

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 30

S. P. 23

Office of the Clerk of the House

Filed January 4, 1977, under Joint Rule No. 6 by Senator Collins of Knox.
To be delivered to the Senate of the 108th Legislature.

EDWIN H. PERT, Clerk

Presented by Senator Collins of Knox.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Correct Errors and Inconsistencies in Laws of Maine.

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

Whereas, Acts of this and previous Legislatures have resulted in certain technical errors and inconsistencies in the laws of Maine; and

Whereas, these errors and inconsistencies have created uncertainties and confusion in interpreting legislative intent; and

Whereas, it is vitally necessary to resolve such uncertainties and confusion to prevent any injustice or hardship on the people of Maine; 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Sec. 1. 3 MRSA § 402, sub-§ 4, last sentence, as enacted by PL 1975, c. 593, § 3, is repealed and the following enacted in its place:

“Investigating committee” shall include the Legislative Council when it exercises the authority granted under section 162, subsection 4, but shall not include the Commission on Governmental Ethics and Election Practices when it exercises the authority granted under Title 1, chapter 25.

Sec. 2. 4 MRSA § 567, as amended by PL 1975, c. 383, § 10, and by c. 408, § 26 is repealed and the following enacted in its place:

of State to be administered in accordance with the terms and provisions of such trust and which shall be invested by him in the same manner as provided for investments in securities enumerated in ~~Title 9, sections 621 to 631~~ **Title 9-B, sections 551 to 555**. Such town or corporation thereupon shall be relieved of any further duties or liabilities for such funds, provided such town, acting under an appropriate article in the warrant at any annual town meeting, shall vote to cause such funds to be entrusted to the Treasurer of State.

Sec. 107. **13 MRSA § 4001, sub-§ 5**, as enacted by PL 1973, c. 286, is amended to read:

5. Institution. "Institution" means an incorporated or unincorporated organization organized and operated exclusively for educational purposes and subject to Title 20, sections ~~2201 2202 to 2204~~ **2204-A**.

Sec. 108. **14 MRSA § 6661**, as enacted by PL 1971, c. 577, is amended to read:

§ 6661. Application

Sections 6659 and 6660 shall apply only in built-up areas as defined in Title 29, section 1252, ~~subsection 3-A~~ **subsection 3, paragraph A** in such cities and towns whose population exceeds 5,000 according to the last Federal Decennial Census.

Sec. 109. **15 MRSA § 2161-A**, as last repealed by PL 1975, c. 763, § 1 and as amended by PL 1975, c. 771, § 159, is repealed.

Sec. 110. **17-A MRSA § 1, sub-§ 2**, as enacted by PL 1975, c. 499, § 1 and as amended by PL 1975, c. 649, § 1, c. 699, § 1 and c. 740, § 10, is repealed and the following enacted in its place:

2. Except as provided in section 4-A, this code shall become effective **May 1, 1976**, and it shall apply only to crimes committed subsequent to its effective date. Prosecution for crimes repealed by this code, which are 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-A, subsection 3**, to the prior law. 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, or if the evidence may reasonably be interpreted to establish that any element may have occurred prior to that date.

Sec. 111. **18 MRSA § 3628, 4th sentence**, as amended by PL 1971, c. 544, § 57, is further amended to read:

Any placement, if in a boarding care facility, children's home, child placing agency or day care facility which is licensed pursuant to Title 22, section 7801, or if in a facility described in Title 22, ~~sections 5~~ **section 1811 3797** or

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

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

STATEMENT OF FACT

Sec. 1. To correct internal references.

Sec. 2. Two inconsistent laws.

Sec. 3. To insert a "Part 14" that was omitted by error when chapter 34I was enacted.

Sec. 4 and 5. Two laws with same number passed in 1975, repealed one enacted by PL 1975, c. 770 and enacted it as a new section 17 of Title 5.

Sec. 6. To correct internal references.

Sec. 7. To correct internal references.

Sec. 8. Executive Council repealed by PL 1975, c. 771.

Sec. 9. Executive Council repealed by PL 1975, c. 771.

Sec. 10. To insert an effective date.

Sec. 11. To correct 3 inconsistent laws.

Sec. 12. Executive Council repealed by PL 1975, c. 771 and to clarify the word "commissioner".

Sec. 13. To correct internal references.

Sec. 14. To correct 2 inconsistent laws.

Sec. 15. To correct 2 inconsistent laws.

Sec. 16. To take care of repealed internal references.

Sec. 17. To correct an internal reference.

Sec. 18. To correct 2 inconsistent laws.

Sec. 19. To correct an internal reference.

Sec. 20. Executive Council repealed by PL 1975, c. 771.

Sec. 21. State Planning Council repealed by PL 1975, c. 755.

Sec. 22. State Planning Council repealed by PL 1975, c. 755.

Sec. 23. State Planning Council repealed by PL 1975, c. 755.

Sec. 24. To insert an effective date.

Sec. 25. To correct an internal reference.

Sec. 26. To correct an internal reference.

Sec. 27. To correct an internal reference.

Sec. 28. To correct an internal reference.

Sec. 29. To correct an internal reference.

- Sec. 100. To correct internal reference and change "county attorney" to "district attorney."
- Sec. 101. To reenact material omitted when section repealed and replaced by PL 1973, c. 513, § 5.
- Sec. 102. To correct internal references and internal name change.
- Sec. 103. To correct internal references.
- Sec. 104. To clarify the word "commissioner."
- Sec. 105. Two inconsistent laws.
- Sec. 106. To correct internal references.
- Sec. 107. To correct internal references.
- Sec. 108. To correct internal reference.
- Sec. 109. Two inconsistent laws.
- Sec. 110. Two inconsistent laws.
- Sec. 111. To correct internal reference and clarify "placement."
- Sec. 112. To correct internal references.
- Sec. 113. To clarify the word "commissioner."
- Sec. 114. Executive Council repealed by PL 1975, c. 771.
- Sec. 115. Executive Council repealed by PL 1975, c. 771.
- Sec. 116. To correct internal references.
- Sec. 117. To correct internal reference.
- Sec. 118. To correct internal references.
- Sec. 119. Three inconsistent laws.
- Sec. 120. To correct internal reference.
- Sec. 121. To correct internal reference.
- Sec. 122. To correct internal references.
- Sec. 123. To correct internal reference.
- Sec. 124. Internal name change.
- Sec. 125. To correct internal reference and change "said."
- Sec. 126. Two inconsistent laws.
- Sec. 127. Two inconsistent laws.
- Sec. 128. To correct internal reference.
- Sec. 129. To correct internal reference.
- Sec. 130. To correct internal reference.
- Sec. 131. To correct internal reference.
- Sec. 132. To correct internal reference.
- Sec. 133. To correct internal reference.
- Sec. 134. Two inconsistent laws.
- Sec. 135. Two inconsistent laws.