

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

---

Legislative Document

No. 791

S.P. 226

In Senate, February 13, 2001

**An Act to Allow a District Attorney to Appeal Court Rulings Without  
Attorney General Approval.**

---

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator DAVIS of Piscataquis.  
Cosponsored by Representative WATERHOUSE of Bridgton and  
Senators: FERGUSON of Oxford, McALEVEY of York, Representatives: GOODWIN of  
Pembroke, LESSARD of Topsham, SHERMAN of Hodgdon, SNOWE-MELLO of Poland,  
TREADWELL of Carmel, WHEELER of Eliot.

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

4 **Sec. 1. 15 MRSA §2115-A, sub-§5**, as amended by PL 1995, c. 47,  
§3, is repealed and the following enacted in its place:

6 **5. Approval of Attorney General or district attorney.** In  
8 any appeal taken pursuant to subsection 1, 2, 2-A or 2-B, written  
approval is required as follows.

10 A. The approval of the Attorney General or the district  
12 attorney for the prosecutorial district in which an  
assistant district attorney practices is required for an  
appeal filed by that assistant district attorney.

14 B. The approval of the Attorney General is required for all  
16 other appeals filed by the State.

18 If the attorney for the State filing the notice of appeal states  
20 in the notice that the Attorney General or the district attorney  
for the district in which the appeal is taken has orally stated  
22 that the approval will be granted, the written approval may be  
filed at a later date.

24 **SUMMARY**

26  
28 Current law allows an assistant district attorney to appeal  
30 an adverse decision only with the written approval of the  
32 Attorney General. This bill allows both the Attorney General and  
the district attorney for the district in which the appeal is  
taken to approve the appeal of cases prosecuted by an assistant  
district attorney.