

MAINE STATE LEGISLATURE

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(New Title)
(NEW DRAFT OF H. P. 1268; L. D. 1774)
SECOND SPECIAL SESSION

ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1876

H. P. 1331

House of Representatives, January 18, 1968

Reported by Mr. HEWES from the Committee on Judiciary. Printed under Joint Rules No. 18.

BERTHA W. JOHNSON, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-EIGHT

AN ACT Relating to Appeals 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 on questions of law

1. Appeals prior to trial. An appeal may be taken in criminal cases on questions of law by the defendant, or by the State with the written approval of the Attorney General, from the District Court and from the Superior Court to the law court from a decision, order or judgment of the court suppressing evidence or denying the suppression of evidence prior to trial, allowing or denying a motion to dismiss or quash an indictment, complaint or information, quashing or denying a motion to quash an arrest or search warrant or suppressing or refusing to suppress a confession or admission. Such appeal shall be taken within 10 days after such order, decision or judgment has been entered, and in any case before the defendant has been placed in jeopardy under established rules of law.

2. Appeals after trial. An appeal may be taken by the State in criminal cases, with the written approval of the Attorney General, from the District Court and from the Superior Court to the law court from a decision, order or judgment of the court convicting the defendant where a question of law has been decided adversely to the State and the defendant appeals from the judgment.

3. Manner. An appeal by the defendant or 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.

4. Fees and costs. The Supreme Judicial Court shall allow reasonable counsel fees, which in any case shall not be less than minimum bar fees prevailing for similar services in the county in which the criminal case was heard, and costs for the defense of appeals under this section.

Sec. 2. Appropriation. There is appropriated from the General Fund the sum of \$2,000 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:

	1967-68	1968-69
SUPREME JUDICIAL COURT		
All Other	\$2,000	\$5,000

Sec. 3. Effective date. This Act shall apply to any case pending upon the effective date of this Act.