

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)

5
D OF R.

STATE OF MAINE
SENATE
FIRST SPECIAL SESSION
107TH LEGISLATURE

COMMITTEE AMENDMENT "A" to S.P. 712, L.D. 2243, Bill, "AN ACT to Clarify Certain Laws Relating to the Funding and Operation of the Superior and Supreme Judicial Courts."

Amend said Bill in section 4 in the last line (same in L.D.) by striking out the underlined word "change" and inserting in place thereof the underlined word 'charge'

Further amend said Bill in section 5 in the last line (same in L.D.) by striking out the word "courts" and inserting in place thereof the following: 'courts Superior and Supreme Judicial Courts'

Further amend said Bill in section 10 by striking out all of that part designated "§554." and inserting in place thereof the following:

'§554. Accounting by clerks

Clerks of judicial courts shall account quarterly under oath to the State Auditor for all fees received by them or payable to them by virtue of their office, except those portions of fees collected for passports and naturalization proceedings which are payable to the United States Government, specifying the items, and shall pay the whole amount of the same to the Treasurer of State at such times and in such manner as the Chief Justice or his designee shall from time to time specify.'

Further amend said Bill in section 11 by striking out all of the first underlined paragraph after the amending clause and inserting in place thereof the following:

'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 Treasurer of State. All moneys belonging to the county or State respectively shall be paid ^{within} / 30 days after they are received by him, in such manner as the Chief Justice or his designee shall from time to time specify. If, in either case, he neglects to do so, he shall pay 25% interest thereon until paid. Upon the county treasurer's or Treasurer of State's notice of any known delinquency, the clerk's bond shall then be sued.'

Further amend said Bill in section 14 by striking out all of the last underlined paragraph and inserting in place thereof the following:

'Salaries shall be paid by the State biweekly on a date to be determined by the State Controller 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.'

D. OF R.

Further amend said Bill by inserting after section 15 the following:

'Sec. 15-A. 15 MRSA §1902, as last repealed and replaced by PL 1975, c. 623, §17-A, is repealed and the following enacted in place thereof:

§1902. Fines, forfeitures and criminal costs paid to State

All fines, forfeitures and costs in criminal cases shall be paid into the State Treasury.'

Further amend said Bill in section 18 in that part designated "§2033." by striking out all of the first underlined paragraph and inserting in place thereof the following:

'The State Controller shall, on or before September 1st annually, make a report to the Supreme Judicial Court and Attorney General showing the amount paid out of his office during the year ending June 30th for costs of prosecutions in the Superior Court to grand jurors and traverse jurors in court sessions held for criminal business and the amount received from fines, costs and forfeitures in these courts from judges, jailers and other officers.'

Further amend said Bill in section 20 in the last paragraph ~~in the 2nd line~~ in the 2nd line (1st and 2nd line in L.D.) by striking out the underlined words "State Auditor" and inserting in place thereof the underlined words 'Treasurer of State'

Further amend said Bill in section 21 by striking out all of the last underlined paragraph and inserting in place thereof the following:

'The county commissioners, 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 the district attorneys and their assistants shall receive annual salaries from the State Treasury in biweekly payments on a date to be determined by the State Controller 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.'

Further amend said Bill in section 22 by inserting after the first underlined paragraph the following:

'The Chief Justice of the Supreme Judicial Court or his designee shall allow to clerks of court, for payment by the State, their office expenses, clerk hire and travel expenses 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 or his designee shall direct.'

Further amend said Bill by striking out all of section 23.

Statement of Fact

The purposes of this amendment are clarification and to correct certain typographical and other minor errors made in the original bill being amended and to relieve existing pressure on the Treasurer of State's Office by staggering distribution of salary checks throughout the month.

Reported by Committee on Judiciary.

Reproduced and distributed pursuant to Senate Rule 11-A.

April 2, 1976.

(Filing No. S-516).