

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Second Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
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1965

§ 2144. Duty of clerk when appeal heard in another county

When an appeal is considered or heard in a county other than that in which the judgment was rendered, or when a defendant is brought before the court for resentencing or other disposition in such a county, the clerk for such county or an assistant clerk shall act as clerk for the county in which the judgment was rendered and shall issue any process required, and shall transmit copies thereof with a statement of the proceedings to the last mentioned clerk.'

Sec. 2. Temporary provision for review of certain sentences in criminal cases.

A person who, on the effective date of this Act, is imprisoned under a sentence to State Prison imposed prior to the effective date of this Act and who is not eligible for parole may, notwithstanding the partial execution of such sentence, appeal to the appellate division of the Supreme Judicial Court for a review of such sentence and of any other sentence imposed when the sentence appealed from was imposed; provided at the time of such appeal such person shall execute a written consent to such sentence as may be imposed by said appellate division on such review. No such appeal shall be considered if taken later than 2 years after the effective date of this Act nor in any case in which a different sentence could not have been imposed. The appellate division shall have jurisdiction of any such appeal and may consider the appeal with or without a hearing, review the judgment insofar as it relates to the sentence imposed, and if in its opinion any appeal should not be considered, it may refuse to consider the same and its decision shall be final.

The justice who imposed the sentence appealed from, if still acting as such justice, and the county attorney of the county wherein the case was prosecuted shall be notified of the appeal, and may appear and make a statement regarding the case and sentence.

If the appellate division considers the appeal, Revised Statutes, Title 15, sections 2141 to 2144 shall, so far as pertinent, apply.

The Commissioner of Mental Health and Corrections shall, as soon as may be after the effective date of this Act, cause a printed notice containing a copy of this Act and the pertinent provisions of said sections 2141 to 2144 to be delivered in hand to each person entitled to appeal hereunder, and a record of such delivery shall be made.

Sec. 3. Effective date. This Act shall take effect on December 1, 1965.

Effective December 1, 1965

Chapter 420

AN ACT Creating a Second Assistant County Attorney for Penobscot County.

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

Sec. 1. R. S., T. 30, § 555, amended. Section 555 of Title 30 of the Revised Statutes is amended to read as follows:

§ 555. Penobscot County

The county attorney of the County of Penobscot may appoint ~~an assistant~~ 2 assistant county attorneys, one to be known as first assistant county attorney and the other to be known as second assistant county attorney, who shall be a ~~resident~~ residents of the county and duly admitted to the practice of law in this State, to be approved by a Justice of the Superior Court resident in said county or by the Chief Justice of the Supreme Judicial Court, and who shall hold ~~his~~ ~~office~~ their offices during the term of the county attorney by whom ~~he was~~ they were appointed, subject to removal at any time by the Chief Justice of the Supreme Judicial Court. Said ~~assistant~~ assistants shall take the oath prescribed for county attorney and assist the county attorney in the ordinary duties of his office, in the drawing of indictments, in the hearing of complaints before the grand jury and in the preparation and trial of criminal causes. ~~He~~ They shall, when directed by the county attorney, act as counsel for the State in the trial of complaints before the District Court.'

Sec. 2. R. S., T. 30, § 2, amended. The 11th paragraph of section 2 of Title 30 of the Revised Statutes is amended to read as follows:

'Penobscot County: County commissioners, \$2,500; clerk of courts, \$5,500; deputy clerk of courts, \$4,500; county attorney, \$5,500; first assistant county attorney, \$4,250; second assistant county attorney, \$4,000; county treasurer, \$3,500; sheriff, \$5,800; register of deeds, \$5,000; judge of probate, \$5,500; register of probate, \$4,500.'

Sec. 3. Appropriation. There is appropriated from the General Fund to the Department of Attorney General the sum of \$2,000 for the fiscal year ending June 30, 1966 and the sum of \$4,000 for the fiscal year ending June 30, 1967 to provide for the salary for a second assistant county attorney of Penobscot County. The breakdown shall be as follows:

| | | |
|---------------------------------|-------------|-------------|
| ATTORNEY GENERAL, DEPARTMENT OF | 1965-66 | 1966-67 |
| County Attorneys Salaries | | |
| Personal Services | (1) \$2,000 | (1) \$4,000 |

Sec. 4. Effective date. This Act shall become effective on January 1, 1966.

Effective January 1, 1966

Chapter 421

AN ACT Relating to Salaries of Commissioner of Agriculture and Deputy Secretary of State.

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

Sec. 1. R. S., T. 5, § 81, amended. Section 81 of Title 5 of the Revised Statutes is amended by inserting after the first sentence of the 2nd paragraph the following new sentence: