

# MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1951

S. P. 619

In Senate, January 19, 1976

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Clifford of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SIX

AN ACT Concerning the Filing of Cases in State Courts.

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

4 MRSA § 173, sub-§ 1, 2nd ¶, as amended by PL 1975, c. 95 and as repealed by PL 1975, c. 430, § 8, is repealed and the following enacted in place thereof:

Nothing in this section shall be interpreted to prohibit a court from filing a case upon payment of costs without a conviction; provided that upon motion at any time by either party, the court shall bring a filed case forward and proceed to a disposition of the pending complaint.

STATEMENT OF FACT

One of the changes to the statutes made by PL 1975, chapter 430, "AN ACT to Implement the Recommendations of the Maine Traffic Court Advisory Committee," was a change concerning the filing of cases. This change eliminated a provision indicating that courts were not prohibited from filing cases. However, the Legislature, after having considered specifically and at some length the question of the filing of cases by the courts, enacted PL 1975, chapter 95. Chapter 95 permits filing of cases, unless either party to a case moves to take the case from the files, in which case the court cannot continue the case as a filed case.

This Act eliminates the inconsistencies in the statutory provisions by repealing both statutory changes made in the regular session concerning filing of court cases and by reenacting chapter 95 concerning filing.