

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)

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1897

S. P. 603

In Senate, May 1, 1973

Approved by a Majority of the Committee on Reference of Bills pursuant to Joint Rule No. 10. Referred to the Committee on Judiciary. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Roberts of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to the Cost of Operation of and Venue in the Superior
Courts.

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

Sec. 1. R. S., T. 4, § 155, repealed and replaced. Section 155 of Title 4 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 155. Venue

1. Juvenile proceeding or criminal prosecution. A juvenile proceeding or criminal prosecution, including traffic, shall be brought in the division in which the offense charged took place, but if the proceeding involves 2 or more offenses committed in different divisions, it may be brought in any one of them.

2. Civil actions. The Supreme Judicial Court may by rule provide for the venue of civil actions and other proceedings of a civil nature commenced in the District Court and for change of venue or transfer of cases or proceedings already commenced.

Sec. 2. R. S., T. 4, § 401, amended. The 2nd sentence of the first paragraph of section 401 of Title 4 of the Revised Statutes is amended to read as follows:

Any person aggrieved by any order, sentence, decree or denial of such judges, except the appointment of a special administrator, or any order or decree requiring any administrator, executor, guardian or trustee to give an additional or new official bond, or any order or decree under Title 18, section 1705, or any order or decree removing a guardian from office, may appeal therefrom

to the supreme court of probate ~~to be held within the county~~, if he claims his appeal within 20 days from the date of the proceeding appealed from; or if, at that time, he was beyond sea, or out of the United States and had no sufficient attorney within the State, within 20 days after his return or the appointment of such attorney.

Sec. 3. 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 the county~~ in which such case is pending, 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. 4. 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 proceeding is held, their expenses when in attendance upon such court or proceeding away from their place of residence but not otherwise.

Sec. 5. R. S., T. 4, § 652, repealed and replaced. Section 652 of Title 4 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 652. Approval and payment of reporter's expenses

All expense statements of Court Reporters pursuant to the 2nd paragraph of section 651 shall be submitted to the office of the Chief Justice of the Supreme Judicial Court, and shall be further approved by him before payment by the Treasurer of State.

Sec. 6. R. S., T. 5, § 1181, amended. The first sentence of section 1181 of Title 5 of the Revised Statutes is amended to read as follows:

Any person aggrieved by any decision or ruling of the board of trustees shall have the right of appeal from such decisions or ruling to the Superior Court ~~in the County of Kennebec~~, within 30 days after notice of such decision or ruling.

Sec. 7. R. S., T. 5, § 2451, sub-§ 1, amended. The first sentence of subsection 1 of section 2451 of Title 5 of the Revised Statutes, as amended by section 1 of chapter 248 of the public laws of 1969, is further amended to read as follows:

The appeal must be instituted by filing a complaint in the Superior Court ~~at Kennebec County~~ within 30 days after service of the final decision of the Hearing Commissioner, except as otherwise provided in Title 28.

Sec. 8. R. S., T. 7, § 1306, amended. The last sentence of section 1306 of Title 7 of the Revised Statutes is amended to read as follows:

Any licensee who feels aggrieved or dissatisfied with the decision of the said commissioner may appeal from said decision within 10 days to the Superior Court ~~in the county where the licensee resides, or in the case of a nonresident, to the Superior Court in the County of Kennebec.~~

Sec. 9. R. S., T. 7, § 3451, amended. The first sentence of the 14th paragraph of section 3451 of Title 7 of the Revised Statutes, as enacted by chapter 453 of the public laws of 1971, is amended to read as follows:

Any person, firm or corporation aggrieved by any order under this section may, by petition, appeal within 30 days to the Superior Court ~~where said person resides, or where the firm or corporation is located.~~

Sec. 10. R. S., T. 9, § 1555, amended. The first sentence of section 1555 of Title 9 of the Revised Statutes is amended to read as follows:

Unless otherwise provided for, any order or decision of the commissioner affecting savings and loan associations shall be subject to review by the Superior Court by a proceeding taken within 30 days after the date of such order or decision in the Superior Court ~~in and for the County of Kennebec~~ at the insistence of any party in interest who is aggrieved by said order or decision.

Sec. 11. R. S., T. 14, c. 201, repealed and replaced. Chapter 201 of Title 14 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

CHAPTER 201

VENUE

§ 501. Venue by rule

The Supreme Judicial Court is authorized to prescribe by rule or order the venue of civil actions and other proceedings of a civil nature, commenced in the District or Superior Court. Rules enacted by the Supreme Judicial Court governing venue shall supersede and automatically replace any inconsistent statutory provisions relating to the place in which civil actions and other proceedings of a civil nature may be brought. The Supreme Judicial Court is also authorized to provide by rule for change of venue or transfer of cases or proceedings already commenced.

Sec. 12. R. S., T. 14, § 1215, amended. Section 1215 of Title 14 of the Revised Statutes, as enacted by section 1 of chapter 391 of the public laws of 1971, is amended to read as follows:

§ 1215. Mileage and compensation of jurors

A juror shall be paid mileage at the rate of 10¢ per mile for his travel expenses from his residence to the place of holding court and return and shall be compensated at the rate of \$20 for each day of required attendance at sessions of the court, such fees to be paid by the State.

Sec. 13. 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~~ **the Chief Justice of the Supreme Judicial Court.**

Sec. 14. 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~~ **With the approval of the Chief Justice of the Supreme Judicial Court,** 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~~ **their** functions. Any such person shall receive such compensation as may be established ~~and paid for by the county commissioners~~ **Chief Justice from county funds** and actual and necessary expenses incurred in the performance of his duties, ~~to be paid by the State, on bills approved by the Chief Justice of the Supreme Judicial Court.~~

Sec. 15. R. S., T. 14, § 1901, amended. The first sentence of section 1901 of Title 14 of the Revised Statutes is amended to read as follows:

Any appeal shall be taken from the District Court to the Superior Court ~~for the county embracing the division in which the judgment was rendered~~ within 10 days after judgment.

Sec. 16. R. S., T. 14, § 2604, repealed. Section 2604 of Title 14 of the Revised Statutes is repealed.

Sec. 17. R. S., T. 14, § 2605, repealed. Section 2605 of Title 14 of the Revised Statutes is repealed.

Sec. 18. R. S., T. 14, § 2610, amended. The last sentence of section 2610 of Title 14 of the Revised Statutes is repealed.

Sec. 19. R. S., T. 14, § 3101, amended. The first sentence of section 3101 of Title 14 of the Revised Statutes is amended to read as follows:

When a trustee process is issued by a District Court, the summons shall be substantially in the form used in the Superior Court, and be served 7 days before the return day in the same manner as in the Superior Court; ~~and shall be brought in the division where either of the supposed trustees resides.~~

Sec. 20. R. S., T. 14, § 3105, repealed. Section 3105 of Title 14 of the Revised Statutes is repealed.

Sec. 21. R. S., T. 14, § 5503, amended. The first sentence of section 5503 of Title 14 of the Revised Statutes is amended to read as follows:

The proceeding shall be commenced by filing with the clerk of the Superior Court ~~in the county where the conviction took place~~ an original petition and 2 copies thereof, addressed to the Superior Court ~~which shall have jurisdiction thereof.~~

Sec. 22. R. S., T. 14, § 5944, repealed. Section 5944 of Title 14 of the Revised Statutes, as enacted by chapter 430 of the public laws of 1967, is repealed.

Sec. 23. R. S., T. 14, § 6103, amended. The first sentence of section 6103 of Title 14 of the Revised Statutes is amended to read as follows:

In all cases where a debtor has mortgaged real and personal estate to secure the performance of a collateral agreement or undertaking, other than the payment of money, and proceedings have been commenced to foreclose said mortgage for alleged breach of the conditions thereof, but the time of redemption has not expired, any person having any claim against the mortgagor and having attached said mortgagor's interest in said estate on said claim may file a complaint in the Superior Court ~~in the county where such agreement has to be performed, where the owner of such mortgage resides or where the property mortgaged is situated, alleging such facts and praying for relief.~~

Sec. 24. R. S., T. 14, § 6653, amended. The first sentence of section 6653 of Title 14 of the Revised Statutes, as amended by section 4 of chapter 117 of the public laws of 1971, is repealed.

Sec. 25. R. S., T. 14, § 7302, amended. The first sentence of section 7302 of Title 14 of the Revised Statutes is repealed.

Sec. 26. R. S., T. 15, § 1, amended. Section 1 of Title 15 of the Revised Statutes is amended by adding 3 new paragraphs at the end to read as follows:

Criminal prosecutions within the jurisdiction of the Superior Court shall be brought either within the county where the offense was allegedly committed, or if the Supreme Judicial Court has, by rule, established and designated administrative regions for the Superior Court, each such region consisting of a single county or a reasonably compact group of counties, at any court location within the administrative region within which the offense was allegedly committed.

A criminal prosecution may be transferred to another location where it could have properly been brought on the motion of the defendant, of the State, on the court's own motion or by order of the Chief Justice of the Supreme Judicial Court, and shall be so transferred when desirable to assure speedy trial or to relieve court congestion.

Venue in criminal prosecutions shall not be jurisdictional. The Supreme Judicial Court may by rule provide for conduct of criminal prosecutions at locations other than those specified herein with the consent of the defendant.

Sec. 27. R. S., T. 15, § 104, amended. Section 104 of Title 15 of the Revised Statutes, as last repealed and replaced by chapter 555 of the public laws of 1969, is amended by adding a new paragraph at the end to read as follows:

All the costs and reasonable expenses incident to any hearing held under this section, including, but not limited to the compensation of any court-appointed attorney and licensed physician and transcript, shall be paid, on approval by the court, by the Treasurer of State.

Sec. 28. R. S., T. 15, § 810, amended. The last sentence of section 810 of Title 15 of the Revised Statutes is amended to read as follows:

The Superior Court shall order reasonable compensation to be paid to counsel ~~out of the county treasury~~ by the State for such services in the Superior Court and may also order payment by the State for costs of necessary transcripts.

Sec. 29. R. S., T. 15, § 1314, amended. The 2nd sentence of section 1314 of Title 15 of the Revised Statutes is amended to read as follows:

In all criminal cases, previous to the determination thereof, the court may allow such bills or costs for justices, officers, aids, ~~bailiffs, messengers,~~ jurors and witnesses, as are provided by law, ~~to be paid from the county treasury~~ to be paid by the State; but no court or judge shall allow any charge for aid or other expenses of the officer in serving a warrant, except his stated fees for service and travel unless, on his examination upon oath or on other evidence, they find such additional charges reasonable.

Sec. 30. R. S., T. 15, § 1941, amended. Section 1941 of Title 15 of the Revised Statutes is amended to read as follows:

§ 1941. Duties of clerks as to bills of costs and certificates of fines

Clerks of court shall attest duplicate copies of all bills of costs allowed therein and certificates of all fines and forfeitures imposed and accruing to the county, before the rising of the court or immediately after, and deliver one of said copies to the Chief Justice and one of said certificates to the county treasurer and retain one of said certificates for the use of the county commissioners. After approval by the Chief Justice, one of said copies shall be forwarded to the State Treasurer and the treasurer shall pay the witness fees and other proper expenses noted thereon.

Sec. 31. R. S., T. 15, § 2033, amended. The first paragraph of section 2033 of Title 15 of the Revised Statutes is amended to read as follows:

The county treasurer shall, on or before the 20th day of November, annually, make a report to the Attorney General showing the amount paid out of his office during the year ending on the first day of said November for costs of prosecutions in the Superior Court; upon bills of costs allowed by county commissioners for support of prisoners in jail; ~~and to grand jurors and to traverse jurors at terms of court held for criminal business;~~ and the amount received from fines, costs and forfeitures in said courts from judges, jailers and other officers. The Treasurer of State shall, on or before the 20th day of November, annually, make a report to the Attorney General showing the amount paid out of his office during the year ending on the first day of said November for costs of prosecution in the Superior Court and to grand jurors and traverse jurors in terms of court held for criminal business.

Sec. 32. R. S., T. 15, § 2211-A, repealed and replaced. The 7th paragraph of section 2211-A of Title 15 of the Revised Statutes, as last repealed and replaced by section 1 of chapter 403 of the public laws of 1969, is repealed and the following enacted in place thereof:

All the costs and reasonable expenses incident to any such matter including costs of a hearing and court-appointed counsel, if any, shall be paid by the Treasurer of State.

Sec. 33. R. S., T. 16, § 252, amended. The 2nd sentence of section 252 of Title 16 of the Revised Statutes is amended to read as follows:

Whenever any fines or penalties are imposed by any court in any proceeding in which such a police officer or constable is a complainant or a witness, said court may tax costs for such complainant or witness in the usual manner to be paid by the ~~county treasurer~~ Treasurer of State upon approval of the county commissioners to the municipality employing such police officer or constable; such costs shall not exceed his actual expenses, paid by the municipality for his travel to and attendance at the court.

Sec. 34. R. S., T. 19, § 284, repealed. Section 284 of Title 19 of the Revised Statutes, as enacted by section 2 of chapter 325 of the public laws of 1967, is repealed.

Sec. 35. R. S., T. 19, § 301, amended. The first sentence of section 301 of Title 19 of the Revised Statutes is amended to read as follows:

Whenever a man, having a wife, a minor child or children, residing in this State and being of sufficient ability or being able to labor and provide for them, willfully and without reasonable cause, refuses or neglects to provide suitable maintenance for them, the Superior Court, the probate court and the District Court ~~in the county where the wife or such minor child or children reside, or in the county where the husband or father may be found~~ on petition of the wife for herself and for such child or children, or of such child or children by their guardian or by the municipality that is providing suitable maintenance, after such notice to the husband or father as it may order, and hearing, may order him to contribute to the support of his wife and such minor child or children or either of them such sums payable weekly, monthly or quarterly as are deemed reasonable and just, and may enforce obedience by appropriate decrees.

Sec. 36. R. S., T. 19, § 691, amended. The first paragraph of section 691 of Title 19 of the Revised Statutes, as amended, is further amended to read as follows:

A divorce from the bonds of matrimony may be decreed ~~in the county where either party resides at the commencement of proceedings~~ for causes of adultery, impotence, extreme cruelty, utter desertion continued for 3 consecutive years next prior to the filing of the complaint, gross and confirmed habits of intoxication from the use of intoxicating liquors, opium or other drugs, cruel and abusive treatment or, on the complaint of the wife, where the husband being of sufficient ability or being able to labor and provide for her, grossly or wantonly and cruelly refuses or neglects to provide suitable maintenance for her, provided the parties were married in this State or cohabited here after marriage, or if the plaintiff resided here when the cause of divorce accrued, or had resided here in good faith for 6 months prior to the commencement of proceedings, or if the defendant is a resident of this State. When there is

collusion between the parties to procure a divorce, it shall not be granted. Either party may be a witness. Condonation of the parties shall not be an absolute defense to any action for divorce but shall be discretionary with the court. Recrimination shall be a comparative rather than an absolute defense in any divorce action. The Superior Court has jurisdiction of actions for divorce in all counties.

Sec. 37. R. S., T. 23, § 157, amended. The first sentence of section 157 of Title 23 of the Revised Statutes, as amended by section 22 of chapter 593 of the public laws of 1971, is further amended to read as follows:

The department or any party or parties aggrieved by an award of the Land Damage Board may appeal therefrom to the Superior Court ~~in the county where the land is situated~~ within 30 days after the date of the receipt by the appellant of the notice of award.

Sec. 38. R. S., T. 23, § 2058, amended. The first sentence of section 2058 of Title 23 of the Revised Statutes is amended to read as follows:

Any person aggrieved by the estimate of damages by the county commissioners, on account of the laying out or discontinuing of a way, may appeal therefrom, at any time within 30 days after the commissioners' return is made, to the Superior Court, ~~in the county where the land is situated~~ which court shall determine the same by a committee of reference if the parties so agree, or by a verdict of its jury, and shall render judgment for the damages recovered, and judgment for costs in favor of the party entitled thereto, and shall issue execution for the costs only.

Sec. 39. R. S., T. 23, § 3005, amended. The 2nd sentence of section 3005 of Title 23 of the Revised Statutes is amended to read as follows:

Any person aggrieved by the estimate of such damages may have them determined as provided in section 2058 by written complaint to the Superior Court, ~~in the county where the land lies~~ within 60 days from the date of the establishment, alteration or discontinuance by such way by the town at its town meeting.

Sec. 40. R. S., T. 26, § 7, amended. The first sentence of section 7 of Title 26 of the Revised Statutes, as amended by section 13 of chapter 620 of the public laws of 1971, is further amended to read as follows:

Any order by a board created and established under this Title, or any rule, regulation, determination or declaration formulated by such board or by the Director of the Bureau of Labor and Industry shall be subject to review by a Justice of the Superior Court by an appeal taken within 30 days after the effective date of such rule, regulation, determination or declaration to the Superior Court, ~~held in or for the county in which the operation is located~~ at the instance of any party in interest and aggrieved by said rule, regulation, determination or declaration.

Sec. 41. R. S., T. 26, § 403, amended. The first sentence of the 2nd paragraph of section 403 of Title 26 of the Revised Statutes is amended to read as follows:

Any such order of said board or any rule or regulation formulated by said board shall be subject to review by the Superior Court by an appeal taken within 60 days after the date of such order to the Superior Court ~~held in and for the county in which the equipment is located~~ at the instance of any party in interest and aggrieved by said order or decision.

Sec. 42. R. S., T. 26, § 568, amended. The first sentence of the 2nd paragraph of section 568 of Title 26 of the Revised Statutes is amended to read as follows:

Any such order of the board or any rule or regulation formulated by the board shall be subject to review by the Superior Court by an appeal taken within 30 days after the date of such order ~~to the Superior Court held in and for the county in which the operation is located~~ at the instance of any party in interest and aggrieved by said order or decision.

Sec. 43. R. S., T. 26, § 1194, sub-§ 9, amended. The first sentence of subsection 9 of section 1194 of Title 26 of the Revised Statutes is amended to read as follows:

Within 15 days after the decision of the commission has become final, any party aggrieved thereby may appeal by commencing an action in the Superior Court ~~of Kennebec County~~ against the commission for the appeal of its decision, in which action any other party to the proceedings before the commission shall be made a defendant.

Sec. 44. R. S., T. 26, § 1221, sub-§ 4, ¶ E, sub-¶ (1), amended. The 4th and last sentences of subparagraph (1) of paragraph E of subsection 4 of section 1221 of Title 26 of the Revised Statutes, is amended to read as follows:

The employer shall be promptly notified of the commission's denial of his application, or of the commission's redetermination, both of which shall become final unless within 15 days after the mailing of notice thereof to his last known address or in the absence of mailing, within 15 days after the delivery of such notice, an appeal is taken by filing a complaint in the Superior Court ~~of Kennebec County, State of Maine.~~

An appeal may be taken from the decision of the Superior Court ~~of Kennebec County~~ to the Supreme Judicial Court of Maine in the same manner, but not inconsistent with this chapter, as is provided in civil actions;

Sec. 45. R. S., T. 26, § 1312, sub-§ 2, amended. The 2nd sentence of subsection 2 of section 1312 of Title 26 of the Revised Statutes, as last repealed and replaced by chapter 403 of the public laws of 1967, is repealed.

Sec. 46. R. S., T. 29, § 781, sub-§ 2, amended. The 2nd sentence of subsection 2 of section 781 of Title 29 of the Revised Statutes is amended to read as follows:

Any person aggrieved by an order or act of the Secretary of State under this subchapter may, within 30 days after notice thereof, appeal by filing a complaint in the Superior Court ~~of the county in which one of the parties resides, and if both plaintiff and defendant are nonresidents, then in the county where the accident occurred.~~

Sec. 47. R. S., T. 30, § 53, repealed. Section 53 of Title 30 of the Revised Statutes is repealed.

Sec. 48. R. S., T. 30, § 2757, amended. The next to the last sentence of section 2757 of Title 30 of the Revised Statutes is amended to read as follows:

Appeal from the decision of the licensing authority may be had to the Superior Court ~~in and for the county in which the licensing authority is located~~ in the usual manner provided for appeals from the District Court.

Sec. 49. R. S., T. 30, § 3713, sub-§ 4, amended. The first sentence of sub-section 4 of section 3713 of Title 30 of the Revised Statutes, as enacted by section 2 of chapter 271 of the public laws of 1965, is amended to read as follows:

Any person, firm or corporation aggrieved by a decision of the Forest Commissioner revoking a registration may, within 30 days after notice thereof from the Forest Commissioner, appeal therefrom to the Superior Court ~~in any county where the appellant has a regular place of business, or if the appellant has no such place of business within the State, to the Superior Court in Kennebec County.~~

Sec. 50. R. S., T. 30, § 4153, amended. Section 4153 of Title 30 of the Revised Statutes is amended to read as follows:

§ 4153. Location by grantee

When in the grant of townships or parts thereof certain portions of them are reserved for such townships or for public uses, and they have not been lawfully located in severalty by the grantee for the purposes expressed in the grant, the Superior Court ~~in the county where the land lies~~, on application of the Forest Commissioner, may appoint 3 disinterested persons, and issue to them a warrant, under the seal of the court, requiring them, as soon as may be, to locate in separate lots the portions reserved for such purposes and to designate the use for which each lot is so reserved and located, such lots to be of average quality with the residue of lands therein.

Sec. 51. R. S., T. 30, § 4159, amended. The first sentence of section 4159 of Title 30 of the Revised Statutes is amended to read as follows:

When in the grant of any townships or parts of townships certain portions are reserved for public uses, and such portions have not been located in severalty prior to the incorporation of the same into a town, the Superior Court ~~in the county where the land lies~~, on application of the assessors of the town, may appoint 3 disinterested persons of the county and issue to them its warrant under seal of the court, requiring them, as soon as may be, to locate such reserve portion according to the terms of the grant, and if the use or purpose of the reservation is prescribed in the grant, they shall set off and locate the lots accordingly, designating the use or purpose for which each lot is so reserved and located.

Sec. 52. R. S., T. 30, § 4807, amended. The first sentence of the 5th paragraph of section 4807 of Title 30 of the Revised Statutes, as amended by chapter 178 of the public laws of 1967, is further amended to read as follows:

Any owner of, or persons entitled to any estate in or interest in any part of the real property, or interest therein, so taken, who cannot agree with said authority for the price of the real property, or interest therein, so taken in which he is interested as aforesaid, may, within 3 months after personal notice of said taking, or, if he has no personal notice, may within one year from the first publication of the copy of such resolution and statement referred to in the preceding paragraph, apply by complaint to the Superior Court ~~in and off the county~~, setting forth the taking of his real property, or interest therein, and praying for an assessment of damages by a jury or by agreement of the parties, a referee or referees appointed by the court.

Sec. 53. R. S., T. 30, § 5309, amended. The 2nd sentence of the 3rd paragraph of section 5309 of Title 30 of the Revised Statutes is amended to read as follows:

Any party aggrieved by the finding of said court may appeal within 30 days to the Superior Court ~~in the county where such municipality is located~~.

Sec. 54. R. S., T. 32, § 1803, amended. The last sentence of section 1803 of Title 32 of the Revised Statutes is amended to read as follows:

Any licensee who feels aggrieved or dissatisfied with the decision of the said commissioner may appeal from said decision within 10 days to the Superior Court ~~in the county where the licensee resides, or in the case of a nonresident, to the Superior Court in the County of Kennebec~~.

Sec. 55. R. S., T. 32, § 4452, amended. The first sentence of the next to the last paragraph of section 4452 of Title 32 of the Revised Statutes, as amended, is further amended to read as follows:

Any person, firm or corporation aggrieved by a decision of the commissioner suspending or revoking a registration may, within 30 days after notice thereof from the commissioner, appeal therefrom to the Superior Court ~~in any county where the appellant has a regular place of business or if the appellant has no such place of business within the State, to the Superior Court in Kennebec County~~.

Sec. 56. R. S., T. 35, § 8, amended. The 3rd sentence of section 8 of Title 35 of the Revised Statutes is amended to read as follows:

Any forfeiture or penalty shall be recovered and suit therefor be brought in the name of the State in the Superior Court ~~in the county where the main office of the public utility is located or in Kennebec County~~.

Sec. 57. R. S., T. 35, § 303, amended. The 3rd and 4th sentences of section 303 of Title 35 of the Revised Statutes, as amended by section 4 of chapter 91 of the public laws of 1965, are further amended to read as follows:

The result shall be certified by the clerk of the law court to the secretary of the commission and to ~~a the~~ clerk of the Superior Court ~~for Kennebec County~~, the prevailing party to recover costs to be taxed by said Superior Court in accordance with the law for the taxation of costs on appeal in civil actions. Execution for such costs shall be issued from the Superior Court ~~of Kennebec County~~ in the same manner as in actions originating therein.

Sec. 58. R. S., T. 36, § 1958, amended. The first sentence of section 1958 of Title 36 of the Revised Statutes is amended to read as follows:

Any taxpayer aggrieved by the decision upon such petition may, within 30 days after notice thereof from the Tax Assessor, appeal therefrom to the Superior Court ~~in any county where he has a regular place of business for making retail sales, or, if he has no such place of business within the State, to the Superior Court in Kennebec County.~~

Sec. 59. R. S., T. 36, § 2111, amended. The first sentence of the 3rd paragraph of section 2111 of Title 36 of the Revised Statutes is amended to read as follows:

The complaint may be presented to the Superior Court ~~in any county where the defendant has a regular place of business, or, if he have no regular place, then in Kennebec County.~~

Sec. 60. R. S., T. 36, § 2968, amended. The first sentence of section 2968 of Title 36 of the Revised Statutes is amended to read as follows:

Any motor carrier aggrieved because of any action or decision of the State Tax Assessor under this chapter may appeal therefrom to the Superior Court ~~in Kennebec County.~~

Sec. 61. R. S., T. 36, § 4752, amended. The 2nd sentence of the 2nd paragraph of section 4752 of Title 36 of the Revised Statutes is repealed.

Sec. 62. R. S., T. 38, § 1101, sub-§ 5, amended. The first sentence of subsection 5 of section 1101 of Title 38 of the Revised Statutes, as amended by section 12 of chapter 618 of the public laws of 1971, is further amended to read as follows:

An appeal may be taken from an order of the Board of Environmental Protection, approving or refusing to approve a sanitary district, to the Superior Court ~~within and for the County of Kennebec by following the appropriate procedure set forth in the Maine Rules of Civil Procedure.~~

Sec. 63. R. S., T. 39, § 103, amended. The first sentence of section 103 of Title 39 of the Revised Statutes is amended to read as follows:

Any party in interest may present copies, certified by the clerk of the commission, of any order or decision of the commission or of any commissioner, or of any memorandum of agreement approved by the ~~Commissioner~~ Director of the Bureau of Labor and Industry, together with all papers in connection therewith, ~~to the clerk of courts for the county in which the accident occurred; or if the accident occurred without the State, to the clerk of courts for the County of Kennebec~~ to a clerk of courts of the Superior Court.

Sec. 64. Effective date. This Act shall become effective January 1, 1974.

STATEMENT OF FACT

This bill provides for payment by the State of certain operational expenses of the Superior Court which are presently borne by the counties, as follows:

1. Payment of jurors' fees and mileage ;
2. Payment for jury commissioners ;
3. Payment for counsel appointed for persons who have applied for discharge or release from a mental institution ;
4. Payment for court-appointed counsel in criminal cases, including payment for court-appointed counsel for persons who are confined in the county jail under the Revised Statutes, Title 15, section 2211-A ;
5. Payment for fees for witnesses, officers, aids, bailiffs and messengers and other necessary court personnel ;
6. Payment for the fees of referees, masters and auditors appointed by the court and the expenses of court reporters.

At the present time, a serious financial burden is placed upon county government because of burgeoning costs of operation of the courts. This legislation will alleviate this financial burden on the counties and will free moneys for use to improve physical courtroom facilities and the like. The legislation will not provide for the takeover of courthouses by the State and will leave it up to counties to provide proper courtroom facilities. The fines that are generated into the county treasury from the operation of the Superior Courts will be retained by the counties since this amount is really insignificant as compared to the overall financial picture.

The legislation will also allow the Supreme Judicial Court, by rule, to determine in which county civil actions will be brought and amends pertinent statutes in where criminal prosecutions are to be brought so as to enable regionalization of criminal proceedings. These changes are necessary prerequisites so that the Supreme Judicial Court may increase the operating efficiency of the Superior Court by allowing idle courthouses to be used, for example, to try cases from other counties where there is a serious overload or backlog.