

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

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Legislative Document

No. 577

S. P. 171

In Senate, February 6, 1975

On motion of Senator Speers of Kennebec, referred to the Committee on Judiciary. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Clifford of Androscoggin.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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AN ACT Relating to Venue in the Superior Court.

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

Sec. 1. 4 MRSA § 155 is repealed and the following enacted in place thereof: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. 4 MRSA § 401, 2nd sentence is amended to read:

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**Sec. 3.** 5 MRSA § 2451, sub-§ 1, first sentence, as last amended by PL 1973, c. 303, § 3, is repealed and the following enacted in place thereof:

The appeal must be instituted by filing a complaint in the Superior Court within 30 days after service of the final decision of the Administrative Court Judge, except as otherwise provided in Title 28.

**Sec. 4.** 14 MRSA §§ 501-508, as amended, are repealed and the following enacted in place thereof:

§ 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. 5.** 14 MRSA § 1257 is enacted to read:

§ 1257. Regional juries

The Supreme Judicial Court is authorized to prescribe by rule or order the selection of juries from regions consisting of a single county or a reasonably compact group of counties for trials of criminal prosecutions or civil actions in the Superior Court. If the Supreme Judicial Court shall by rule provide for such regions for the purpose of selection of juries, this chapter shall be applied to such regions and to such regional juries and the word "counties" where it appears in this chapter shall be read to mean "region."

The Chief Justice of the Supreme Judicial Court may appoint jury commissioners for any such regions in accordance with section 1251, provided that the salaries and expenses of such jury commissioners, in such amounts as shall be determined and approved by said Chief Justice, shall be paid by the State.

**Sec. 6.** 14 MRSA § 1901, first sentence is repealed and the following enacted in place thereof:

Any appeal shall be taken from the District Court to the Superior Court within 10 days after judgment.

**Sec. 7.** 14 MRSA §§ 2604 and 2605 are repealed.

**Sec. 8.** 14 MRSA § 2610, last sentence is repealed as follows:

~~The action may be brought in the county in which either the plaintiff or principal defendant resides~~

**Sec. 9.** 14 MRSA § 3101, first sentence is amended to read:

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. 10. 14 MRSA § 3105 is repealed.

Sec. 11. 14 MRSA § 5503, first sentence is amended to read:

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. 11-A. 14 MRSA § 5944, as enacted by PL 1967, c. 430, is repealed.

Sec. 12. 14 MRSA § 6103, first sentence is amended to read:

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. 13. 14 MRSA § 6653, first sentence, as last amended by PL 1971, c. 117, § 4, is repealed as follows:

~~An action under either section 6651 or 6652 shall be brought in the county or district respectively in which the real estate lies~~

Sec. 14. 14 MRSA § 7302, first sentence is repealed as follows:

~~Actions of replevin of goods shall be brought in the division where they are detained~~

Sec. 15. 15 MRSA § 1 is amended by adding at the end the following:

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. 16. 19 MRSA § 284, as enacted by PL 1967, c. 325, § 2, is repealed as follows:

~~§ 284. Venue~~

~~An action under this subchapter may be brought in the county or district where the alleged father is present or has property or in the county or district where the mother or child resides~~

Sec. 17. 19 MRSA § 691, first sentence, as amended by PL 1973, c. 532, is further amended to read:

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 the marital differences are irreconcilable and the marriage has broken down 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.

Sec. 17-A. 19 MRSA § 691, first ¶, last sentence is amended to read:  
The Superior Court has jurisdiction of actions for divorce ~~in all counties~~.

Sec. 18. 23 MRSA § 157, first sentence, as last amended by PL 1971, c. 593, § 22, is further amended to read:

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. 19. 23 MRSA § 2058, first sentence is amended to read:

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. 20. 23 MRSA § 3005, 2nd sentence is amended to read:

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 of such way by the town at its town meeting.

**Sec. 21.** 26 MRSA § 568, first sentence of 2nd ¶, as enacted by PL 1969, c. 454, is amended to read:

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. 22.** 26 MRSA § 1194, sub-§ 9, first sentence is amended to read:

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. 23.** 26 MRSA § 1221, sub-§ 4, ¶ E, sub-¶ (1), 4th sentence is amended to read:

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.

**Sec. 24.** 26 MRSA § 1221, sub-§ 4, ¶ E, sub-¶ (1), last sentence is amended to read:

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. 25.** 26 MRSA § 1312, sub-§ 2, 2nd sentence, as repealed and replaced by PL 1967, c. 403, is repealed as follows:

~~The venue of such action shall be in the county where the work is performed~~

**Sec. 26.** 29 MRSA § 781, sub-§ 2, 2nd sentence is repealed and the following enacted in place thereof:

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.

**Sec. 27.** 30 MRSA § 3713, sub-§ 4, first sentence, as last amended by PL 1973, c. 460, § 18, is repealed and the following enacted in place thereof:

Any person, firm or corporation aggrieved by a decision of the Director of the Bureau of Forestry revoking a registration may, within 30 days after notice thereof from the Director of the Bureau of Forestry, appeal therefrom to the Superior Court.

**Sec. 28.** 35 MRSA § 8, 3rd sentence is amended to read:

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. 29.** ~~35 MRSA § 303, last 2 sentences, as amended by PL 1965, c. 91, § 4, are further amended to read:~~

The result shall be certified by the clerk of the law court to the secretary of the commission and to ~~the a~~ 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. 30.** ~~39 MRSA § 103, first sentence, as last amended by PL 1973, c. 788, § 235, is repealed and the following enacted in place thereof:~~

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 Director of the Bureau of Labor and Industry, together with all papers in connection therewith, to a clerk of courts of the Superior Court.

#### STATEMENT OF FACT

This bill abolishes statutory provisions determining the county in which civil actions may be brought in the Superior Court and authorizes the Supreme Judicial Court to make these determinations by court rule. It also amends the statute on the location of criminal prosecutions to enable some regionalization of criminal proceedings. Finally, it authorizes the court to provide for drawings of juries by region rather than by county. These changes are necessary prerequisites so that the Supreme Judicial Court may increase the operating efficiency of the Superior Court by a measure of regionalization of its operations across county lines.