

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985
Chapters 384-End

AND AT THE

FIRST SPECIAL SESSION

November 13, 1985

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine
1985

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND TWELFTH LEGISLATURE

1985

offense and had, on that occasion, permitted him the defendant sexual contact or voluntarily engaged in sexual contact with the defendant. It is an affirmative defense to a prosecution under subsection 1, paragraph A, that the defendant and the victim were living together as man and wife at the time of the crime.

Effective September 19, 1985.

CHAPTER 415

S.P. 423 - L.D. 1171

AN ACT to Permit Voluntary Hospitalization of Adults under Guardianship.

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

Sec. 1. 34-B MRSA §3831, first ¶, as enacted by PL 1983, c. 459, §7, is repealed and the following enacted in its place:

A hospital for the mentally ill may admit on an informal voluntary basis for care and treatment of a mental illness any person desiring admission or the adult ward of a legally appointed guardian, subject to the following conditions.

Sec. 2. 34-B MRSA §3831, sub-§5 is enacted to read:

5. Adults under guardianship. An adult ward may be admitted on an informal voluntary basis only if his legally appointed guardian consents to the admission and the ward makes no objection to the admission.

Effective September 19, 1985.

CHAPTER 416

S.P. 497 - L.D. 1335

AN ACT to Amend Certain Aspects of Criminal Homicide in the Maine Criminal Code.

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

Whereas, the present definition in the Maine Revised Statutes, Title 17-A, section 201, subsection 1-A has been found not to reflect closely enough present Maine case law upon which its enactment in 1983 was based; and

Whereas, that finding has caused and will continue to cause a serious impediment to the use of the depraved indifference murder alternative by the State; and

Whereas, the Maine Criminal Code does not expressly declare criminally negligent manslaughter to be charged when the greater offense of depraved indifference murder is charged; and

Whereas, this has caused and will continue to cause unnecessary confusion; 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:

17-A MRSA §201, sub-§1-A, as enacted by PL 1983, c. 450, §2, is repealed and the following enacted in its place:

1-A. For purposes of subsection 1, paragraph B, when the crime of depraved indifference murder is charged, the crime of criminally negligent manslaughter shall be deemed to be charged.

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

Effective June 25, 1985.
