

MAINE STATE LEGISLATURE

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L.D. 1850
(Filing No. H- 474)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
111TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT "A" to S.P. 660, L.D. 1850,
Bill, "AN ACT to Replace References to Regional Pre-
siding Justice with Chief Justice of the Superior
Court."

Amend the bill by inserting after the enacting
clause the following:

'Sec. 1. 4 MRSA §19, as amended by PL 1983, c.
269, §5, is further amended to read:

§19. Creation of judicial regions; regional court
centers and regional presiding justices; duties

The Chief Justice of the Supreme Judicial Court
~~shall~~ may by order divide the State into judicial re-
gions for administrative and venue purposes, each ju-
dicial region to contain one or more counties, but in
no event ~~shall~~ may counties be divided for the cre-
ation of judicial regions.

Sec. 2. 4 MRSA §101, as amended by PL 1973, c.
599, §1, is further amended to read:

§101. Constitution of court

The Superior Court, as heretofore established,
shall consist of 14 justices and such Active Retired
Justices as may be appointed and serving on ~~said the~~
court, learned in the law and of sobriety of manners.
The Chief Justice of the ~~Supreme Judicial~~ Superior
Court shall assign the Justices of the Superior Court
to ~~hold the trial terms~~ preside at various locations
of ~~said the~~ said the court. Whenever ~~in the opinion of the~~
~~Chief Justice of the Supreme Judicial Court~~ it be-
comes necessary, ~~he~~ the Chief Justice of the Supreme

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1 Judicial Court may designate a Justice of the Supreme
2 Judicial Court or any Active Retired Justice of the
3 Supreme Judicial Court ~~or of the Superior Court~~ to
4 hold a term of ~~said Superior Court, or.~~ The Chief
5 Justice of the Superior Court may, when necessary,
6 assign an Active Retired Justice of the Superior
7 Court to hold a term of Superior Court. The Chief
8 Justice of the Superior Court may designate any of
9 such justices or a Justice of the Superior Court to
10 hold one or more sessions thereof, separate from the
11 session presided over by the justice holding the reg-
12 ular trial term.

13 Sec. 3. 4 MRSA §110, as amended by PL 1983, c.
14 530, §1, is further amended to read:

15 §110. Trial terms

16 The Chief Justice of the Supreme Judicial Court
17 shall assign the Justices of the Superior Court to
18 each of the judicial regions as the caseload re-
19 quires.

20 The Chief Justice of the Superior Court shall es-
21 tablish the times and places for holding court ~~within~~
22 ~~each region~~, shall schedule the business to be con-
23 ducted and shall specify when the grand jury shall be
24 summoned. A grand jury may be specially summoned at
25 any time by order of a Justice of the Superior Court.

26 Sec. 4. 4 MRSA §111 is amended to read:

27 §111. Simultaneous and special sessions

28 Two or more simultaneous sessions of the Superior
29 Court may be held in the same county, or special ses-
30 sions thereof may be held in any county, whenever the
31 Chief Justice of the ~~Supreme Judicial Superior~~ Court
32 determines that public convenience so requires. The
33 business may be so divided as to secure its speedy
34 and convenient disposal. Special sessions of the Su-
35 perior Court for the transaction of civil or criminal

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1 business or both may be held in any county at any
2 time whenever the Chief Justice of the ~~Supreme~~
3 ~~Judicial~~ Superior Court determines that public conve-
4 nience and necessity so require.

5 Sec. 5. 14 MRSA §508, as amended by PL 1981, c.
6 558, is repealed and the following enacted in its
7 place:

8 §508. Transfer of venue

9 A presiding Justice of the Superior Court may, in
10 the interests of justice and to secure the speedy
11 trial of an action, or for other good cause, transfer
12 any civil action or proceeding from the Superior
13 Court in one county to another county. Transfer may
14 be by consent of all parties to any civil action or
15 proceeding, provided that the prior approval of the
16 Chief Justice of the Superior Court is obtained.

17 Sec. 6. 14 MRSA §1103 is amended to read:

18 §1103. Petition for assignment of another justice

19 Within 10 days after the service of a complaint
20 or other application in which equitable relief is
21 sought, the defendant, prior to the filing of his an-
22 swer, may petition in writing for good cause shown to
23 the Chief Justice of the ~~Supreme Judicial~~ Superior
24 Court for the assignment of a justice to preside on
25 the matter other than the justice to whom the origi-
26 nal complaint or application was presented. Upon the
27 receipt of that petition the Chief Justice of the Su-
28 perior Court may assign another justice to hear the
29 matter. A petition for the assignment of a justice
30 to preside on the matter, other than the Chief Jus-
31 tice of the Superior Court, shall be made to the
32 Chief Justice of the Supreme Judicial Court. Upon the
33 receipt of such that petition the Chief Justice of
34 the Supreme Judicial Court may assign another justice
35 to hear the matter.

