

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1167

H. P. 927

House of Representatives, March 12, 1979

Referred to the Committee on Appropriations and Financial Affairs. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Pearson of Old Town.

Cosponsors: Mr. Kelleher of Bangor, Mr. Morton of Farmington and Mr. Higgins of Scarborough.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

**AN ACT to Upgrade, Construct and Maintain Court Facilities.**

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

**Sec. 1.** 4 MRSA § 17, sub-§ 13, as amended by PL 1977, c. 544, § 6, is further amended to read:

**13. Implement preservice and inservice educational and training programs.** Develop and implement preservice and inservice educational and training programs for nonjudicial personnel of the Judicial Department; ~~and~~

**Sec. 2.** 4 MRSA § 17, sub-§ 14, as enacted by PL 1975, c. 408, § 5-A, is amended to read:

**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 and the Supreme Judicial Court; **and**

**Sec. 3.** 4 MRSA § 17, sub-§ 15 is enacted to read:

**15. Facilities.** Develop and implement comprehensive facility standards and procedures for all state court facilities; **and** develop and maintain a data base to support long-term facilities planning.

**Sec. 4.** 4 MRSA § 115, as amended by PL 1975, c. 735, § 4, is repealed and the following enacted in its place:

**§ 115. County commissioners to furnish quarters**

**Each county shall continue to provide for the use of the Supreme Judicial and Superior Courts such quarters, facilities, furnishings and equipment in existing county buildings as are in use on July 1, 1980, for which the Judicial Department shall reimburse the county those costs incurred in the normal operation of that portion of the building occupied by the Judicial Department.**

**After July 1, 1980 each county shall cooperate with the Supreme Judicial Court and the Superior Courts to provide additional space in existing facilities on an equitable basis.**

**Sec. 5.** 4 MRSA § 117, as amended by PL 1975, c. 735, § 5, is repealed.

**Sec. 6.** 4 MRSA § 162 is repealed.

**Sec. 7.** 4 MRSA § 163, sub-§ 3 is repealed.

**Sec. 8.** 4 MRSA c. 6 is enacted to read:

**CHAPTER 6**

**FACILITIES**

**§ 191. Purposes**

**The purposes of this chapter are to:**

**1. Facilities.** Provide a clear management and financial mechanism whereby the Supreme Judicial, the Superior, the District and the Administrative Courts, hereinafter in this chapter called the "Judicial Department," shall upgrade, construct and maintain facilities in accordance with the recommendations of the Supreme Judicial Court;

**2. Funds.** Provide sufficient state funds for implementing a building and maintenance program for the Judicial Department in accordance with the recommendations of the Supreme Judicial Court;

**3. Mechanism for implementation.** Provide a mechanism for implementing the renovation, upgrading, construction and maintenance of facilities for the Judicial Department; and

**4. Revision.** Revise existing statutes relative to facilities for the Judicial Department and consolidate all facility issues for all courts.

**§ 192. Objectives**

**The objectives of this chapter are to:**

**1. Facilities.** Provide facilities for the Judicial Department that satisfy both the short-term and long-term needs of the department as determined by the Supreme Judicial Court;

2. **Guidelines.** Provide facilities for the Judicial Department that meet modern court design guidelines, satisfy all state building and life-safety requirements and are economical to maintain and operate;

3. **Facilities Unit.** Provide a centralized Facilities Unit within the Administrative Office of the Courts;

4. **Funding.** Provide a flexible funding mechanism to enable the Judicial Department to implement its building program, including the acquisition, construction and maintenance of new court facilities and the renovation of existing facilities;

5. **Other financial arrangements.** Provide equitable financial arrangements for counties, municipalities and private owners to renovate or construct court facilities for the Judicial Department; and

6. **Leasing.** Provide equitable leasing arrangements for all Judicial Department facilities, leased commencing July 1, 1980.

#### § 193. Powers

1. **Funds.** The State Court Administrator, under the supervision of the Chief Justice of the Supreme Judicial Court, shall authorize expenditure of funds for capital improvements and maintenance of all Judicial Department facilities.

2. **Construction and renovation.** The Judicial Department may acquire, construct and renovate court facilities, including acquiring land for that purpose. These facilities shall be owned and operated by the State.

3. **Leases.** The Judicial Department may contract with counties, municipalities and private owners for the construction of new facilities, or the renovation of existing facilities, to be leased to the State for court system purposes.

#### § 194. Program allocations

State funds shall be allocated for acquiring and clearing land, improving, upgrading, constructing, furnishing, equipping and maintaining court facilities and for engaging professional services.

State funds shall be allocated for establishing the Facilities Unit within the Administrative Office of the Courts.

#### § 195. Court Facilities Committee

The Supreme Judicial Court shall establish a Court Facilities Committee and appoint its members.

#### § 196. Powers

The Court Facilities Committee shall recommend to the Supreme Judicial Court:

1. **Plans.** Priorities and annual plans, including budgets, for the improvement of court facilities;

2. **Funds.** Plans for the allocation and expenditure of state funds for court improvements;

3. **Standards.** Facility standards and a program of systematic implementation for the improvement of court facilities. These standards shall reflect the most recent findings of those national organizations and professions involved in court facilities;

4. **Professional services.** Selection of architects, engineers and consultants to perform professional services as necessary; and

5. **Architectural plans.** Approval of architectural and engineering plans.

§ 197. Standards established

1. **Uniform.** Improvements in all court facilities shall adhere to a uniform set of standards to be established by the Court Facilities Committee.

2. **Recent findings.** These standards shall reflect the most recent findings of those national organizations and professions involved in the creation of court facility standards.

§ 198. Financial mechanism

The Administrative Office of the Courts shall be the state agency for authorizing disbursement of building funds with the approval of the Chief Justice of the Supreme Judicial Court.

Funding for construction of court facilities shall proceed by either method A or method B as recommended by the Court Facilities Committee.

1. **Method A.** State funded and owned facilities. The State shall appropriate funds for the construction of new court facilities or the acquisition and renovation of existing facilities. The State shall own and operate these court facilities. The State, through the Judicial Department, may lease unoccupied space in newly built facilities with an appropriate option of displacing any such tenant to make room for court expansion.

2. **Method B.** Other than state funded and owned facilities. Counties, municipalities or private organizations or individuals shall fund the construction or renovation of court facilities. As a result of new construction or renovation, the State shall enter into an equitable leasing agreement with the county, municipality or private owner. The county, municipality or private owner shall own the facility and shall be responsible for maintaining its share of the operating expenses.

If Method B is used, the State may provide an option whereby the State may purchase the property to facilitate the expansion needs of the Judicial Department.

**3. Funds - Method A.** The Legislature shall appropriate Method A funds as part of the unallocated capital budget of the Judicial Department.

**4. Funds - Method B.** The Legislature shall appropriate method B funds as part of the unallocated operating budget of the Judicial Department.

**§ 199. Review**

Existing statutes shall be reviewed every 4 years to assure that the purposes and objectives of this chapter are being met and are effectively defined.

**Sec. 9. Appropriation.** The following funds shall be appropriated from the General Fund to carry out the purposes of this Act.

**1979-80**

**JUDICIAL DEPARTMENT**

Unallocated

\$10,253,150

**STATEMENT OF FACT**

The purpose of this bill is to provide a clear management and financial mechanism through which the Judicial Department can upgrade, construct and maintain court facilities throughout the State. There is no existing mechanism for capital improvements in the Supreme Judicial, Superior and Administrative Courts and the existing mechanism for the District Court is inadequate.

In addition, the appropriation included in the bill provides moneys to begin the 15-year renovation and replacement program for the court facilities recommended to the Supreme Judicial Court as a result of the Maine Court System Facilities Study.