

# MAINE STATE LEGISLATURE

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1 (New Draft of S.P. 152, L.D.443)  
2 (New Title)

3 FIRST REGULAR SESSION  
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5 ONE HUNDRED AND ELEVENTH LEGISLATURE  
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7 Legislative Document

No. 1268

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9 S.P. 419

In Senate, March 21, 1983

10 Reported by Senator Trafton of Androscoggin from the Committee  
11 on Judiciary and printed under Joint Rule 2.

12 JOY J. O'BRIEN, Secretary of the Senate

13  
14 STATE OF MAINE  
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16 IN THE YEAR OF OUR LORD  
17 NINETEEN HUNDRED AND EIGHTY-THREE  
18

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19 AN ACT to Remove Reference to Clerical  
20 Assistants under the Court Laws.  
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22 Be it enacted by the People of the State of Maine as  
23 follows:

24 Sec. 1. 4 MRSA §159, as amended by PL 1973, c.  
25 83, is further amended to read:

26 §159. Clerks, clerical assistants; appointment; com-  
27 penensation

28 For each division and for the office of the Chief  
29 Judge, the Chief Judge shall appoint such clerks and  
30 deputy clerks and employ such clerical assistants as  
31 may be necessary. Clerks, deputy clerks and clerical  
32 assistants shall be compensated as determined by the  
33 Chief Judge. If the business of any division does not

1 require the full-time service of a clerk, the Chief  
2 Judge may appoint a part-time clerk for such divi-  
3 sion. Whenever the clerk is unable to perform the  
4 duties of his office or so directs, his deputy shall  
5 have all the power and perform all the duties of  
6 clerk. Whenever a clerk is absent or temporarily  
7 unable to perform his duties as clerk and there is no  
8 deputy clerk authorized or available to exercise the  
9 powers and perform the duties of clerk and an exist-  
10 ing or immediate session of the court renders it  
11 necessary, the judge Chief Judge may designate a  
12 clerk pro tempore who shall have the same powers and  
13 duties of the clerk.

14 Sec. 2. 4 MRSA §551, as amended by PL 1975, c.  
15 735, §§7, 8 and 9, is further amended to read:

16 §551. Clerks of the judicial courts, clerical assis-  
17 tants; appointments; compensation

18 For each county, or if the Supreme Judicial Court  
19 shall have by rule established judicial regions, for  
20 each judicial region, and for the office of the Chief  
21 Justice of the Supreme Judicial Court, the Chief Jus-  
22 tice shall appoint such clerks and ~~employ such clerical~~  
23 ~~assistants~~ as may be necessary to serve the  
24 Supreme Judicial Court and the Superior Court.  
25 ~~Clerks and clerical assistants shall be compensated~~  
26 ~~as determined by the Chief Justice.~~ If the business  
27 of any county or judicial region does not require the  
28 full-time service of a clerk, the Chief Justice may  
29 appoint a part-time clerk for such county or region.  
30 Whenever a clerk is absent or temporarily unable to  
31 perform his duties as clerk and an existing or  
32 immediate session of the court renders it necessary,  
33 the Chief Justice may designate a clerk pro tempore  
34 who shall have the same powers and duties as the  
35 clerk.

36 STATEMENT OF FACT

37 The purpose of this new draft is to clear up cer-  
38 tain laws relating to appointments of clerks and  
39 employment of clerical assistants for the judiciary.  
40 These changes in the statutes are necessary because  
41 it is no longer true that the Chief Judge and Chief

1 Justice employ clerical assistants; their employment  
2 is provided for in another manner. Also, it is not  
3 true that the Chief Judge and Chief Justice determine  
4 the compensation for clerks; clerks are compensated  
5 according to a pay scale applied to judicial employ-  
6 ees.

7 This new draft is necessary because the original  
8 bill deleted language concerning the appointment of  
9 clerks which should not have been deleted, and failed  
10 to make the necessary changes in the laws pertaining  
11 to the District Court, the Superior Court, and the  
12 Supreme Judicial Court.

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