

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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**Legislative Document**

**No. 838**

H. P. 635

House of Representatives, March 8, 1977

On motion of Mr. Spencer of Standish, referred to the Committee on Judiciary. Sent up for concurrence and 2,000 copies ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Dudley of Enfield.

Cosponsor: Mr. Kelleher of Bangor.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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**AN ACT Concerning Administration of the Judicial Department.**

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

**Sec. 1.** 4 MRSA §§ 15-17, as enacted by PL 1975, c. 408, § 5-A, are repealed and the following enacted in their place:

**§ 15. Administrative Office of the Superior and District Courts**

There shall be an Administrative Office of the Superior Court and an Administrative Office of the District Court, directed by the Chief Administrative Justice of the Superior Court and by the Chief Judge of the District Court respectively. The Chief Administrative Justice and Chief Judge shall divide their time between their duties as administrators and their duties as justices or judges as directed by the Chief Justice of the Supreme Judicial Court.

**§ 16. Assistants and employees of Chief Administrative Justice of the Superior Court and the Chief Judge of the District Court**

With the approval of the Chief Justice and within the limits of appropriations made therefor the Chief Administrative Justice of the Superior Court and the Chief Judge of the District Court 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 the Chief Administrative Justice and Chief Judge.

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

**§ 17. Duties of Chief Administrative Justice of the Superior Court**

The Chief Administrative Justice of the Superior Court 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 Superior Court 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 for the Superior Court;

2. **Examine the status of dockets.** Examine the status of dockets of the Superior Courts so as to determine cases and other judicial business that have been unduly delayed. From such reports, the Chief Administrative Justice 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 Chief Administrative Justice shall also carry out the directives of the Chief Justice as to the assignment of personnel and Justices of the Superior Court in these instances;

3. **Investigate complaints.** Investigate complaints with respect to the operation of the Superior Court and report his findings therein to the Chief Justice of the Supreme Judicial Court;

4. **Examine statistical systems.** Examine the statistical systems of the Superior Court and make recommendations, in conjunction with the Chief Judge of the District Court, to the Chief Justice of the Supreme Judicial Court, for a uniform system of judicial statistics. The Chief Administrative Justice of the Superior Court shall also collect and analyze statistical and other data relating to the business of the Superior Court;

5. **Prescribe uniform administrative and business methods, etc.** Prescribe uniform administrative and business methods, systems, forms, docketing and records to be used in the Superior Court;

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

7. **Act as fiscal officer.** Act as fiscal officer of the Superior Court and in so doing:

A. **Maintain fiscal controls and accounts of funds appropriated for the Superior Court;**

B. **Prepare all requisitions for the payment of state moneys appropriated for the maintenance and operation of the Superior Court;**

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

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

E. Develop a uniform set of accounting and budgetary accounts for the Superior Courts and serve as auditor of the Superior Court;

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

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

10. Submit an annual report. Submit an annual report to the Chief Justice of the Supreme Judicial Court, Legislature and Governor of the activities and accomplishments of the Administrative Office of the Superior Court and of the Superior Court;

11. Maintain liaison. Maintain liaison with the Executive Department and the Legislative Department and other public and private agencies whose activities impact the Superior Court;

12. Prepare and plan clerical offices. Prepare and plan for the organization and operation of clerical offices serving the Superior 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 Superior Court; 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 of the Supreme Judicial Court.

Sec. 2. 4 MRSA § 19, as enacted by PL 1975, c. 408, § 6, is repealed.

Sec. 3. 4 MRSA § 24, as enacted by PL 1975, c. 403, § 7, is repealed and the following enacted in its place:

#### § 24. Operating budgets

The Chief Administrative Justice of the Superior Court shall, subject to the approval of the Chief Justice of the Supreme Judicial Court, prepare biennially a consolidated 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 Chief Judge of the District Court using the budget estimates of the Chief Judge and his own budget estimates.

The consolidated court budget shall be prepared 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 Chief Administrative Justice of the Superior Court and the Chief Judge of the District Court, subject to the approval of the Chief Justice of the Supreme Judicial Court, shall prescribe the financial management procedures to be used in all courts of the Judicial Department.

The budget submitted by the State Court Administrator for the 1977-1979 biennium shall be considered the Judicial Department operating budget aforesaid.

**Sec. 4.** 4 MRSA § 101, as last amended by PL 1973, c. 599, § 1, is repealed and the following enacted in its place :

**§ 101. Constitution of court**

The Superior Court, as heretofore established, shall consist of 15 justices, one of whom shall be appointed by the Chief Justice of the Supreme Judicial Court to be Chief Administrative Justice of the Superior Court, to serve in such capacity at the pleasure of the Chief Justice and such Active Retired Justices as may be appointed and serving on that court, learned in the law and of sobriety of manners. Whenever in the opinion of the Chief Justice of the Supreme Judicial Court it becomes necessary he may designate a Justice of the Supreme Judicial Court or any Active Retired Justice of the Supreme Judicial Court or of the Superior Court to hold a term of that Superior Court, or may designate any of such justices or a Justice of the Superior Court to hold one or more sessions thereof, separate from the session presided over by the justice holding the regular trial term.

**Sec. 5.** 4 MRSA § 102, as last amended by PL 1975, c. 735, § 2, is repealed and the following enacted in its place :

**§ 102. Salary; expenses**

Each of the Justices of the Superior Court shall receive an annual salary of \$25,500. 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 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.

The Chief Administrative Justice shall receive additional compensation in the amount of \$3,000. Such additional compensation shall not be considered for retirement purposes.

**Sec. 6.** 4 MRSA § 110, as last repealed and replaced by PL 1975, c. 408, § 9, is repealed and the following enacted in its place :

**§ 110. Assignment of Justices**

The Chief Administrative Justice of the Superior Court shall assign, subject to the approval of the Chief Justice of the Supreme Judicial Court, the Justices of the Superior Court to each of the several Superior Court locations as the caseload requires. The Chief Administrative Justice of the Superior Court, subject to the approval of the Chief Justice of the Supreme Judicial

Court, shall establish the times and places for holding court, 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. 7. 4 MRSA § 157, as last amended by PL 1975, c. 771, § 19, is repealed and the following enacted in its place:

§ 157. Judges; appointment; salary; retirement

The Governor, subject to review by the Joint Standing Committee on Judiciary and the confirmation by the Legislature, shall appoint to the District Court 5 judges at large and 15 judges. At least one judge shall be appointed in each district who shall be a resident thereof, except that in District 3 there shall be 2 judges appointed who shall be residents thereof and except that in District 9 there shall be 2 judges appointed who shall be residents thereof. One of the judges at large shall have as his primary responsibility the conduct of proceedings pursuant to Title 34, section 2334. Each shall have a term of office of 7 years. Each judge shall receive an annual salary of \$23,000. The Chief Justice of the Supreme Judicial Court shall designate one of the judges as Chief Judge who shall serve at the pleasure of the Chief Justice. The Chief Judge shall receive additional compensation in the amount of \$3,000 annually so long as he shall serve in that capacity. Such additional compensation shall not be considered for retirement purposes. Each judge shall be reimbursed for his expenses actually and reasonably incurred by him in performing his duties, upon presentation to the State Controller of a detailed statement of such expenses approved by the Chief Judge.

To be eligible for appointment as District Judge, a person must be a member of the bar of the State. The term "District Judge" shall include the Chief Judge and the judges at large.

A District Judge shall devote full time to his judicial duties. He shall not practice law during his term of office, nor shall he during such term be the partner or associate of any person in the practice of law.

Sec. 8. 4 MRSA § 164, as last amended by PL 1975, c. 731, §§ 1 and 2, is repealed and the following enacted in its place:

§ 164. Duties of Chief Judge

The Chief Judge of the District Court 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 District Court 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 for the District Court;

2. Examine the status of dockets. Examine the status of dockets of the District Courts so as to determine cases and other judicial business that have been unduly delayed. From such reports, the Chief Justice shall indicate

which courts are in need of additional nonjudicial personnel and make recommendations to the Chief Justice of the Supreme Judicial Court concerning the assignment or reassignment of personnel to courts that are in need of such personnel. The Chief Justice shall also carry out the directives of the Chief Justice as to the assignment of the personnel in these instances;

3. Investigate complaints. Investigate complaints with respect to the operation of the District Court and report his findings therein to the Chief Justice of the Supreme Judicial Court;

4. Examine statistical systems. Examine the statistical systems of the District Court and make recommendations, in conjunction with the Chief Administrative Justice of the Superior Court, to the Chief Justice of the Supreme Judicial Court, for a uniform system of judicial statistics. The Chief Judge of the District Court shall also collect and analyze statistical and other data relating to the business of the District Court;

5. Prescribe uniform administrative and business methods. Prescribe uniform administrative and business methods, systems, forms, docketing and records to be used in District Courts;

6. Implement standards and policies set by the Chief Justice. Implement standards and policies set by the Chief Justice of the Supreme Judicial Court regarding hours and days of court and assignment of judges as allowed by law;

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

A. Maintain fiscal controls and accounts of funds appropriated for the District Court;

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

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

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

E. Develop a uniform set of accounting and budgetary accounts for the District Court and serve as auditor of the District Court;

8. Make arrangements for use and maintenance of court facilities. Make the arrangements for the use and maintenance of District Court facilities in accordance with section 162, and supervise the purchase, distribution, exchange and transfer of judicial equipment and supplies therefor;

9. Submit an annual report. Submit an annual report to the Chief Justice of the Supreme Judicial Court, Legislature and Governor of the activities and accomplishments of the Administrative Office of the District Court and of the District Court;

10. **Maintain liaison.** Maintain liaison with the Executive Department and Legislative Department and other public and private agencies whose activities impact the District Court;

11. **Prepare and plan clerical offices.** Prepare and plan for the organization and operation of clerical offices serving the District Court;

12. **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 District Court;

13. **Assign judges.** Assign judges at large to hold court in any division where, in his judgment, they are needed, and assign a judge to hold court for a temporary period in any district or division outside of his own district when an emergency requires such temporary assignment. Such temporary assignment shall be made only with the consent of the judge to be temporarily assigned;

14. **Traffic violations bureau.** Establish in each division a traffic violations bureau. The Chief Judge shall appoint the clerks of the District Court in each division as violations' clerks for the traffic violations bureau in their respective divisions.

The violations clerk shall accept written appearances, waiver of trial, plea of guilty and payment of fines and costs in traffic offense cases, subject to the limitations hereinafter prescribed. The violations clerk shall serve under the direction and control of the judge of the court for which he is appointed.

**A.** Traffic offense shall mean any violation of a statute, ordinance or regulation relating to the operation or use of motor vehicles and any violation of a statute, ordinance or regulation relating to the use of streets and highways by pedestrians or by the operations or by the operation or use of any other vehicle.

**B.** The Chief Judge shall by order, which may from time to time be amended, suspended or repealed, designate the traffic offenses within the authority of the violations clerk. Such offenses shall not include:

- (1) Driving to endanger;
- (2) Reckless driving;
- (3) Offenses resulting in accident;
- (4) Operating while under the influence of intoxicating liquor or a narcotic drug or while impaired;
- (5) Driving after suspension or revocation of operator's license;
- (6) Operating without a license;
- (7) Operating an unregistered motor vehicle;
- (8) Passing a stopped school bus;
- (9) Exceeding the speed limit by more than 15 miles per hour;



- (10) Loaning or altering license or permit ;
- (11) Leaving the scene of an accident ;
- (12) Taking a motor vehicle without consent ;
- (13) Homicide or assault committed by means of motor vehicle ;
- (14) Failure to report an accident ; and
- (15) Passing on hills and curves.

The court shall establish schedules, within the limits prescribed by law, of the amount of fines to be imposed for such offenses. The order of the court establishing the schedules shall be prominently posted in the place where the fines are paid. Fines and costs shall be paid to, receipted by and accounted for by the violations' clerk in accordance with these provisions.

C. Any person charged with any traffic offense 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 and waiver of trial and pay the fine established for the offense charged, and costs. Any person so pleading guilty shall be informed of his rights, including his right to stand trial, that his signature to a plea of guilty will have the same effect as a judgment of the court and that the record of conviction will be sent to the Secretary of State.

D. Any person who has been found guilty of, or who has signed a plea of, guilty to one or more previous traffic offenses subject to this subsection 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 has previously signed a plea of guilty to one or more traffic offenses. 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. The Chief Judge may authorize such forms and procedures as he deems appropriate to carry out the provisions of this subsection.

15. Additional duties. Perform such additional duties as may be assigned by the Chief Justice of the Supreme Judicial Court; and

16. 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. 9. 4 MRSA § 454, 1st ¶, as enacted by PL 1975, c. 610, § 1, and as amended by c. 650, is further amended to read:

There is established a Maine Criminal Justice Sentencing Institute under the administrative supervision of the ~~State Court Administrator~~ Chief Administrative Justice of the Superior Court to provide a continuing forum for the regular discussion by criminal judges, prosecutors, law enforcement and

correctional personnel of the most appropriate methods of sentencing convicted offenders. All Superior Court and District Court Judges, all District Attorneys and attorneys within the Criminal Division of the Office of the Attorney General, and such other criminal justice personnel as the Judicial Council may authorize shall be members of the institute.

**Sec. 10. 4 MRSA § 454, 2nd ¶, 1st sentence**, as enacted by PL 1975, c. 610, § 1, is amended to read:

The institute shall meet annually, at the call of the ~~Judicial Council~~ **Chief Administrative Justice of the Superior Court**, for a 2-day period within an existing state correctional facility to discuss recommendations for changes in the sentencing authority and policies of the state's criminal courts, in response to current law enforcement problems and the available alternatives for criminal rehabilitation within the state's correctional system.

**Sec. 11. 4 MRSA § 454, last ¶**, as enacted by PL 1975, c. 610, § 1, is amended to read:

Members of the institute shall receive no compensation for their services, but shall be allowed, out of any appropriation or other fund made available for the purpose, such expenses for clerical and other services, travel and incidentals as the ~~Judicial Council~~ **Chief Administrative Justice of the Superior Court** may authorize.

**Sec. 12. 4 MRSA § 551**, as last amended by PL 1975, c. 735, §§ 8 and 9, is repealed and the following enacted in its place:

**§ 551. Clerks of the judicial courts, clerical assistants; appointments; compensation**

For each county and for the office of the Supreme Judicial Court, the Chief Justice shall appoint such clerks and employ such clerical assistants as may be necessary to serve the Supreme Judicial Court and the Superior Court. Clerks and clerical assistants shall be compensated as determined by the Chief Justice of the Supreme Judicial Court. If the business of any county does not require the full-time service of a clerk, the Chief Justice may appoint a part-time clerk for such county. Whenever a clerk is absent or temporarily unable to perform his duties as clerk and an existing or immediate session of the court renders it necessary, the Chief Justice may designate a clerk pro tempore who shall have the same powers and duties as the clerk.

#### STATEMENT OF FACT

This bill concerns the administration of the Judicial Department.