

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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2. Appeals after trial. An appeal may be taken by the State from the Superior Court or the District Court to the Supreme Judicial Court after trial and after a finding of guilty by a jury or the court from the granting of a motion for a new trial, from arrest of judgment, from dismissal or from other orders requiring a new trial or resulting in termination of the prosecution in favor of the accused, when an appeal of the order would be permitted by the double jeopardy provisions of the Constitution of the United States and the Constitution of Maine.

3. When defendant appeals. When the defendant appeals from a judgment of conviction, it is not necessary for the State to appeal. It may argue that error in the proceedings at trial in fact supports the judgment. The State may also establish that error harmful to it was committed in the trial resulting in the conviction from which the defendant has appealed which should be corrected in the event that the Supreme Judicial Court reverses on a claim of error by the defendant and remands the case for a new trial. If the case is so reversed and remanded, the Supreme Judicial Court shall also order correction of the error established by the State.

4. Time. An appeal taken pursuant to subsections 1 or 2 shall be taken within 20 days after the entry of the order, and an appeal taken pursuant to subsection 1 shall also be taken before the defendant has been placed in jeopardy. An appeal taken pursuant to this subsection shall be diligently prosecuted.

5. Approval of Attorney General. In any appeal taken pursuant to subsections 1 or 2, the written approval of the Attorney General shall be required; provided that if the attorney for the State filing the notice of appeal states in the notice that the Attorney General has orally stated that the approval will be granted, the written approval may be filed at a later date.

6. Liberal construction. The provisions of this section shall be liberally construed to effectuate its purpose, or purposes, of insuring that the State is able to proceed to trial with all the evidence it is legally entitled to introduce, in view of the limited ability of the State to have error reviewed after trial.

7. Rules. The Supreme Judicial Court may provide for implementation of this section by rule.

8. Fees and costs. The Supreme Judicial Court shall allow reasonable counsel fees and costs for the defense of appeals under this section.

Effective September 14, 1979

CHAPTER 344

H. P. 1209 — L. D. 1470

AN ACT Amending Admission Procedures at Pineland Center and Elizabeth Levinson Center.

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

Sec. 1. 34 MRSA § 2654, sub-§ 4, ¶ C is enacted to read:

C. If the report of the interdisciplinary team concludes that a preschool, aged 0 to 5, child is developmentally delayed and is in need of infant development center services, the department, through the interdisciplinary team, shall develop and begin to implement a prescriptive program plan for this client within 60 days of the application made under section 2653.

Sec. 2. 34 MRSA § 2657-A, sub-§ 6 is enacted to read:

6. Short-term diagnosis and treatment. When considered necessary by the interdisciplinary team and with the consent of the superintendent, individuals may be admitted to the Elizabeth Levinson Center short-term evaluation program for a period of 40 program days, excluding weekends, without certification.

Sec. 3. 34 MRSA § 2659-A, sub-§ 3, as enacted by PL 1977, c. 635, § 7, is amended by inserting at the end the following new sentences:

The certification hearing shall be confidential. No report of the proceedings shall be released to the public or press, except by permission of the client or his counsel and with the approval of the court. The court may order a public hearing at the request of the client or his counsel.

Effective September 14, 1979

CHAPTER 345

H. P. 1240 — L. D. 1502

AN ACT to Amend the Statutes Concerning the Practice of Medicine.

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

Sec. 1. 32 MRSA § 3269, sub-§ 10, first sentence, as enacted by PL 1975, c. 504, is amended to read:

The power to **mandate**, conduct and operate or contract with other agencies, persons, firms or associations for the conduct and operation of programs of medical education and to disburse funds accumulated through the receipt of licensure fees for this purpose, provided that no such funds shall be disbursed for this purpose for out-of-state travel, meals or lodging for any physician being educated under this program.