

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 266

S. P. 104

In Senate, January 20, 1971

Referred to Committee on State Government. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Mr. Harding of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Relating to Payment of Expenses of Supreme Judicial Court and
the Superior Court by the State.

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

Sec. 1. R. S., T. 4, § 4, amended. The last 2 sentences of section 4 of Title 4 of the Revised Statutes are amended to read as follows:

~~The counties wherein such justices reside, have their offices or are holding court shall receive from the State the expenses necessarily incurred by such justices for postage, stationery, express and telephone tolls. Each justice of said court shall be reimbursed by the State for expenses actually and reasonably incurred by him for clerical assistance, postage, stationery, express and telephone tolls, upon presentation to the State Controller of an itemized statement of such expenses.~~

Sec. 2. R. S., T. 4, § 113, amended. Section 113 of Title 4 of the Revised Statutes, as last amended by section 2 of chapter 441 of the public laws of 1969, is further amended to read as follows:

§ 113. Messenger of Cumberland County

The superior court messenger of Cumberland County shall be appointed by the senior resident Superior Court Justice and shall receive an annual salary of ~~\$6,600~~ as set forth in Title 30, section 2 in full compensation for service and attendance.

Sec. 3. R. S., T. 4, § 115, additional. Title 4 of the Revised Statutes is amended by adding a new section 115 to read as follows:

§ 115. Place for holding court; suitable quarters

In each county, the place for holding court shall be located in a state, county or municipal building designated by the Chief Judge, who, with the advice and approval of the Bureau of Public Improvements, is empowered to negotiate on behalf of the State, the leases, contracts and other arrangements he considers necessary, within the limits of appropriations and other funds available to the Supreme Judicial and Superior Courts, to provide suitable quarters, adequately furnished and equipped for the Supreme Judicial or Superior Court in each county.

The facilities of the Superior Court in each county when that court is not in session shall be available for other judicial purposes of that county in which such facilities are located. Arrangements for such use shall be made by the Chief Justice.

If the Chief Justice is unable to negotiate the leases, contracts and other arrangements as provided in the preceding paragraph, he may, with the advice and approval of the Bureau of Public Improvements, negotiate on behalf of the State, the leases, contracts and other arrangements he considers necessary, within the limits of the budget and funds available to such court to provide suitable quarters, adequately furnished and equipped for the Supreme Judicial or Superior Court in privately owned buildings.

Sec. 4. R. S., T. 4, § 116, additional. Title 4 of the Revised Statutes is amended by adding a new section 116 to read as follows:

§ 116. Funds of court

All revenue received by the Supreme Judicial or Superior Court from fines, forfeitures, penalties and costs shall accrue to the State except as otherwise provided under Title 12, sections 3055 and 4508; Title 23, section 1653 and Title 29, section 2302.

Sec. 5. R. S., T. 4, § 501, amended. The first sentence of section 501 of Title 4 of the Revised Statutes is amended to read as follows:

In all cases in the Supreme Judicial or in the Superior Court in which the court appoints one or more persons, not exceeding 3, as referees, masters or auditors, to hear the same, their fees and necessary expenses, including stenographic services upon a per diem basis, shall be paid by the ~~county~~ State on presentation of the proper certificate of the clerk of courts for that county, or by such of the parties, or out of any fund or subject matter of the action, which is in the custody and control of the court, or by apportionment among such sources of payment, as the court shall direct.

Sec. 6. R. S., T. 4, § 554, amended. The last sentence of section 554 of Title 4 of the Revised Statutes is amended to read as follows:

They shall account quarterly under oath to the ~~county treasurer~~ State Auditor for all fees received by them or payable to them by virtue of the office, except fees collected by them in naturalization proceedings, specifying the items, and shall pay the whole amount of the same to the ~~treasurers of~~

~~their respective counties~~ **Treasurer of State** quarterly on the 15th days of January, April, July and October of each year.

Sec. 7. R. S., T. 4, § 556, amended. The first and last paragraphs of section 556 of Title 4 of the Revised Statutes are amended to read as follows:

The clerk shall keep a true and exact account of all moneys which he receives or is entitled to receive for services by virtue of his office and shall pay the same to the ~~county treasurer~~ **Treasurer of State for use of the county** in the manner required by law. All other moneys belonging to the county shall be paid in 30 days after they are received by him. If in either case he neglects to do so, he shall pay 25% interest thereon until paid. ~~The county treasurer shall notify the Treasurer of State~~ **Upon the Treasurer of State's notice of any such known delinquency and the clerk's bond shall then be sued.**

Whenever any of said funds are ordered by the court to be paid to a person entitled to same, $\frac{1}{2}$ of the accrued interest, if any, shall be paid to the ~~county treasurer~~ **Treasurer of State for the use of the county**, and the other $\frac{1}{2}$ paid to the claimant unless otherwise ordered by the court. Whenever any of said funds remain unclaimed for 20 years from the date when payable under said court judgment or decree, the clerk shall obtain an order from the court, under whose judgment or decree said funds were placed in his custody, that a comprehensive abstract of the facts be advertised for 3 weeks successively in a newspaper of general circulation published in the county, and if no one appears to claim said funds within 60 days after date of the last publication, the same shall become forfeited to the ~~county~~ **State** and be paid by said clerk to the ~~county treasurer~~ **Treasurer of State for the use of the county**. That portion of this section providing for the forfeiture of unclaimed funds shall apply to funds held by the clerk of courts for 20 years or more prior to September 16, 1961.

Sec. 8. R. S., T. 4, § 562, amended. The 3rd sentence of the first paragraph of section 562 of Title 4 of the Revised Statutes is amended to read as follows:

Before entering upon his official duties, each deputy shall be sworn and shall give a bond to the clerk, approved by ~~the county commissioners~~ **said Chief Justice** and lodged in the office of the ~~county treasurer~~ **State Auditor**, in the sum of \$8,000, conditioned that he will faithfully perform all the duties required of his office.

Sec. 9. R. S., T. 4, § 562, amended. The 4th sentence of the second paragraph of section 562 of Title 4 of the Revised Statutes is amended to read as follows:

Before entering upon his official duties, each special deputy shall be sworn and if the clerk deems it advisable, he shall give bond to the clerk, approved by ~~the county commissioners~~ **said Chief Justice** and lodged in the office of the ~~county treasurer~~ **State Auditor**, in the sum of \$8,000, conditioned that he will faithfully perform the duties of his office.

Sec. 10. R. S., T. 4, § 567, amended. Section 567 of Title 4 of the Revised Statutes is amended to read as follows:

§ 567. No recording officer to be attorney or sue in own court nor draft or aid in drafting paper to be recorded

No clerk, register or recording officer of any court of the State shall be attorney or counselor in any civil action or matter pending in such court; neither shall he commence actions to be entered therein, nor draft nor aid in drafting any document or paper which he is by law required to record, in full or in part, under a penalty of not more than \$100, to be recovered by indictment for the benefit of the ~~county~~ State.

Sec. 11. R. S., T. 4, § 651, amended. The first sentence of the 2nd paragraph of section 651 of Title 4 of the Revised Statutes is amended to read as follows:

Official Court Reporters appointed by the Chief Justice of the Supreme Judicial Court shall receive, from the ~~county in which the court or proceeding is held~~ State when the court or proceeding is held, their expenses when in attendance upon such court or proceeding away from their place of residence but not otherwise.

Sec. 12. R. S., T. 4, § 652, amended. Section 652 of Title 4 of the Revised Statutes is amended to read as follows:

§ 652. Appointment for hearings in vacation

At any hearing in vacation of a civil action pending in the Supreme Judicial Court or in the Superior Court, the presiding justice may, when necessary, appoint a Court Reporter other than his regularly appointed Official Court Reporter to report the proceedings thereof, who shall receive for his services from the treasury of the ~~county in which the State~~ when a civil action is pending a sum not exceeding \$10 a day for attendance in addition to actual traveling expenses; but when at such hearings the presiding justice employs his regularly appointed Official Court Reporter, such Official Court Reporter shall receive from said treasury only the amount of his actual expenses incurred in attending the same.

Sec. 13. R. S., T. 14, § 1203, amended. Section 1203 of Title 14 of the Revised Statutes is amended to read as follows:

§ 1203. Juror's fees

Grand and traverse jurors attending the Superior Court and jurors attending on any other occasion prescribed by law shall be allowed \$12 for each day's actual attendance and 10¢ a mile for their travel out and home for the first day of attendance and 5¢ a mile for their travel out and home for each day's attendance thereafter, to be paid out of the ~~county treasury~~ State Treasury.

Sec. 14. R. S., T. 14, § 1252, amended. The last paragraph of section 1252 of Title 14 of the Revised Statutes is amended to read as follows:

Said salaries shall be paid by the ~~respective counties~~ State in ~~quarterly~~ monthly payments on the last day of each ~~quarter~~ month, and their expenses

shall be paid from time to time by the ~~respective counties~~ State on bills approved by a Justice of the Superior Court.

Sec. 15. R. S., T. 14, § 1255, amended. The last paragraph of section 1255 of Title 14 of the Revised Statutes, as enacted by section 2 of chapter 510 of the public laws of 1967, is amended to read as follows:

The jury commissioners may employ or engage an executive secretary such as the clerk of courts or other qualified person to assist the commissioners in carrying out its functions. Any such person shall receive such compensation as may be established and paid for by the ~~county commissioners~~ **presiding justice** from ~~county~~ State funds and actual and necessary expenses incurred in the performance of his duties.

Sec. 16. R. S., T. 30, § 2, amended. The first paragraph of section 2 of Title 30 of the Revised Statutes is amended to read as follows:

The county commissioners, ~~clerks of the judicial courts and their deputies~~ county treasurers and their deputies, sheriffs, registers of deeds, judges of probate and registers of probate in the several counties shall receive annual salaries from the county treasury in weekly or monthly payments as follows, except that ~~clerks of the judicial courts and their deputies, superior court messengers~~, the county attorneys and their assistants shall receive annual salaries from the State Treasury in monthly payments on the last day of each month in a sum which will, in the year's aggregate, most nearly equal the annual salary, as follows, and no other fees, costs or emoluments shall be allowed them:

Sec. 17. R. S., T. 30, § 2, amended. The 4th paragraph of section 2 of Title 30 of the Revised Statutes which relates to Cumberland County, as last amended by section 3 of chapter 573 of the public laws of 1969, is further amended to read as follows:

Cumberland County: County commissioners, \$5,225; clerk of courts, \$8,800; deputy clerk of courts, \$8,200; **superior court messenger, \$6,600;** county attorney, \$10,000; first assistant county attorney, \$7,000; second assistant county attorney, \$7,000; third assistant county attorney, \$7,000; county treasurer, \$7,150; sheriff, \$8,800; register of deeds, \$8,250; deputy register of deeds, \$6,600; judge of probate, \$9,900; register of probate, \$7,700.

Sec. 18. R. S., T. 30, § 301, amended. The first sentence of section 301 of Title 30 of the Revised Statutes is amended to read as follows:

The county commissioners shall, in the shire town of their county, provide and keep in repair courthouses pursuant to Title 4, section 115 with a suitable room in each for the county law library; fireproof buildings of brick or stone for the safekeeping of records and papers belonging to the offices of registers of deeds, and of probate and insolvency, and of the clerk of courts, with separate fireproof rooms, and suitable alcoves, cases or boxes for each office, and any other necessary buildings.

Sec. 19. R. S., T. 30, § 751, amended. Section 751 of Title 30 of the Revised Statutes, as amended by chapter 326 of the public laws of 1967, is further amended to read as follows:

§ 751. Accounts; enforcing payment of taxes

The treasurer shall keep his books and accounts on such form and in such manner as shall be approved by the State Department of Audit and shall apply all moneys received by him for the use of the county toward defraying its expenses, as the county commissioners ~~and the Supreme Judicial or Superior Court~~ by their written order direct. Each treasurer shall account with the commissioners of his county for all receipts and payments. He may enforce payment of taxes in the manner prescribed for the Treasurer of State. No term of Superior Court shall adjourn until the presiding justice shall certify to the ~~county treasurer~~ **State Auditor** that all expenses incurred during such term have been submitted for payment.

Sec. 20. Effective date. This Act shall become effective July 1, 1973.

STATEMENT OF FACT

It is the intent of this legislation 2 years hence that the State assume all expenses for the Supreme Judicial and Superior Court which are now provided by the several counties.