

MAINE STATE LEGISLATURE

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(EMERGENCY)
SECOND REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1964

S. P. 770

In Senate, February 26, 1980

Reported by Senator Trafton of Androscoggin from the Committee on Judiciary and printed under Joint Rules No. 2.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

AN ACT to Make Corrections of Errors and Inconsistencies in the 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 create uncertainties and confusion in interpreting legislative intent; and

Whereas, it is vitally necessary that these uncertainties and confusion be resolved in order to prevent any injustice or hardship on the citizens 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. 1 MRSA § 353, first sentence, as last amended by PL 1979, c. 534, § 1 and PL 1979, c. 541, Pt. A, § 2, is repealed and the following enacted in its place:

The Attorney General shall prepare a brief explanatory statement which shall fairly describe the intent and content of each constitutional resolution or

sight-seeing, operation of snow-traveling vehicles, skiing, hang-gliding, boating, sailing, canoeing, ~~rafting~~ **rafting** or swimming or activities that involve harvesting or gathering forest products.

Sec. 76. 14 MRSA § 251, sub-§ 3, first sentence is amended to read:

Upon demand, the right to a speedy and public trial by an impartial jury of the county wherein the contempt ~~shall have been~~ **was allegedly** committed.

Sec. 77. 14 MRSA § 551, first sentence is amended to read:

Clerks of judicial courts, judges and registers of the probate courts, ~~Judges~~ **judges** and clerks of the District Court shall not sell or deliver any blank writs or precepts bearing the seal of said courts and the signature of said judges and registers to any person, except one who has been admitted as an attorney ~~and counselor at law and solicitor and counselor in chancery~~ in accordance with the laws of this State.

Sec. 78. 14 MRSA § 653, last sentence is repealed and the following enacted in its place:

Whoever violates this section commits a civil violation for which a forfeiture not to exceed \$100 may be adjudged.

Sec. 79. 14 MRSA § 1217, last sentence, as enacted by PL 1971, c. 391, § 1, is amended to read:

~~If he fails~~ **Notwithstanding Title 17-A, section 4-A, any person failing** to show good cause for noncompliance with the summons ~~he is guilty of criminal contempt and may, upon conviction may for violation of this section,~~ be punished by a fine of not more than \$100 and by imprisonment for not more than 3 days, or by both.

Sec. 80. 14 MRSA § 1218, 2nd ¶, as amended by PL 1979, c. 541, Pt. A, § 139, is further amended to read:

Any employer who violates this section is guilty of ~~criminal contempt and upon conviction may be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months, or by both~~ **a Class E crime.**

Sec. 81. 14 MRSA § 5544, last sentence, as enacted by PL 1971, c. 291, is amended to read:

Any person who violates this section ~~shall be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months, or by both~~ **is guilty of a Class E crime.**

Sec. 82. 14 MRSA § 8104, sub-§ 5, as enacted by PL 1979, c. 68, § 1, is amended to read:

5. Wrongful death action. Actions for the death of a person brought by the personal representatives of the deceased person shall be brought in the same manner that is provided for similar actions in ~~Title 18, sections 2551 to 2553~~ **Title**

18-A, section 2-804, and amounts recovered shall be disposed of as required in ~~Title 18, section 2552 that section~~; provided that the limitations of section 8105 shall apply.

Sec. 82-A. Effective date. Section 82 of this Act shall become effective on January 1, 1981.

Sec. 83. 15 MRSA c. 13, first 2 lines, are repealed as follows:

~~CHAPTER 13~~

~~ACCESSORIES~~

Sec. 84. 15 MRSA § 101, last ¶, as enacted by PL 1975, c. 230, § 1, is amended to read:

Any individual responsible for or permitting the release of a respondent from the examining institution who has been committed pursuant to this section ~~shall be punished by a fine of not more than \$1,000~~ **commits a civil violation for which a forfeiture not to exceed \$1,000 may be adjudged.**

Sec. 85. 15 MRSA § 104, as last amended by PL 1977, c. 114, § 25, is repealed.

Sec. 86. 15 MRSA § 104-A is enacted to read:

§ 104-A. Release and discharge, hearing, payment of fees

1. Release and discharge. The head of the institution in which a person is placed under section 103 shall, annually, forward to the Commissioner of Mental Health and Corrections a report containing the opinion of a staff psychiatrist as to the mental condition of that person, stating specifically whether he may be released or discharged without likelihood that he will cause injury to himself or to others due to mental disease or mental defect. The report shall also contain a brief statement of the reasons for the opinion. The commissioner shall forthwith file the report in the Superior Court for the county in which the person is hospitalized. The court shall review each report and, if it is made to appear by the report that any person may be ready for release or discharge, the court shall set a date for and hold a hearing on the issue of the person's readiness for release or discharge. At the hearing, the court shall receive the testimony of at least one psychiatrist who has observed or treated that person and any other relevant testimony. If, after hearing, the court finds that the person may be released or discharged without likelihood that he will cause injury to himself or to others due to mental disease or mental defect, the court shall order, as applicable:

A. Release from the institution, subject to conditions deemed appropriate by the court which conditions:

- (1) May include, but are not limited to, out-patient treatment;
- (2) Continue until terminated by the court;
- (3) Are subject to annual review by the court; and

71. Clarifies that outdoor fire permits to guides are statewide permits.
72. Corrects a conflict between the first errors bill of last session and a substantive bill, PL 1979, c. 572.
73. Clarifies that a foreign profit corporation can act as the registered agent of a foreign nonprofit corporation.
74. Deletes redundant language.
75. Corrects a spelling error.
76. Corrects an incorrect verb tense.
77. Corrects an error in capitalization and removes redundant language.
78. Conforms the language of a monetary fine provision to the language for civil violations adopted by the Maine Criminal Code.
79. Clearly indicates that a criminal provision should be exempted from the classification system adopted by the Maine Criminal Code.
80. Conforms a criminal provision to the classification system adopted by the Maine Criminal Code.
81. Conforms a criminal provision to the classification system adopted by the Maine Criminal Code.
- 82 - 82-A. Correct a reference to a statutory provision which has been removed from Title 18 to Title 18-A.
83. Removes chapter heading from a chapter in which all sections have been repealed.
84. Conforms the language of a monetary fine provision to the language for civil violations adopted by the Maine Criminal Code.
- 85 - 86. Statutory section rewritten to make all subsections complete sentences.
- 87 - 88. Replace references to "felony" with language adopted by the Maine Criminal Code.
89. Conforms a criminal provision to the classification system adopted by the Maine Criminal Code.
90. Replaces language in a statutory definition section with standard definitional language.