

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1087

S.P. 320

In Senate, March 15, 2011

An Act To Modernize the Procedure for Appeals in Criminal Cases

Reference to the Committee on Judiciary suggested and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator TRAHAN of Lincoln.

Cosponsored by Representative SANDERSON of Chelsea and

Senators: BARTLETT of Cumberland, HASTINGS of Oxford, HILL of York, KATZ of
Kennebec, MASON of Androscoggin, RECTOR of Knox, Representatives: MacDONALD of
Boothbay, PLUMMER of Windham.

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

2 **Sec. 1. 15 MRSA §2115-A, sub-§5**, as amended by PL 1995, c. 47, §3, is further
3 amended to read:

4 **5. Approval of Attorney General or district attorneys.** In any appeal taken
5 pursuant to subsection 1, 2, 2-A or 2-B, the written approval of either the Attorney
6 General or at least 3 other district attorneys is required; ~~provided that if~~. The attorney for
7 the State must first request approval from the Attorney General. If the Attorney General
8 does not approve the appeal, the attorney for the State may proceed with the appeal if at
9 least 3 other district attorneys provide written approval. If the attorney for the State filing
10 the notice of appeal states in the notice that the Attorney General has orally stated that the
11 approval will be granted, the written approval may be filed at a later date.

12 **SUMMARY**

13 Current law provides that a prosecutor is prohibited from filing an appeal in certain
14 criminal matters without the written approval of the Attorney General. This bill allows
15 the prosecutor to proceed with the appeal even after the Attorney General does not
16 approve the appeal if at least 3 other district attorneys give their written approval.