

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1165

S. P. 473

In Senate, March 1, 1967

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

JERROLD B. SPEERS, Secretary

Presented by Senator Lund of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Relating to Appeals by State on Questions of Law in Criminal Cases.

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

Sec. 1. R. S., T. 15, § 2115-A, additional. Title 15 of the Revised Statutes is amended by adding a new section 2115-A, to read as follows:

§ 2115-A. Appeals by State on questions of law

1. Appeals. In criminal cases, with the permission of the Attorney General, an appeal may be taken by the State from the Superior Court to the law court, from:

- A. An order dismissing a complaint, indictment or information or any count thereof;
- B. An order granting a new trial;
- C. An order granting a judgment of acquittal;
- D. An order arresting judgment;
- E. A ruling on a question of law adverse to the State, where the defendant was convicted and appeals from the judgment;
- F. The sentence, on the ground that it is illegal; or
- G. Such interlocutory rulings and orders as the Supreme Judicial Court may by rule provide.

2. By rule. An appeal by the State, taken pursuant to this section, shall be taken in the manner and upon such conditions as the Supreme Judicial Court may by rule provide.

3. Counsel fees and costs. The law court shall allow reasonable counsel fees and costs for the defense of appeals under this section.

Sec. 2. Effective date. This Act shall not apply to any crimes alleged to have been committed before the effective date of this Act.

Sec. 3. Appropriation. There is appropriated from the General Fund the sum of \$5,000 for the fiscal year ending June 30, 1968 and the sum of \$5,000 for the fiscal year ending June 30, 1969 to the Supreme Judicial Court, to be expended in carrying out the objectives of this Act. The breakdown shall be as follows:

SUPREME JUDICIAL COURT

	1967-68	1968-69
All Other	\$ 5,000	\$ 5,000