

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
108TH LEGISLATURE  
FIRST REGULAR SESSION

(Filing No. H-698)

COMMITTEE AMENDMENT "A" to H.P. 635, L.D. 838, Bill, "AN ACT  
Concerning Administration of the Judicial Department."

Amend the Bill by striking out everything after the title and  
in its place  
inserting/the following:

Sec. 1. 4 MRSA §17, sub-§2, 2nd sentence, as enacted by PL  
1975, c. 408, §5-A, is amended to read:

From such reports, the administrator shall indicate which  
courts are in need of additional judicial personnel and make rec-  
ommendations to the Chief Justice and to the Chief Judge of the  
District Court concerning the assignment or reassignment of per-  
sonnel to courts that are in need of such personnel.

Sec. 2. 4 MRSA, §17, sub-§5, as enacted by PL 1975, c. 408,  
§5-A, is amended to read:

5. Prescribe uniform administrative and business methods,  
etc. Prescribe uniform administrative and business methods, sys-  
tems, forms, docketing and records to be used in all-state-courts  
the Supreme Judicial Court, in the Superior Court and, with the  
written approval of the Chief Judge of the District Court, in the  
District Court;

Sec. 3. 4 MRSA §17, sub-§6, as enacted by PL 1975, c. 408,  
§5-A, is amended to read:

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;

Sec. 4. 4 MRSA §17, sub-§ 7, 11<sup>s</sup> D and E, as enacted by PL 1975, c. 408, §5-A, are amended to read:

D. Collect statistical and other data and make reports to the Chief Justice and to the Chief Judge of the District Court 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 the Supreme Judicial Court, for the Superior Court and, with the written approval of the Chief Judge of the District Court, for the District Court and serve as auditor of the Judicial Department;

Sec. 5. 4 MRSA §17, sub-§12, as enacted by PL 1975, c. 408, §5-A, is amended to read:

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

Sec. 6. 4 MRSA §17, sub-§13, as enacted by PL 1975, c. 408 §5-A, is amended to read:

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

Sec. 7.4 MRSA §164, sub-§2, is amended to read:

2. Assign judges at large. Assign judges at large to hold court in any division where, in his sole judgment, they are needed;

Sec. 8.4 MRSA §164, sub-§5, is amended to read:

5. Assign judges. Assign a judge to hold court for a temporary period in a district or division outside of his own district where, in his sole judgment, they are needed;

Sec. 9.4 MRSA §164, sub-§8, as amended by PL 1975, c. 408, §15, is further amended to read:

8. Budget. Prepare Utilizing such assistance from the Administrative Office of the Courts as he may request, prepare and submit a proposed annual budget for the District Court to the Chief Justice or his delegate;

Sec. 10.4 MRSA §164, sub-§15, is enacted to read:

15. Development and implementation of administrative concepts. The Chief Judge shall carry on a continuous survey and study of the organization, operation, condition of business, practice and procedure of the District Court and make recommendations to the Chief Justice of the Supreme Judicial Court concerning the number of judges and other personnel required for the efficient adminis-

tration of justice and examine, with the advice of the judges of the District Court, the status of dockets of the various District Courts so as to determine whether the business of the court is being carried out in an efficient manner. From such examination, the Chief Judge shall annually make recommendations to the Chief Justice of the Supreme Judicial Court for guidelines and policies for the scheduling and trial of matters before the District Court. In providing such recommendations, the Chief Judge shall give due and appropriate regard to the recommendations of the judges and other personnel of the District Court and shall provide a mechanism whereby their individual recommendations and comments may be brought to the attention of the Chief Justice. The Chief Judge, in advising as to the appropriateness of the methods or the systems for scheduling trials and the management of matters before the District Court, shall take into consideration systems and methods operational in the Superior Court. The final decision as to the management of personnel and the implementation of guidelines, policies and procedures for the scheduling of trials and management of matters before the District Court shall be made by the Chief Justice only after consultation with the Chief Judge.

Sec. 11. 4 MRSA §471, first ¶, as enacted by PL 1975, c. 408, §19-A, is amended to read:

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, who shall review and discuss proposals from the Chief Justice and the State Court Administrator which affect the administration of the Judicial Department and who shall meet at least once each year for that purpose.

#### STATEMENT OF FACT

The basic purpose of this amendment is to make adjustments in the existing system of court administration to give a measure of independence to the administration of the District Court.

Sections 1 through 6 amend subsections of Title 4, section 17, the statute which describes the duties and authority of the State Court Administrator. These sections restrict the administrator's authority in certain areas with respect to the District Court or require the administrator to make certain reports to the Chief Judge of the District Court as well as to the Chief Justice of the Supreme Judicial Court.

Sections 7 through 10 amend portions of Title 4, section 164, the statute which describes the powers and duties of the Chief Judge of the District Court. Sections 7 and 8 give the Chief Judge full authority in assignment of judges of the District Court. Section 10 is a new provision on administration of the District Court. The final decision-making authority is with the Chief Justice, but decisions are to be made only after consultation with the Chief Judge. There is a provision to require that recommendations of the judges and other personnel are brought to the Chief Justice's attention.

Section 11 of this <sup>amendment</sup> strengthens the Judicial Conference which has an advisory role in court administration.

The amendment itself would not affect the past or proposed funding of the administration of the Judicial Department. A portion of the funding of administration of the Judicial Department in the previous biennium came from state funds and a portion from Federal LEAA funds. The total budget request for administration of the Judicial Department is \$194,803/ <sup>for 1977-78 and \$197,315 for 1978-79</sup> The subcommittee of the Judiciary Committee which meets with the Appropriations Committee is recommending a decrease in such budget request so that the cost of administration of the Judicial Department shall be approximately \$173,172 for each fiscal year.

Reported by Report "A" of the Committee on Judiciary.

Reproduced and distributed under the direction of the Clerk of the House.  
6/20/77

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