

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 985

H.P. 695

House of Representatives, February 24, 2005

### **An Act To Amend Appellate Review Jurisdiction of the Superior Court**

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Reported by Representative PELLETIER-SIMPSON of Auburn for the Criminal Law Advisory Commission pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2.

Reference to the Committee on Judiciary suggested and ordered printed under Joint Rule 218.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

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

**Sec. 1. 15 MRSA §1, sub-§2**, as enacted by PL 1999, c. 731, Pt. ZZZ, §9 and affected by §42, is amended to read:

**2. Appellate and review jurisdiction.** The Superior Court has jurisdiction to hear appeals and petitions ~~of~~ from only the District Court. Its jurisdiction is limited to the following:

A. Petitions pursuant to section 1028;

B. Petitions pursuant to section 1029;

C. Appeals pursuant to section 1097;

D. Appeals pursuant to section 3402;

E. Appeals pursuant to section 2111 and Maine Rules of Criminal Procedure, Rule 35(f); and

F. Appeals pursuant to Title 17-A, section 1207, subsection 1 and Maine Rules of Criminal Procedure, Rule ~~37F~~ 36;

G. Appeals pursuant to Title 17-A, section 1233 and Maine Rules of Criminal Procedure, Rule 36;

H. Appeals pursuant to Title 17-A, section 1349-F and Maine Rules of Criminal Procedure, Rule 36; and

I. Appeals pursuant to section 2111 and Maine Rules of Criminal Procedure, Rule 44A(c).

**SUMMARY**

This bill adds the following 3 appeals to the list of appeals to the Superior Court by an aggrieved defendant: an appeal from a revocation of supervised release ruling in a revocation of supervised release proceeding in the District Court pursuant to the Maine Revised Statutes, Title 17-A, section 1233 and Rule 36 of the Maine Rules of Criminal Procedure; an appeal from a revocation of administrative release ruling in a revocation of administrative release proceeding in the District Court pursuant to Title 17-A, section 1349-F and Rule 36 of the Maine Rules of Criminal Procedure; and an appeal from the denial in the District Court of a petition by a petitioner seeking to be declared indigent for purposes of assignment of counsel on appeal or from the granting of a conditional order pursuant to Title 15, section 2111 and Maine Rules of Criminal Procedure, Rule 44A(c).

2 The first of the 3 added appeals was enacted as part of the  
sentencing alternative of supervised release for sex offenders.  
4 The 2nd of the 3 added appeals was enacted as part of the  
sentencing alternative of administrative release. The 3rd of the  
6 3 added appeals was inadvertently omitted when Title 15, section  
1 was rewritten to capture each of the then-existing appeals and  
petitions.

8  
10 This bill replaces the outdated reference to abrogated Rule  
37F of the Maine Rules of Criminal Procedure with Rule 36 of the  
Maine Rules of Criminal Procedure. This bill also codifies what  
12 is currently done by implication alone, that the Superior Court's  
jurisdiction to hear appeals and petitions is limited to only the  
14 appeals and petitions from the District Court that are specified  
in Title 15, section 1, subsection 2.