

MAINE STATE LEGISLATURE

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(EMERGENCY)
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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 531

S. P. 186

In Senate, February 17, 1977

Reported by Senator Collins of Knox from the Committee on Judiciary.
Printed under Joint Rules No. 2.

MAY M. ROSS, Secretary

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. 1 MRSa § 74, is enacted to read:

§ 74. Revision authorized

The following revisions to the laws of Maine are authorized:

1. References to Executive Council in public laws. Notwithstanding any other provision of law, after January 4, 1977, wherever in any public law, whether allocated to the Maine Revised Statutes or not, the words "Executive Council" and "council" used as an abbreviation for Executive Council,

and towns whose population exceeds 5,000 according to the last Federal Decennial Census.

Sec. 113. 14 MRSA § 8105, sub-§ 2, as enacted by PL 1977, c. 2, § 2, is repealed and the following enacted in its place:

2. **Costs.** Court costs, interest and all other costs which a court may assess shall be included within the damage limit specified by this section.

Sec. 114. 14 MRSA § 8106, sub-§ 1, as enacted by PL 1977, c. 2, § 2, is amended to read:

§ 8106. Jurisdiction of the court

1. **Original jurisdiction.** The Superior ~~Courts~~ Court shall have original jurisdiction over all claims permitted under this chapter and not settled in accordance with section 8109.

Sec. 115. 14 MRSA § 8109, sub-§ 1, first sentence, as enacted by PL 1977, c. 2, § 2, is amended to read:

The State shall have authority to settle claims filed against the State it pursuant to section 8104 in accordance with the following procedures.

Sec. 116. 14 MRSA § 8109, sub-§ 2, as enacted by PL 1977, c. 2, § 2, is amended to read:

2. **Procedures for political subdivisions.** Any political subdivision may settle claims filed against it pursuant to section 8104 in accordance with procedures duly promulgated by its governing body.

Sec. 117. 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. 118. 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. 119. 18 MRSA § 3628, 4th sentence, as amended by PL 1971, c. 544, § 57, is further amended to read: