

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 678

6
7 S.P. 236

In Senate, February 10, 1983

8 Referred to the Committee on Judiciary, sent down for concurrence and
9 ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Trafton of Androscoggin.

Cosponsor: Representative Drinkwater of Belfast.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT Concerning Appeals by the State
18 in Criminal Cases.
19

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

22 15 MRSA §2115-A, sub-§4, as repealed and replaced
23 by PL 1979, c. 343, §2, is amended to read:

24 4. Time. An appeal taken pursuant to ~~subsections~~
25 subsection 1 or 2 shall be taken within 20 days after
26 the entry of the order or such further time as may be
27 granted by the court pursuant to a rule of court, and
28 an appeal taken pursuant to subsection 1 shall also
29 be taken before the defendant has been placed in
30 jeopardy. An appeal taken pursuant to this subsection
31 shall be diligently prosecuted.

1 STATEMENT OF FACT

2 This bill remedies a problem prosecutors have at
3 times in losing there ability to appeal an order or
4 judgment in a criminal case. There are times when
5 because of excusable neglect, a prosecutor is not
6 notified of a court ruling in a case prior to the
7 expiration of the 20-day appeal period. The Rules of
8 Criminal Procedure established by the Law Court
9 recognize that there may be instances of excusable
10 neglect which prevent a defendant from filing an
11 appeal within the usual time limit. Because Title
12 15, section 2115-A limits the prosecution to a defi-
13 nite time period for appeal, the court rules permit-
14 ting extensions cannot be applied to the prosecution.
15 This bill seeks to amend the statute so that the
16 court may provide by rule for greater time for the
17 filing of an appeal by the prosecution in proper
18 cases.

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