

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND TENTH LEGISLATURE

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**Legislative Document**

**No. 1142**

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S. P. 384

In Senate, March 5, 1981

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

MAY M. ROSS, Secretary of the Senate

Presented by Senator Devoe of Penobscot.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

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**AN ACT to Place Court Clerks and Assistants under the Judicial Department  
Personnel Classification Plan.**

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

**Sec. 1.** 4 MRSA § 54, as last amended by PL 1975, c. 408, § 8, is repealed and the following enacted in its place:

**§ 54. Clerks; duties; compensation; expenses of county**

A clerk of the Law Court, and any additional clerks who may be necessary, shall be appointed and compensated under the personnel classification plan authorized by section 23. The clerk shall devote full time to his duties. He shall act as reporter of decisions.

**Sec. 2.** 4 MRSA § 107, is amended to read:

**§ 107. Clerk**

The clerk of the judicial courts in any county shall act as the clerk of the Superior Court in such county and he shall be subject to the personnel classification plan authorized by section 23. Any deputy clerk ~~if his appointment has been approved by a resident Justice of said Superior Court or by the Chief Justice of the Supreme Judicial Court~~ may, whenever directed by the clerk, act as clerk of the Superior Court at any or either session thereof in that county, **subject to the personnel classification plan authorized by section 23.**

Sec. 3. 4 MRSA § 159, as amended by PL 1973, c. 83, is further amended to read:

**§ 159. Clerk, clerical assistants; appointment; compensation**

For each division and for the office of the Chief Judge, ~~the Chief Judge shall appoint~~ such clerks and deputy clerks and ~~employ~~ such clerical assistants as may be necessary **shall be appointed and compensated under the personnel classification plan authorized by section 23.** Clerks, ~~deputy clerks and clerical assistants shall be compensated as determined by the Chief Judge~~ If the business of any division does not require the full-time service of a clerk, ~~the Chief Judge may appoint~~ a part-time clerk for such division **may be appointed under the plan.** Whenever the clerk is unable to perform the duties of his office or so directs, his deputy shall have all the power and perform all the duties of clerk. Whenever a clerk is absent or temporarily unable to perform his duties as clerk and there is no deputy clerk authorized or available to exercise the powers and perform the duties of clerk and an existing or immediate session of the court renders it necessary, the ~~judge~~ **Chief Judge** may designate a clerk pro tempore who shall have the same powers and duties of the clerk.

Sec. 4. 4 MRSA § 551, as last amended by PL 1975, c. 735, §§ 8-9, is further amended to read:

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

For each county, or if the Supreme Judicial Court shall have by rule established judicial regions, for each judicial region, and for the office of the Chief Justice 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 **shall be appointed and compensated under the personnel classification plan authorized by section 23.** Clerks ~~and clerical assistants shall be compensated as determined by the Chief Justice~~ If the business of any county or judicial region does not require the full-time service of a clerk, ~~the Chief Justice may appoint~~ a part-time clerk for such county or region **may be appointed under the plan.** 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.

Sec. 5. 4 MRSA § 1151, sub-§ 3, ¶ C, 3rd sentence, as enacted by PL 1977, c. 551, § 1, is amended to read:

~~He may employ necessary~~ Necessary clerical assistance for the court may be **employed subject to the personnel classification plan authorized by section 23.**

**STATEMENT OF FACT**

This bill places court clerks and assistants under the judicial department personnel classification plan, rather than having them appointed by the Chief Justice or Chief Judge.