

# 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 SEVENTH LEGISLATURE

---

---

Legislative Document

No. 1263

---

---

S. P. 350

In Senate, March 19, 1975

On motion of Senator Katz 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.

Cosponsors: Senator Collins of Knox, Senator Conley of Cumberland, Senator Speers of Kennebec.

---

---

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

---

AN ACT to Implement the Recommendations of the Trial Court Revision Commission.

---

**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 trial 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, 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 fol-

lowing 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Sec. 1. 4 MRSA § 1 is repealed and the following enacted in place thereof:

§ 1. Constitution of the court; administrative responsibilities of the court and the Chief Justice

The Supreme Judicial Court, as heretofore established, shall consist of a Chief Justice and 6 associate justices and such Active Retired Justices as may be appointed and serving on said court, learned in the law and of sobriety of manners.

The Chief Justice shall be the head of the Judicial Department of the State. In the event of his disability for any cause, the senior associate, not under disability, shall perform any and all of his duties.

The Supreme Judicial Court shall have general administrative and supervisory authority over the Judicial Department and shall make and promulgate rules, regulations and orders governing the administration of the Judicial Department.

The Chief Justice, as the head of the Judicial Department, shall, in accordance with the rules, regulations and orders of the Supreme Judicial Court, be responsible for the efficient operation of the Judicial Department and for the expeditious dispatch of litigation therein and for the proper conduct of business in all courts. The Chief Justice may require reports from all courts in the State and may issue orders and regulations necessary for the efficient operation of the Judicial Department and the prompt and proper administration of justice.

Sec. 2. 4 MRSA § 4, next to last sentence is repealed 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~~

Sec. 3. 4 MRSA § 4, last sentence is amended to read:

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, and any other reasonably necessary expenses, upon presentation to the State Controller of an itemized statement of such expenses. The Chief Justice of the Supreme Judicial Court or his designee may prescribe regulations for the submission of such itemized statements through his office and for the advance approval by him of such other reasonably necessary expenses.

Sec. 4. 4 MRSA § 11, first sentence is amended to read:

The Chief Justice of the Supreme Judicial Court ~~shall~~ may appoint an administrative assistant who shall serve at the pleasure of the Chief Justice.

**Sec. 5.** 4 MRSA § 14, as enacted by PL 1969, c. 467, § 1, is repealed and the following enacted in place thereof:

**§ 14. Duties of administrative assistant assigned by Chief Justice**

The administrative assistant, under the supervision and direction of the Chief Justice shall perform such duties as may be assigned by the Chief Justice.

**Sec. 5-A.** 4 MRSA c. 1, sub-c. I-B is enacted to read:

**SUBCHAPTER I-B**

**ADMINISTRATIVE OFFICE OF THE COURTS**

**§ 15. Administrative Office of the Courts; appointment of State Court Administrator**

There shall be an Administrative Office of the Courts, directed by a State Court Administrator who shall be appointed by and serve at the pleasure of the Chief Justice of the Supreme Judicial Court. Said administrator shall devote full time to his official duties to the exclusion of any profession for profit.

**§ 16. Assistants and employees of State Court Administrator**

With the approval of the Chief Justice and within the limits of appropriations made therefor the State Court Administrator may appoint such assistants and other employees and purchase or lease such equipment, services and facilities as may be needed for the performance of the duties of said administrator.

These personnel shall have qualifications as prescribed by the Supreme Judicial Court.

**§ 17. Duties of State Court Administrator**

The State Court Administrator under the supervision of the Chief Justice of the Supreme Judicial Court shall:

1. Continuous survey and study. Carry on a continuous survey and study of the organization, operation, condition of business, practice and procedure of the Judicial Department and make recommendations to the Chief Justice concerning the number of judges and other judicial personnel required for the efficient administration of justice. Assist in long and short range planning;

2. Examine the status of dockets. Examine the status of dockets of all courts so as to determine cases and other judicial business that have been unduly delayed. From such reports, the administrator shall indicate which courts are in need of additional judicial personnel and make recommendations to the Chief Justice concerning the assignment or reassignment of personnel to courts that are in need of such personnel. The administrator shall also carry out the directives of the Chief Justice as to the assignment of personnel in these instances;

3. Investigate complaints. Investigate complaints with respect to the operation of the courts;

4. Examine statistical systems. Examine the statistical systems of the courts and make recommendations for a uniform system of judicial statistics. The administrator shall also collect and analyze statistical and other data relating to the business of the courts;

5. Prescribe uniform administrative and business methods, etc. Prescribe uniform administrative and business methods, systems, forms, docketing and records to be used in all state courts;

6. Implement standards and policies set by the Chief Justice. Implement standards and policies set by the Chief Justice regarding hours of court, the assignment of term parts, judges and justices;

7. Act as fiscal officer. Act as fiscal officer of the courts and in so doing:

A. Maintain fiscal controls and accounts of funds appropriated for the Judicial Department;

B. Prepare all requisitions for the payment of state moneys appropriated for the maintenance and operation of the Judicial Department;

C. Prepare budget estimates of state appropriations necessary for the maintenance and operation of the Judicial Department and make recommendations with respect thereto;

D. Collect statistical and other data and make reports to the Chief Justice relating to the expenditures of public moneys for the maintenance and operation of the Judicial Department;

E. Develop a uniform set of accounting and budgetary accounts for all courts in the Judicial Department and serve as auditor of the Judicial Department;

8. Examine arrangements for use and maintenance of court facilities. Examine the arrangements for the use and maintenance of court facilities and supervise the purchase, distribution, exchange and transfer of judicial equipment and supplies thereof;

9. Act as secretary. Act as secretary to the Judicial Conference;

10. Submit an annual report. Submit an annual report to the Chief Justice, Legislature and Governor of the activities and accomplishments of the office for the preceding calendar year;

11. Maintain liaison. Maintain liaison with the executive and the legislative branches and other public and private agencies whose activities impact the Judicial Department;

12. Prepare and plan clerical offices. Prepare and plan for the organization and operation of clerical offices serving the Superior and District Courts within each county. Provide for a central clerk of court office at each county seat with satellite clerk in each court;

13. Implement preservice and inservice educational and training programs. Develop and implement preservice and inservice educational and training programs for judicial and nonjudicial personnel of the Judicial Department; and

14. Perform duties and attend other matters. Perform such other duties and attend to such other matters consistent with the powers delegated herein assigned to him by the Chief Justice and the Supreme Judicial Court.

Sec. 6. 4 MRSA c. 1, sub-c. I-C is enacted to read:

**SUBCHAPTER I-C**  
**JUDICIAL REGIONS: ASSIGNMENT OF**  
**JUSTICES AND JUDGES**

§ 19. Creation of judicial regions; regional court centers and regional presiding justices; duties

The Chief Justice of the Supreme Judicial Court shall by order divide the State into judicial regions for administrative and venue purposes, each judicial region to contain one or more counties, but in no event shall counties be divided for the creation of judicial regions.

The Chief Justice shall designate within each region a location to be the regional court center; provided, that there shall be a regional court center at a location within the County of Aroostook whether or not Aroostook be designated a separate region. The regional court center shall contain the principal offices of the Superior and District Courts within each region and the Chief Justice shall assign at least one Superior Court Justice to the regional court center throughout the year.

Regional presiding justices shall be appointed by, serve at the pleasure of and be responsible to the Chief Justice of the Supreme Judicial Court for the operation of the Superior Court and for the administration of justice within each region. The duties of the presiding justices shall be determined by rule of the Supreme Judicial Court.

Sec. 7. 4 MRSA c. 1, sub-c. I-D is enacted to read:

**SUBCHAPTER I-D**  
**COURT PERSONNEL AND FINANCES**

§ 22. State responsibility for court finances

Beginning with the fiscal year commencing July 1, 1976, the Legislature shall appropriate funds for the expenses of the Judicial Department.

§ 23. Court personnel and compensation

The Supreme Judicial Court shall prescribe by rule a personnel classification plan for all courts in the Judicial Department.

## § 24. Operating budgets

The State Court Administrator shall, subject to the approval of the Chief Justice, prepare biennially a consolidated operating budget for all courts in the State to be known as the Judicial Department operating budget. He shall be assisted in this task by the regional presiding justices and the Chief Judge of the District Court.

The State Court Administrator shall prepare the consolidated court budget according to procedures prescribed by the State Budget Officer. Budget requests and other additional information as requested shall be transmitted to the State Budget Officer on or before September 1st of the even numbered years. The Governor shall include in the budgeted submission the judicial budget without revision but with such recommendations as he may deem proper.

The State Court Administrator, subject to the approval of the Chief Justice, shall prescribe the financial management procedures to be used in all courts of the Judicial Department.

Sec. 8. 4 MRSA § 54, first sentence, as last amended by PL 1969, c. 467, § 2, is repealed and the following enacted in place thereof:

The Chief Justice of the Supreme Judicial Court shall appoint a clerk of the law court to serve at his pleasure and shall, from time to time, designate one or more of the clerks of court or some competent person or persons who shall act as additional clerks of the law court. The clerk of the law court shall receive such salary as the Chief Justice shall determine and shall devote full time to his duties. The clerk of the law court shall also act as reporter of decisions.

Sec. 8-A. 4 MRSA § 102, last sentence, as last amended by PL 1973, c. 599, § 2, is further amended to read:

Section 4, relating to reimbursement of Justices of the Supreme Judicial Court for expenses incurred by them, shall apply to Justices of the Superior Court, including reimbursement for expenses incurred in employing clerical assistance but ~~which in the aggregate shall not exceed a total sum of \$14,000 per year for all~~ the Chief Justice of the Supreme Judicial Court or his designee may specify by order a maximum amount to be expended by any justice for such clerical assistance.

Sec. 9. 4 MRSA § 110, as last repealed and replaced by PL 1969, c. 57, is repealed and the following enacted in place thereof:

## § 110. Trial terms

The Chief Justice of the Supreme Judicial Court shall assign the Justices of the Superior Court to each of the judicial regions as the caseload requires.

The regional presiding justices shall establish the times and places for holding court within their respective regions, shall schedule the business to be conducted and shall specify when the grand jury shall be summoned. A grand jury may be specially summoned at any time by order of a Justice of the Superior Court.

Sec. 10. 4 MRSA § 113, as last amended by PL 1973, c. 540, § 1, is repealed.

Sec. 11. 4 MRSA § 114 is amended to read:

§ 114. Authority of court

The Superior Court may administer all necessary oaths, render judgment and issue execution, punish for contempt and compel attendance; ~~make all such rules and regulations, not repugnant to law, as may be necessary and proper for the administration of justice promptly and without delay;~~ and the provisions of law relative to the jurisdiction of the Supreme Judicial Court in each of said counties over parties, the arrest of persons, attachment of property, the time and mode of service of precepts, proceedings in court, the taxation of costs, the rendition of judgments, the issuing, service and return of executions and all other subjects apply to the Superior Court in all respects, except so far as they are modified by law, and the Superior Court is clothed with all the powers necessary for the performance of all its duties.

Sec. 12. 4 MRSA §§ 115-117 are enacted to read:

§ 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 Justice of the Supreme Judicial Court or his designee, 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. Arrangements for such use shall be made by the Chief Justice or his designee.

If the Chief Justice or his designee 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.

§ 116. Funds of court

All revenue received by the Supreme Judicial or Superior Court from fines, forfeitures, penalties, fees and costs shall accrue to the State, except as otherwise provided under Title 12, sections 3055 and 4503, Title 23, section 1653 and Title 29, section 2302.

§ 117. Other expenses of the court

Within the limits of the appropriations available to the Superior and Supreme Judicial Courts, the Chief Justice of the Supreme Judicial Court or his



designee may authorize the expenditure of funds for such other expenses and capital improvements as are reasonably necessary for the efficient operation of said courts.

**Sec. 12-A.** 4 MRSA § 156, sub-§ 1 is repealed and the following enacted in place thereof:

1. **Appeals from District Court.** Appeals from the District Court shall be on questions of law only and shall be determined by the Superior Court on the record.

**Sec. 13.** 4 MRSA § 163, sub-§ 4, as last amended by PL 1967, c. 449, § 3, is repealed.

**Sec. 14.** 4 MRSA § 164, first ¶ is amended to read:

The Chief Judge shall be responsible to **and under the supervision of** the Chief Justice of the Supreme Judicial Court for the operation of the District Court and shall serve as Chief Judge at the pleasure of the Chief Justice. To this end the Chief Judge shall:

**Sec. 15.** 4 MRSA § 164, sub-§§ 6-8 are amended to read:

6. **Records and reports.** Prescribe, subject to the approval of the Chief Justice or his delegate, the records to be kept and destroyed and the reports to be made by each district judge;

7. **Statistics.** Collect ~~and publish~~ such statistics **and other information** pertaining to the business of the District Court as ~~he deems desirable~~ **are requested by the Chief Justice or his delegate**;

8. **Budget.** Prepare and submit ~~an~~ a proposed annual budget for the District Court to the Chief Justice or his delegate;

**Sec. 16.** 4 MRSA § 164, sub-§ 12, ¶ B, first sentence, as repealed and replaced by PL 1969, c. 299, is amended to read:

The Chief Judge shall by order, which may from time to time be amended, suspended or repealed, designate the traffic ~~offenses~~ **infractions** within the authority of the violations clerk.

**Sec. 17.** 4 MRSA § 164, sub-§ 12, ¶ B, sub-¶ (18) is enacted to read:

(18) **A 2nd or subsequent moving traffic offense within a 12 month's period.**

**Sec. 18.** 4 MRSA § 164, sub-§ 12, ¶¶ C-E, as amended, are further amended to read:

**C. Plea and payment of fines and costs.** Any person charged with any traffic ~~offense~~ **infraction** within the authority of the violations clerk may file an appearance in person or by mail before the violations clerk and enter a plea ~~of guilty~~ **admitting the infraction charged** and waiver of trial and pay the fine established for the ~~offense~~ **infraction** charged, and costs. Any person so ~~pleading guilty~~ **entering a plea admitting the infraction charged** shall be informed of his rights including his right to stand trial, that his

signature to a plea of guilty admitting the infraction charged will have the same effect as a judgment of the court and that the record of conviction adjudication will be sent to the Secretary of State.

D. Procedure after one or more convictions or adjudications within a 12 month's period. Any person who has been found guilty of or who has signed a plea of guilty to, or who has been found to have committed or who has signed a plea admitting or admitting with an explanation, one or more previous traffic offenses subject to this subsection within a 12 month's period shall not be permitted to appear before the violations clerk unless the court shall, by order, permit such appearance. Each waiver of hearing filed under this subsection shall recite on the oath or affirmation of the offender whether or not he has been previously found guilty or to have committed or has previously signed a plea of guilty to, admitting, or admitting with an explanation one or more traffic offenses within a 12 month's period. Any person swearing falsely to such statement shall, upon conviction, be guilty of a misdemeanor and subject to a fine of up to \$50.

E. Chief Judge to authorize procedures. The Chief Judge, following notification to the Chief Justice of the Supreme Judicial Court or his delegate, may authorize such forms and procedures as he deems appropriate to carry out the provisions of this section.

Sec. 19. 4 MRSA § 164, sub-§§ 13 & 14 are enacted to read:

13. Additional duties. The Chief Judge of the District Court shall perform such additional duties as may be assigned by the Chief Justice of the Supreme Judicial Court.

14. Powers reserved to the Supreme Judicial Court. Powers not herein enumerated but necessary or desirable for the proper administration of the courts may, from time to time, be promulgated and assigned, by rule of the Supreme Judicial Court.

Sec. 19-A. 4 MRSA c. 10 is enacted to read:

## CHAPTER 10

### JUDICIAL CONFERENCE OF MAINE

#### § 471. Judicial Conference of Maine.

There shall be a Judicial Conference of Maine composed of judges and justices who shall advise and consult with the Supreme Judicial Court and the Chief Justice on matters affecting the administration of the Judicial Department.

No member of said conference shall receive any compensation for his services, but said conference and the several members thereof shall be allowed, out of judicial appropriation, such expenses for clerical and other services and travel incidentals as the State Court Administrator shall approve.

Sec. 20. 4 MRSA § 501, first sentence is amended to read:

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. 21. 4 MRSA § 551**, as last repealed and replaced by PL 1969, c. 229, § 1, is repealed and the following enacted in place thereof:

**§ 551. Appointment; tenure**

The clerks of the judicial courts shall be appointed by and serve at the pleasure of the Chief Justice of the Supreme Judicial Court. It shall not be a requirement for appointment as a clerk of the judicial courts that the appointee be an attorney at law.

**Sec. 22. Intent.** It is the intent of the Legislature that clerks of the judicial courts shall continue in office until the expiration of their present terms.

**Sec. 23. 4 MRSA § 554**, last sentence is amended to read:

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. 24. 4 MRSA § 556**, first and last ¶¶ are amended to read:

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 as clerk of the Superior or Supreme Judicial Courts 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 or State respectively 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 county treasurer's or 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, ½ 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 ½ 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 and be paid by said clerk to

~~the county treasurer~~ Treasurer of State for the use of the county. The 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. 25. 4 MRSA § 562, first ¶, 3rd sentence and 2nd ¶, 4th sentence, are amended to read:

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 or his designee 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.

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 or his designee 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. 26. 4 MRSA § 567 is amended to read:

§ 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. Notwithstanding provisions of this Act, clerks may aid litigants in the preparation of small claims filings. Nothing shall prevent the clerk from rendering assistance of a general nature to the bar or the public.

Sec. 27. 4 MRSA § 651, 2nd ¶, first sentence is amended to read:

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. 27-A. 4 MRSA § 651, last ¶, as enacted by PL 1971, c. 382, is amended to read:

The Supreme Judicial Court ~~may~~ shall prescribe rules, requirements and regulations, not inconsistent with this Title or other laws of the State, which will insure the production of a readable record of proceedings before the District Court by **stenographic methods or any other suitable means** ~~of including~~ but not limited to electronic recording equipment.

Sec. 28. 4 MRSA § 652 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, after being approved by the presiding justice, be submitted to the office of the Chief Justice of the Supreme Judicial Court, and shall be further approved by him or his designee before payment by the Treasurer of State.

Sec. 29. 14 MRSA § 1252, last ¶ is repealed and the following enacted in place thereof:

Said salaries shall be paid by the State in monthly payments on the last day of each month, and their expenses shall be paid from time to time by the State on bills approved by the Chief Justice of the Supreme Judicial Court or his designee.

Sec. 30. 14 MRSA § 1255, last ¶, as enacted by PL 1967, c. 510, § 2, is repealed and the following enacted in place thereof:

With the approval of the Chief Justice of the Supreme Judicial Court or his designee, 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 their functions. Any such person shall receive such compensation as may be established by the Chief Justice or his designee and actual necessary expenses incurred in the performance of his duties, to be paid by the State.

Sec. 31. 15 MRSA §§ 1941 and 1943 are repealed and the following enacted in place thereof:

§ 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 State at such intervals as the Chief Justice of the Supreme Judicial Court or his designee may direct, and deliver one of said copies and certificates to the Chief Justice and retain one in his office. After approval by the Chief Justice or his designee, one of said copies and certificates shall be forwarded to the Treasurer of State and the treasurer shall pay the witness fees and other proper expenses noted thereon.

§ 1943. Fines, costs and forfeitures in Superior Court

Every clerk of a Superior Court shall render under oath a detailed account of all fines, costs and forfeitures upon convictions and sentences before him, on forms prescribed by the State Department of Audit, and shall pay them into the State Treasury on or before the 15th day of the month following the collection of such fines, costs and forfeitures. Any person who fails to make such payments into the State Treasury shall forfeit, in each instance, double the amount so neglected to be paid over, to be recovered by indictment for the persons entitled to such fines, costs and forfeitures, and in default of payment, according to the sentence of the court, such persons shall be punished by imprisonment for not more than 6 months.

**Sec. 32.** 15 MRSA § 1981, first 2 ¶¶, as amended by PL 1973, c. 567, § 20, are further amended to read:

Sheriffs, jailers and constables who by virtue of their office receive any fines, forfeitures or bills of costs, ~~except debts and costs received upon executions in favor of the State~~ shall forthwith pay them to the Treasurer of the ~~county in which they accrued~~ State.

If any such officer neglects to pay over such fine, forfeitures or costs for 30 days after the receipt thereof; or if he permits any person, sentenced to pay such fine, forfeiture or bill of costs and committed to his custody, to go at large without payment, unless by order of court, and does not within 30 days after such escape pay the amount thereof to the ~~county~~ Treasurer of State, he forfeits to the ~~county~~ State double the amount. The ~~county~~ Treasurer of State shall give notice of such neglect to the ~~county~~ district Attorney General, who shall sue therefor in a civil action in the name of such treasurer.

**Sec. 33.** 15 MRSA § 1983, first ¶ is amended to read:

Each sheriff, as often as every 3 months, shall deliver to the Treasurer of ~~his county~~ State all securities taken by him ~~taken~~ for fines and costs, on the liberation of poor convicts from prison pursuant to law.

**Sec. 34.** 15 MRSA §§ 2031-2033 are amended to read:

**§ 2031. Fees claimed within 3 years**

Sums allowed to any person as fees or for expenses in any criminal prosecution and payable from the ~~county treasury~~ State Treasury may be claimed by such person of the ~~county treasurer~~ Treasurer of State at any time within 3 years after the allowance, and not afterwards.

**§ 2032. Schedule of securities**

A schedule of all securities with the amount due on each, received by the ~~county treasurer~~ Treasurer of State from the sheriff pursuant to section 1983, shall be ~~by him laid before the county commissioners at their next session,~~ to be filed by the sheriff with the clerk. The ~~county commissioners~~ clerk, from time to time, shall examine such securities, and, where he deems appropriate, shall request that the court order the ~~county attorney~~ Attorney General to take such measures for their collection as ~~they judge~~ are deemed expedient or authorize the treasurer to compound and cancel them on such terms as ~~they direct~~ may be ordered.

**§ 2033. Treasurer's annual report to court**

The Treasurer of State shall, on or before the 20th day of November, annually, make a report to the Supreme Judicial Court and 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; to grand jurors and traverse jurors in 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 county treasurer shall, on or before the 20th day of November, annually, make a report to the Supreme Judicial Court and 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.

Neglect to make and forward such a report is a breach of his official bond, and for every day of such neglect he forfeits \$5 to the State, and the Attorney General shall bring an action on such treasurer's official bond to recover such forfeiture.

The obligation of county treasurers under this section shall continue, after the effective date of this Act, with respect to moneys received by them during that portion of the year prior to the effective date of this Act; and thereafter, only with respect to such moneys as continue to be paid out or received for the benefit of the county.

**Sec. 35.** 16 MRSA § 252, 2nd sentence is amended to read:

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. 36.** 27 MRSA § 222, first sentence is amended to read:

The treasurer of each library association, under the direction of the trustees, shall apply all moneys received of the ~~county treasurer~~ Treasurer of State, and all bequests and gifts, to form a law library under the appointed regulations.

**Sec. 37.** 27 MRSA § 224, first and last ¶¶, as repealed and replaced by PL 1971, c. 255, are repealed and the following enacted in place thereof:

The Treasurer of State shall pay annually to the treasurer of the Law Library Associations of the several counties for the uses and benefits of the county law libraries as follows:

The treasurer of each Law Library Association shall account to the State Auditor and the Supreme Judicial Court for all receipts and disbursements made under this section. All such receipts and disbursements shall be subject to audit.

**Sec. 38.** 30 MRSA § 2, first ¶, as last amended by PL 1973, c. 724, § 2, is further amended to read:

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 judicial courts and their deputies, bailiffs and other court and jury officers required~~, the district 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, except as hereinafter provided:

**Sec. 39.** 30 MRSA § 2, next to last ¶, as last amended by PL 1973, c. 567, § 6, is further amended to read:

The salaries mentioned in this section shall be in full compensation for the performance of all official duties by said officers and judges. County commissioners shall allow to said officers, including the district attorney serving the county, excepting clerks of court, all office expense, clerk hire and travel which are necessary, just and proper to the performance of their official duties. Without limiting the generality of the foregoing they shall allow to sheriffs the costs of boarding, guarding and transporting prisoners, whether awaiting trial, during trial or after conviction, and whether acting within or outside the county. The Chief Justice of the Supreme Judicial Court or his designee shall allow to clerks of courts, for payment by the State, their office expense, clerk hire and travel which, in his opinion, are necessary, just and proper to the performance of their official duties. Clerks shall secure approval of such expenses at such time and in such manner as the Chief Justice of the Supreme Judicial Court or his designee shall direct.

**Sec. 40.** 30 MRSA § 2, last ¶, as last repealed and replaced by PL 1973, c. 724, § 4, is amended by adding at the end the following:

The fee payable to clerks of courts shall be payable by them as elsewhere provided by law; or in the absence of express provision, to the State. Fees chargeable by sheriffs and their deputies for service of civil process shall be collected by them exclusively from the litigants. Fees chargeable by sheriffs and deputies not on salary or per diem for service of criminal process shall be approved by the respective county attorneys, and paid by the respective county treasurers.

**Sec. 41.** 30 MRSA § 53 is repealed.

**Sec. 42.** 30 MRSA § 301, first sentence is amended to read:

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. 43.** 30 MRSA § 301 is amended by adding at the end the following new sentence:

**Any violations of such ordinances shall be traffic infractions.**

**Sec. 44.** 30 MRSA § 751, as amended by PL 1967, c. 326, is further amended to read:

**§ 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 that all expenses incurred during such term have been submitted for payment~~

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

#### STATEMENT OF FACT

This bill provides for the assumption by the State of the operational expenses of the Superior Court presently borne by the 16 counties, such as the cost of jurors, witnesses, assigned counsel for indigent defendants and the like.

This will permit the Supreme Judicial Court to make more efficient allocation of our judicial resources and to provide better judicial facilities on a state-wide basis.

The statutory scheme for state financing of the expenses of the Superior and Supreme Judicial Courts as prepared by the Judicial Council is in general well conceived. The commission suggests, however, that the discharge of most of the described functions should be the responsibility of the State Court Administrator as designee of the Chief Justice. Such an allocation of responsibility will reduce the amount of time which the Chief Justice must devote to administrative duties. Final control will of course reside in the Chief Justice at whose pleasure the State Court Administrator serves.