

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 89

S. P. 55

In Senate, January 16, 1979

Referred to the Committee on Judiciary. Sent down for concurrence and ordered printed.

Presented by Senator Collins of Knox.

Cosponsors: Senators Minkowsky of Androscoggin and Devoe of Penobscot.
MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT Empowering Retired Justices of the Supreme Judicial Court and District Court Judges to Sit in Superior Court and Administrative Court Judges to Sit in District Court.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the steadily increasing volume of cases before our judicial courts has created the need to have freely available additional judicial manpower; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 4 MRSA § 6-A is enacted to read:

§ 6-A. Active Retired Justice of Supreme Judicial Court to sit in Superior Court

An Active Retired Justice of the Supreme Judicial Court may be assigned by the Chief Justice of the Supreme Judicial Court to sit in the Superior Court in any

county, and when so directed he shall have authority and jurisdiction therein as if he were a regular Justice of the Superior Court; and, whenever the Chief Justice of the Supreme Judicial Court so directs, he may hear all matters and issue all orders, notices, decrees and judgments that any Justice of the Superior Court is authorized to hear and issue.

The order of the Chief Justice of the Supreme Judicial Court directing an Active Retired Justice of the Supreme Judicial Court to sit in the Superior Court shall be filed with the Executive Clerk of the Supreme Judicial Court, but need not be docketed or otherwise recorded in any case heard by him.

Sec. 2. 4 MRSA § 157-C is enacted to read:

§ 157-C. Judge or Active Retired Judge of the District Court to sit in Superior Court

A Judge or an Active Retired Judge of the District Court may be assigned by the Chief Justice of the Supreme Judicial Court to sit in the Superior Court in any county, and when so directed he shall have authority and jurisdiction therein as if he were a regular Justice of the Superior Court; and whenever the Chief Justice of the Supreme Judicial Court so directs, he may hear all matters and issue all orders, notices, decrees and judgments that any Justice of the Superior Court is authorized to hear and issue.

No Judge or Active Retired Judge of the District Court so sitting in the Superior Court shall act in any case in which he has sat in the District Court nor in which he otherwise has an interest.

The order of the Chief Justice of the Supreme Judicial Court directing a Judge or an Active Retired Judge of the District Court to sit in the Superior Court shall be filed with the Executive Clerk of the Supreme Judicial Court, but need not be docketed or otherwise recorded in any case heard by him.

Sec. 3. 4 MRSA § 1158 is enacted to read:

§ 1158. Judge of Administrative Court assigned to sit in District Court

A Judge of the Administrative Court may be assigned by the Chief Justice of the Supreme Judicial Court to sit in the District Court in any district and when so directed he shall have authority and jurisdiction therein as if he were a regular Judge of the District Court; and whenever the Chief Justice of the Supreme Judicial Court so directs, he may hear all matters and issue all orders, notices, decrees and judgments that any Judge of the District Court is authorized to hear and issue.

The order of the Chief Justice of the Supreme Judicial Court directing a Judge of the Administrative Court to sit in the District Court shall be filed with the Executive Clerk of the Supreme Judicial Court, but need not be docketed or otherwise recorded in any case heard by him.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

The purposes of this bill are:

1. To achieve greater flexibility in the assignment of Active Retired Justices of the Supreme Judicial Court;
2. To achieve a greater flexibility in the assignment of judges within the Judicial Department and to provide for those emergencies that may arise in the Superior Court; and
3. To achieve a greater flexibility in the assignment of judges within the Judicial Department and to provide for those emergencies that may arise in the District Court.