

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.

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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]

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 PL 1975, c. 623, § 83 is repealed and the following enacted in place thereof: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

Whereas, the Maine Criminal Justice Sentencing Institute provides a continuing forum for the regular discussion by criminal judges, prosecutors, law enforcement and correctional personnel of the most appropriate methods of sentencing convicted offenders; and

Whereas, the Maine Criminal Code, Title 17-A, which becomes effective on March 1, 1976, contains many changes in the criminal sentencing provisions of the Maine statutes which is and will be the subject of intensive work by said institute; and

Whereas, because the public laws of 1975, chapter 408 created the office of the State Court Administrator whose duties include the development and implementation of preservice and inservice educational and training programs for judicial personnel of the Judicial Department, it is deemed appropriate that the Court Administrator does assume the administrative supervision of the Criminal Justice Sentencing Institute at the earliest possible date; 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:

4 MRSA § 454, 1st sentence, as enacted by PL 1975, c. 610, § 1, is amended to read:

There is established a Maine Criminal Justice Sentencing Institute under the administrative supervision of the ~~Judicial Council~~ **State Court Administrator** to provide a continuing forum for the regular discussion by criminal judges, prosecutors, law enforcement and correctional personnel of the most appropriate methods of sentencing convicted offenders.

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

Effective February 27, 1976

CHAPTER 651

AN ACT Relating to Fiscal Year Transitions for Municipalities.

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

Whereas, the 107th Legislature enacted legislation requiring municipalities to adopt school budgets for fiscal years beginning on July 1st and ending June 30th; and