposition of property following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of the property, the court may set apart to each spouse his property and may divide the marital property in such proportions as the court deems just after considering all relevant factors including:

A. The contribution of each spouse to the acquisition of the marital property, including the contribution of a spouse as homemaker;

B. The value of the property set apart to each spouse; and

C. The economic circumstances of each spouse at the time the division of property is to become effective, including the desirability of awarding the family home or the right to live therein for reasonable periods to the spouse having custody of any children.