

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

*m*  
R. of S.

L.D. 974

DATE: 5-15-97

(Filing No. H-487)

2  
4  
6  
8  
10  
12  
14  
16  
18  
20  
22  
24  
26  
28  
30  
32  
34  
36  
38  
40  
42  
44  
46  
48  
50

**JUDICIARY**

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
118TH LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 710, L.D. 974, Bill, "An Act to Allow the State to Appeal Certain Sentences Imposed on Defendants"

Amend the bill by striking out the title and substituting the following:

**'An Act Concerning the Review of Certain Sentences Imposed on Defendants'**

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

**'Sec. 1. 15 MRSA §2151, as enacted by PL 1989, c. 218, §5, is amended to read:**

**§2151. Application to the Supreme Judicial Court by defendant for review of certain sentences**

In cases arising in the District Court or the Superior Court in which a defendant has been convicted of a criminal offense and sentenced to a term of imprisonment of one year or more, the defendant may, ~~except in any case in which a different term of imprisonment could not have been imposed,~~ apply to the Supreme Judicial Court, sitting as the Law Court, for review of the sentence, except:

1. Different term could not be imposed. In any case in which a different term of imprisonment could not have been imposed; or

2. Plea agreements. In any case in which the particular

**COMMITTEE AMENDMENT**

COMMITTEE AMENDMENT "A" to H.P. 710, L.D. 974

2 disposition involving imprisonment was imposed as a result of a  
3 court accepting a recommendation of the type specified in the  
4 Maine Rules of Criminal Procedure, Rule 11A, subsection (a)(2) or  
5 (a)(4).'

6 Further amend the bill by inserting at the end before the  
7 summary the following:

10 **FISCAL NOTE**

12 The Judicial Department may realize some minor  
13 administrative savings from reductions of workload,  
14 administrative costs and indigent defense costs as a result of  
15 the reduction in the number of reviews that may be filed in the  
16 court system.'

18 **SUMMARY**

20 This amendment replaces the bill. It bars sentence review  
22 in any case in which the disposition reflects the acceptance of a  
23 plea agreement between the parties of the type specified in Rule  
24 11A of the Maine Rules of Criminal Procedure, subsection (a)(2)  
25 or (a)(4). Subsection (a)(2) refers to plea agreements in which  
26 the attorney for the State will not oppose the defendant's  
27 requested disposition. Subsection (a)(4) refers to plea  
28 agreements in which both sides will recommend a particular  
disposition. The amendment also adds a fiscal note to the bill.