

MAINE STATE LEGISLATURE

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(Governor's Bill)
FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1602

S. P. 542

In Senate, May 9, 1979

Presented by Senator Conley of Cumberland.

Cosponsors: Senator Collins of Knox, Senator Carpenter of Aroostook.

MAY M. ROSS, Secretary of the Senate.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Integrate the Activities of the District Court into the Superior Court.

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

Sec. 1. 4 MRSA § 1, last sentence, as repealed and replaced by PL 1975, c. 408, § 1, is amended to read:

The Chief Justice may require reports from all courts in the State and may issue orders and regulations necessary for the efficient operation of the Judicial Department and the prompt and proper administration of justice **and may by order establish Divisions of the Superior Court.**

Sec. 2. 4 MRSA § 1, as repealed and replaced by PL 1975, c. 408, § 1, is amended by inserting at the end the following new sentence:

The powers of the Chief Judge of the District Court prior to January 1, 1981, shall be vested in the Chief Justice.

Sec. 3. 4 MRSA § 105, first sentence, as amended by PL 1975, c. 430, § 1, is further amended to read:

The Superior Court, exclusive of the Supreme Judicial Court, shall have and exercise jurisdiction and have and exercise all of the powers, duties and authority necessary for exercising the jurisdiction in any and all matters either original or

appellate, which were, prior to January 1, 1930, within the jurisdiction of the Supreme Judicial Court or any of the Superior Courts, whether cognizable at law or in equity, ~~except as concurrent or exclusive jurisdiction is vested in the~~ **and in any and all matters, which were prior to January 1, 1981, within the exclusive or concurrent jurisdiction of the** District Court, and except as provided in Title 14, section 5301, provided that it shall have and exercise none of the jurisdiction, powers, duties and authority of the Supreme Judicial Court sitting as a law court.

Sec. 4. 4 MRSA § 107, first sentence is amended to read:

The clerk of the judicial courts in any county shall act as the clerk of the Superior Court in such county **and shall have the powers and duties which the clerk of the District Court in that county had prior to January 1, 1981.**

Sec. 5. 4 MRSA c. 5, as amended, is repealed.

Sec. 6. Transfer of funds. Any moneys remaining in the District Court Building Fund, pursuant to the Revised Statutes, Title 4, section 163, on December 31, 1980, are transferred to the General Fund.

Sec. 7. Effective date. The effective date of this Act shall be January 1, 1981; except that section 1 shall become effective on January 1, 1980; and except that each District Court Judge appointed pursuant to the Revised Statutes, Title 4, section 157, prior to January 1, 1981, shall remain in office as a District Court Judge but shall be vested with the powers and duties of a Justice of the Superior Court for the remainder of his term. Upon the expiration of the term of each District Court Judge, the office of the District Court Judge held by that judge shall be abolished, and an additional position of Superior Court Justice shall be created.

STATEMENT OF FACT

This bill would abolish the District Court and merge it into the Superior Court so that there will be only one trial jurisdiction in the state court system.

Sections 1 and 2 expand the authority of the Chief Justice of the Supreme Judicial Court by vesting him with the powers and duties previously held by the Chief Judge of the District Court and by allowing him to create divisions within the Superior Court.

Section 3 transfers the jurisdiction of the District Court to the Superior Court as of January 1, 1981.

Section 4 transfers the functions of the District Court clerks to the office of Superior Court clerks.

Section 5 abolishes the District Court.

Section 6 transfers any moneys remaining in the District Court Building Fund on December 31, 1980, to the General Fund.

Section 7 establishes an effective date of January 1, 1981, to allow sufficient time for the orderly transition to the unified trial court system. There are 2 exceptions to the January 1, 1981, date. The first establishes January 1, 1980, as the effective date for the authority of the Chief Justice to establish divisions. This will allow time to tend to administrative matters prior to the general effective date. The 2nd establishes a system for phasing out the office of District Court Judge which insures that incumbents remain in office for the duration of their terms as required by the Maine Constitution.