

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1152

H. P. 961

House of Representatives, March 6, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Soule of Westport.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT Concerning Appellate Review of Certain Criminal Sentences.

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

15 MRSA § 2145 is enacted to read:

§ 2145. Change in sentence

The appellate division of the Supreme Judicial Court, reviewing under Maine Rules of Criminal Procedure, Rule 40, any sentence imposed in a criminal case, may not change the sentence without giving the appellant and the attorney for the State an opportunity to be heard. Notwithstanding Title 4, section 9, this section may not be changed by any rule prescribed by the Supreme Judicial Court.

STATEMENT OF FACT

The purpose of this bill is to require that before the appellate division of the Supreme Judicial Court changes any criminal sentence it must give the appellant and the state's attorney an opportunity to be heard.