

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
PORTLAND, MAINE
1977

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]

CHAPTER 699

AN ACT Delaying the Effective Date of the Maine Criminal Code in Order to Allow Sufficient Time to Make Certain 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 soon become effective 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 and as amended by PL 1975, c. 649, § 1, is further amended to read:

2. This code shall become effective ~~April~~ **May 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 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. 649, § 2, is amended to read:

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~~ **May 1, 1976.**

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

Effective March 30, 1976

CHAPTER 700

AN ACT to Temporarily Exempt Property Owners on Islands in Casco Bay from Certain Waste Discharge Compliance Requirements.

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

Whereas, the mandatory waste discharge license requirements embodied in Title 38, Section 141-A, pose a severe hardship for Casco Bay Island residents; and

Whereas, compliance with waste discharge license requirements will necessitate the purchase and installation of costly private sewage treatment facilities for those residents; and

Whereas, the installation costs of private treatment facilities on islands are especially expensive because of the extra transportation costs associated with water transport of such facilities; and

Whereas, the average household income of Casco Bay Island residents is below the state average for Maine households; and

Whereas, these statutory waste discharge license requirements must be complied with by October 1, 1976; and

Whereas, a feasibility study and plan for the development of municipal sewerage treatment facilities in Casco Bay will be completed within 2 years; and

Whereas, the eventual construction of these facilities may eliminate the future need for installing private sewerage treatment facilities; and

Whereas, a temporary exemption from the applicable provisions of this statute for all island residents for a period of approximately 2 years is necessary to afford islanders of limited income additional time to finance the purchase and installation of private sewerage facilities; and

Whereas, a permanent exemption from the applicable provisions of this statute for island residents to be served by planned municipal sewerage facilities is also necessary; 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,