

MAINE STATE LEGISLATURE

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(EMERGENCY)
(Governor's Bill)

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1783

H. P. 1567

House of Representatives, May 16, 1977

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

EDWIN H. PERT, Clerk

Presented by Mr. Spencer of Standish.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Revise the Application and Effective Date of the Administrative Court Law

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, it is essential that this legislation receive immediate passage in order to insure the continued functioning of the Administrative Court; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following 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. MRSA § 2401, first ¶, as repealed and replaced by PL 1975, c. 780, § 1 is amended by inserting after the 2nd sentence the following:

If for some reason neither the Administrative Court Judge nor the Associate Administrative Court Judge is able to perform his duties outlined in this chapter, the alternate procedures authorized in subsection 5 shall apply.

Sec. 2. PL 1975, c. 780, § 6, first sentence is amended to read:

All provisions of this Act relating to Associate Administrative Court Judge and the powers and duties relating to that position shall be effective on ~~July~~ [±], ~~1977~~ May 16, 1977.

Sec. 3. Appropriation. There is appropriated from the General Fund to the Administrative Court the sum of \$3,500 to carry out the purposes of this Act. The breakdown shall be as follows:

1976-77

ADMINISTRATIVE COURT

Personal Services	(1)	\$3,500
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Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

Due to the serious illness of the Administrative Court Judge, there is a necessity to amend the existing laws by doing the following:

1. Hasten the effective date of the law creating the Associate Administrative Court Judge position from July 1, 1977, to May 16, 1977; and
2. Provide that in the event that neither the Administrative Court Judge nor the Associate Administrative Court Judge is able to perform his duties, then the District Court shall be empowered with jurisdiction in order to carry on the function of the Administrative Court.

This bill is essential and its immediate passage is critical in order to insure the ability of the Administrative Court to continue functioning.