

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

One Hundred and Seventh Legislature

AT THE

1ST SPECIAL SESSION

JANUARY 19, 1976 TO APRIL 29, 1976

AND

2ND SPECIAL SESSION

JUNE 14, 1976

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

PORTLAND LITHOGRAPH COMPANY
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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature
AT THE FIRST SPECIAL SESSION
January 19, 1976 to April 29, 1976
AND THE SECOND SPECIAL SESSION
June 14, 1976

Supplementary to the Acts and Resolves of the Regular Session

[supplied from page 3097 of volume]

This chapter shall have a legislated lifetime until ~~June 30, 1977~~ November 1, 1977 and all appointed members shall serve terms expired on that date.

Sec. 2. 5 MRSA § 3323, sub-§ 6, as enacted by PL 1975, c. 623, § 5, is amended to read:

6. A preliminary draft of the formal final report on commission activities to be submitted not later than June 30, 1977.

Sec. 3. 5 MRSA § 3323, sub-§ 7 is enacted to read:

7. A formal final report on commission activities to be submitted not later than November 1, 1977.

Sec. 4. Unallocated funds to be protected for commission use. The \$30,000 appropriated by P & SL 1975, c. 78 under the caption "GENERAL GOVERNMENT, EXECUTIVE, Current Services," in the "Unallocated" category within the State Planning Office for 1975-76 and the \$30,000 placed in the same category for 1976-77 shall be protected for the use of the Commission on Maine's Future throughout its lifetime as revised above, meaning that any unexpended balances at June 30, 1976 and June 30, 1977 shall not lapse, but shall carry forward to be expended for the same purposes.

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

Effective February 20, 1976

CHAPTER 649

AN ACT Delaying the Effective Date of the Maine Criminal Code in Order to Allow Sufficient Time for Necessary Revisions.

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

Whereas, the Maine Criminal Code, as enacted by the 107th Legislature will become effective March 1, 1976 and several sections have been identified which are in need of amendment, correction or clarification before this code becomes operative; and

Whereas, there is presently a bill (L. D. 2217) pending before the current Special Session of the 107th Legislature which contains the aforesaid amendments, corrections and clarifications; and

Whereas, it is deemed appropriate and necessary for an orderly transition by the courts, law enforcement agencies, District Attorneys and the public

generally that there be sufficient time to properly notify all those interested in the aforesaid amendments, corrections and clarifications and to have these amendments, corrections and clarifications become effective on the same date as the Criminal Code; 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:

Sec. 1. 17-A MRSA § 1, sub-§ 2, as enacted by PL 1975, c. 499, § 1, is amended to read:

2. This code shall become effective ~~March~~ April 1, 1976, and it shall apply only to crimes committed subsequent to its effective date. Prosecution for crimes committed prior to the effective date shall be governed by the prior law which is continued in effect for that purpose as if this code were not in force; provided ~~however~~ that in any such prosecution the court may, with the consent of the defendant, impose sentence under the provisions of the code. In such cases, the sentencing authority of the court is determined by the application of section 4 to the prior law; provided that the provisions of section 4 relating to civil violations shall not apply to offenses committed prior to the effective date of the code. For purposes of this section, a crime was committed subsequent to the effective date if all of the elements of the crime occurred on or after that date; a crime was not committed subsequent to the effective date if any element thereof occurred prior to that date.

Sec. 2. PL 1975, c. 623, § 83 is repealed and the following enacted in place thereof:

Sec. 83. PL 1975, c. 499, § 72 is enacted to read:

Sec. 72. Effective date. Sections 2 to 71 of this Act shall become effective April 1, 1976.

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

Effective February 20, 1976

CHAPTER 650

AN ACT to Remove the Maine Criminal Justice Sentencing Institute from the Administrative Supervision of the Judicial Council.

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