

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

New Draft of H. P. 927, L. D. 1167  
FIRST REGULAR SESSION

---

---

ONE HUNDRED AND NINTH LEGISLATURE

---

---

**Legislative Document**

**No. 1677**

---

---

H. P. 1519

House of Representatives, June 8, 1979

Reported by Mr. Pearson from the Committee on Appropriations and Financial Affairs and printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

---

---

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 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 recommendation of the Supreme Judicial Court;

3. **Mechanism for implementation.** Provide a mechanism for implementing the renovation, enlargement, 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 and enlargement of existing facilities;

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

6. **Leasing.** Make equitable leasing arrangements for all facilities now provided by counties for the use of the Supreme Judicial and Superior Courts, subject to the authorization of funding by the Legislature for such leasing commencing on an effective date to be fixed by the Legislature. It is the intent

of the Legislature that as soon as practicable all facilities of the Judicial Department should be state financed; that each county should continue, after the effective date of the transfer to such leasing arrangements, to provide for the use of the Supreme Judicial and Superior Courts such quarters, facilities, furnishings and equipment in each existing county building as are in use on such effective date; that for the use of such property the Judicial Department should after such effective date reimburse the county those costs incurred in the normal operation of that portion of the building occupied by the Supreme Judicial and Superior Courts; and that each county should cooperate with the Supreme Judicial Court and Superior Court to provide additional space in existing buildings on an equitable basis.

#### § 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, renovate and enlarge 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 and enlargement 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

1. **Recommendations to the Supreme Judicial Court.** The Court Facilities Committee shall recommend to the Supreme Judicial Court:

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

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

C. 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;

D. Selection of architects, engineers and consultants to perform professional services as necessary; and

E. Approval of architectural and engineering plans.

§ 197. Standards established

1. Uniform. Improvements in all court facilities shall to the extent feasible 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 be herein provided 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, renovation and enlargement of existing facilities.

2. Method B; other than state funded and owned facilities. Counties, municipalities or private organizations or individuals shall fund the construction, renovation or enlargement of court facilities. As a result of new construction, renovation or enlargement, 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. 5. Appropriation.** The following funds shall be appropriated from the General Fund to carry out the purposes of this Act.

	<b>1979-80</b>
JUDICIAL DEPARTMENT	
Unallocated	\$800,000

**STATEMENT OF FACT**

The purpose of this new draft 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 new draft provides moneys to meet some of the most urgent space, safety and other facilities needs identified by the Maine Court System Facilities Study conducted at the direction of the Supreme Judicial Court.