

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.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1971

PRIVATE and SPECIAL LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

One Hundred and Fifth Legislature

1971

An amount equal to 4% of the estimated revenue received from taxes, the sales and use taxes collected under Title 36, Part 3, and the income taxes collected under Title 36, Part 8, shall be appropriated to the Local Government Fund.

Sec. 2. Effective date. Section 1 of Section E shall become effective 91 days after adjournment of the Legislature.

Sec. 3. P. L., 1971, c. 478, § 3-A, additional. Chapter 478 of the public laws of 1971 is amended by inserting after section 3 the following section:

Sec. 3-A. Effective date. Section 3 shall become effective December 2, 1971.

SECTION F

It is hereby determined and declared to be the intent of this Legislature that any increase in the gasoline tax that may have been or may be made by this Legislature meeting in its regular session shall take effect on July 1, 1971. No interpretation of the Act raising such tax shall be made to the contrary.

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

Effective June 25, 1971

Chapter 147

AN ACT to Create a Commission to Prepare a Revision of the Criminal Laws.

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

Sec. 1. Commission; duties. A special commission shall be constituted and appointed to supervise the preparation, in final legislative draft form, of a proposed Criminal Code for the State of Maine, such proposed code to be presented to the regular session of the 107th Maine Legislature. Such proposed Criminal Code shall include and consist of a complete revision, redraft and rearrangement of all sections of the Revised Statutes pertaining to the criminal law. Such proposed Criminal Code may, without limitation, incorporate such necessary repealers, amendments and modifications of existing laws as, in the judgment of such commission, are necessary and appropriate to accomplish such purposes. Such proposed code may include such new or modified provisions as, in the judgment of the commission, will best serve the interests of the people of the State, and the commission shall give due consideration to the criminal laws of other states, and the requirements for enforcement thereof. Such commission shall employ a chief counsel, and, subject to his recommendations, such additional counsel as may be required, to perform the necessary research and drafting of such code, the chief counsel to meet the requirements as set forth. Such commission shall hold such public hearings as may be deemed necessary to acquaint the public. It is

the purpose and intent hereof to provide such commission with sufficient authority and funds to enable it to present to the Maine Legislature a fully modern, integrated and consistent criminal code.

Sec. 2. Membership. The membership of the commission shall consist of not less than 11 nor more than 14 persons. The Governor shall appoint the members of the commission as follows: Four members shall be members of the bar, 2 of whom shall have been active in the trial of criminal cases. Two members shall be from the field of mental health and corrections, one of whom shall be the Warden of the Maine State Prison. At least 4 shall be qualified by reason of common sense and broad experience in everyday affairs, as representative of the public, which may include persons within the foregoing categories. The Governor shall designate 4 consultants to the commission, who shall be active or retired members of the judiciary, at least one of whom shall be a member of the Supreme Judicial Court and one member shall be from the Superior Court. The Attorney General shall be a member of the commission ex officio. Members shall serve for a term of 2 years and may be reappointed by the Governor. In the event of the death or resignation of any member, the vacancy for his unexpired term shall be filled by the Governor. Eight members of the commission shall constitute a quorum.

Sec. 3. Meetings. The said commission shall be appointed promptly upon enactment hereof, and the Governor shall notify all members of the time and place of the first meeting. At that time the commission shall organize, elect a chairman, vice-chairman and secretary-treasurer, adopt rules as to the administration of the commission and its affairs. The commission shall maintain minutes of its meetings and such financial records as may be required by the State Auditor and shall report periodically its progress to the Governor.

Sec. 4. Chief counsel. The commission shall contract a chief counsel who need not be a resident of this State, who shall have the responsibility for legal research and drafting required in connection with the preparation of the proposed Criminal Code, under the direction and supervision of the commission. No person shall be employed as chief counsel who shall not, by virtue of prior training, experience, ability and reputation, have clearly demonstrated the ability to perform the tasks to be assigned to him by the commission.

Sec. 5. Reimbursement of expenses. The members of the commission shall serve without compensation, but may be reimbursed for their reasonable expenses in attending meetings, procuring supplies, correspondence and other related and necessary expenditures.

Sec. 6. Federal funds. The commission shall be authorized on behalf of the State to accept federal funds and may seek the advice and assistance of the Law Enforcement Planning and Assistance Agency in carrying out its duties.

Sec. 7. Appropriation. There is appropriated from the Unappropriated Surplus of the General Fund the sum of \$10,000 for the fiscal year ending June 30, 1973 to carry out the purposes of this Act.