

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 1116

S. P. 353

In Senate, February 11, 1965

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

EDWIN H. PERT, Secretary

Presented by Senator Harding of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

AN ACT Providing for Appeal of Sentence in Criminal Cases.

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

Sec. 1. R. S., T. 4, § 57, amended. The first sentence of section 57 of Title 4 of the Revised Statutes is amended to read as follows:

‘The following cases only come before the court as a court of law: Cases on appeal from the Superior Court or a single Justice of the Supreme Judicial Court; criminal cases in which there are motions for new trials upon evidence reported by the justice; questions of law arising on reports of cases, including, in civil cases, interlocutory orders or rulings of such importance as to require, in the opinion of the justice, review by the law court before any further proceedings in the action; bills of exceptions in criminal cases; **appeals in criminal cases on the ground that the sentence is excessive**; agreed statement of facts; cases, civil or criminal, presenting a question of law; all questions arising in cases in which equitable relief is sought; motions to dissolve injunctions issued after notice and hearing or continued after a hearing; questions arising on writs of habeas corpus, mandamus and certiorari.’

Sec. 2. R. S., T. 15, § 2115-A, additional. Title 15 of the Revised Statutes is amended by adding a new section, to be numbered 2115-A, to read as follows:

§ 2115-A. Appeal on ground sentence is excessive

Upon conviction of a felony, and after sentence thereon, the respondent may appeal from the sentence to the next term of the law court, on the ground that the sentence is excessive. The court shall have the power to reduce the extent or duration of the punishment imposed, if, in its opinion, the conviction is proper, but the punishment imposed is greater than under the circumstances

of the case ought to be inflicted. In such a case, the court shall impose any legal sentence, not more severe than that originally imposed, which in its opinion is proper.'