

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

(EMERGENCY)

---

---

ONE HUNDRED AND SIXTH LEGISLATURE

---

---

Legislative Document

No. 1473

S. P. 457

In Senate, March 15, 1973

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Brennan of Cumberland.

---

---

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

---

**AN ACT to Create a Commission to Prepare Legislation Revising the  
Trial Court System.**

---

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

Whereas, in the present trial court system in the State of Maine there is significant and widespread duplication of effort by the District and Superior Courts in the disposition of criminal cases; and

Whereas, unnecessary delays in scheduling and disposition have forced litigants, witnesses, jurors, public officials, police and attorneys to spend significant amounts of unproductive time awaiting trials; and

Whereas, such delays as result from the present trial de novo system cause prolonged and unjustified delays in the conviction and sentencing of both felons and misdemeanants; and

Whereas, the District Courts of the State are overburdened with moving traffic violation cases which are not appropriate subject matter for criminal action; and

Whereas, sufficient time for preparation of legislation for consideration by the special session of the 106th Legislature requires prompt establishment of the revision commission; and

Whereas, the people of the State of Maine need certain changes to improve the quality of justice as soon as they may be practicably instituted; 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. Commission; duties.** A special commission shall be constituted and appointed to supervise the preparation, in final legislative draft form, of a proposed merger and reorganization of the trial courts constituted for the State of Maine, such proposed trial court merger and reorganization to be presented to a special session of the 106th Maine Legislature or the next regular session. Such proposed merger and reorganization may, without limitation, incorporate such necessary repealers, amendments and modifications of existing laws as, in the judgment of such commission, are necessary and appropriate to accomplish such purposes. Such proposed merger and reorganization may include such new or modified provisions as, in the judgment of the commission, will best serve the interests of the people of the State, and the commission shall give due consideration to the court organization of other states and the Federal Government. Such commission shall employ a chief counsel, and, subject to his recommendations, such additional counsel as may be required to perform necessary research and drafting of such revisions, the chief counsel to meet the requirements as set forth. Such commission shall hold public hearings as may be deemed necessary to acquaint the public.

It is the purpose and intent hereof to provide such commission with sufficient funds to enable it to present to the Maine Legislature a revision of the present statutes and rules of court which govern the procedures for the initiation, hearing and disposition of criminal and civil litigation insofar as they would be affected by trial court merger, proposed modifications of the jurisdiction of the courts as it pertains to certain traffic offenses and reorganization plans for the District and Superior Courts. It is further the purpose and intention hereof to enable the proposal of such revisions, modifications and reorganizations as will minimize delay and inefficiency in the court system without impairing or diminishing in any way whatsoever the constitutional rights of parties in civil suits or of persons accused of criminal offenses.

Pursuant to the above objectives, such commission shall consider, but shall not be limited to the consideration of the advisability of merger of the District and Superior Courts into one trial level court; merger of the clerks offices in the respective courts; merger of all other administrative functions in connection with the trial courts; the elimination of trials de novo; declaring certain conduct on the public roads of the State to be non criminal and creating administrative procedures for controlling and dealing with such conduct; and alteration of venue requirements and redrawing jurisdictional boundaries.

Such commission shall from time to time consult with any existing commission for the revision of the state's laws, in order to avoid duplication and promote the compatibility of any related proposals. Such commission shall

also consult with the Secretary of State with respect to laws regulating motor vehicles.

Insofar as no committee, commission or other body established by the Legislature is considering the modification of statutes and rules governing bail, arraignment and money penalties in criminal cases, this Trial Court Revision Commission shall consider the advisability of such modifications as may be consistent with the objectives hereinabove stated.

**Sec. 2. Membership.** The membership of the commission shall consist of 11 persons. The Governor shall appoint the members of the commission as follows: Four shall be members of the bar, 2 of whom shall have been active in the trial of criminal cases. At least 3 shall be qualified by reason of common sense and broad experience in everyday affairs as representative of the public, which may include people within the foregoing categories. In addition, 3 members of the commission shall be active members of the judiciary, one of whom shall be from the Supreme Judicial Court, one from the Superior Court and one from the District Court. The Attorney General shall be a member ex officio. Members shall serve for the duration of this Act. In the event of the death or resignation of any member, the vacancy for the remainder of his term shall be filled by appointment by the Governor. Seven members of the commission shall constitute a quorum.

**Sec. 3. Meetings.** The said commission shall be appointed promptly upon enactment hereof, and the Governor shall notify all members of the time and place of the first meeting. At that time the commission shall organize, elect a chairman, vice-chairman, and secretary-treasurer, and adopt rules as to the administration of the commission and its affairs. The commission shall maintain minutes of its meetings and such financial records as may be required by the State Auditor and shall report periodically its progress to the Governor.

**Sec. 4. Chief counsel.** The commission shall contract a chief counsel, who need not be a resident of this State, who shall have the responsibility for legal research and drafting required in connection with the preparation of the proposed reorganization of the trial courts and related administrative offices, under the direction and supervision of the commission. No person shall be employed as chief counsel who shall not, by virtue of prior training, experience, ability and reputation, have clearly demonstrated the ability to perform the tasks to be assigned to him by the commission.

**Sec. 5. Reimbursement of expenses.** The members of the commission shall serve without compensation, but may be reimbursed for their reasonable expenses in attending meetings, procuring supplies, correspondence, and other related and necessary expenditures.

**Sec. 6. Federal funds.** The commission shall be authorized, on behalf of the State, to accept federal funds and may seek the advice and assistance of the Law Enforcement Planning and Assistance Agency in carrying out its duties.

**Sec. 7. Appropriation.** There is appropriated from the Unappropriated Surplus of the General Fund the sum of \$25,000 for the fiscal year ending June 30, 1974 to carry out the purposes of this Act.

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

#### STATEMENT OF FACT

The purpose of this Act is to create a commission, parallel to the Criminal Law Revision Commission, which will prepare legislation respecting a merger of the trial courts to be presented to a special session of this Legislature next January.

Unification of the trial courts would promote speedy trials and prompt dispositions of criminal cases and reduce the number of criminals who go unpunished because of delays in trial and sentencing. Further, by eliminating duplication, unification would produce great savings in administrative costs, salaries, and capital expenditures .