



115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1295

H.P. 898

House of Representatives, March 27, 1991

Submitted by the Department of the Attorney General pursuant to Joint Rule 24. Reference to the Committee on Judiciary suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative ANTHONY of South Portland. Cosponsored by Senator CONLEY of Cumberland.

STATE OF MAINE

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

An Act to Clarify the Time for Taking an Appeal by the State from the Juvenile Court to the Superior Court.

Printed on recycled paper

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

15 MRSA §3402, sub-§5, as repealed and replaced by PL 1979, c. 512, §9, is amended to read:

5. Time for appeals. An appeal from the juvenile court to the Superior Court shall <u>must</u> be taken within 5 days of the entry of an order of disposition or other appealed order <u>or such further time as the Supreme Judicial Court may provide pursuant</u>
 to a rule of court.

STATEMENT OF FACT

16 This bill clarifies that the Legislature authorizes the Supreme Judicial Court to extend by rule the present statutory
18 5-day time period in which an appeal by the State from juvenile court to Superior Court must be taken. Presently, Maine Rules of
20 Criminal Procedure, Rule 36(B)(c) provides up to 15 additional days "upon a showing of excusable neglect" notwithstanding the
22 absence of language in the statutory provision that would reflect a legislative intent to allow for such an enlargement.

24

2

4

12

14