

MAINE STATE LEGISLATURE

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1 (New Draft of S.P. 660, L.D.1850)

2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND ELEVENTH LEGISLATURE
5

6 Legislative Document

No. 2162

7
8 S.P. 812

In Senate, March 2, 1983

9 Reported by Senator Collins of Knox from the Committee on Judiciary
10 and printed under Joint Rule 2.

Original bill presented by Senator Trafton of Androscoggin.

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

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-FOUR
17

18 AN ACT to Replace References to Regional
19 Presiding Justice with Chief Justice of the
20 Superior Court.
21

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

24 Sec. 1. 4 MRSA §19, as amended by PL 1983, c.
25 269, §5, is further amended to read:

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

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

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

3 §101. Constitution of court

4 The Superior Court, as heretofore established,
5 shall consist of 14 justices and such Active Retired
6 Justices as may be appointed and serving on said the
7 court, learned in the law and of sobriety of manners.
8 The Chief Justice of the ~~Supreme Judicial~~ Superior
9 Court shall assign the Justices of the Superior Court
10 to ~~hold the trial terms~~ preside at various locations
11 of said the court. Whenever ~~in the opinion of the~~
12 ~~Chief Justice of the Supreme Judicial Court~~ it be-
13 comes necessary, ~~he the Chief Justice of the Supreme~~
14 ~~Judicial Court~~ may designate a Justice of the Supreme
15 Judicial Court or any Active Retired Justice of the
16 Supreme Judicial Court ~~or of the Superior Court~~ to
17 hold a term of ~~said Superior Court, or.~~ The Chief
18 Justice of the Superior Court may, when necessary,
19 assign an Active Retired Justice of the Superior
20 Court to hold a term of Superior Court. The Chief
21 Justice of the Superior Court may designate any of
22 such justices or a Justice of the Superior Court to
23 hold one or more sessions thereof, separate from the
24 session presided over by the justice holding the reg-
25 ular trial term.

26 Sec. 3. 4 MRSA §110, as amended by PL 1983, c.
27 530, §1, is further amended to read:

28 §110. Trial terms

29 The Chief Justice of the Supreme Judicial Court
30 shall assign the Justices of the Superior Court to
31 each of the judicial regions as the caseload re-
32 quires.

33 The Chief Justice of the Superior Court shall es-
34 tablish the times and places for holding court ~~within~~
35 ~~each region~~, shall schedule the business to be con-
36 ducted and shall specify when the grand jury shall be
37 summoned. A grand jury may be specially summoned at
38 any time by order of a Justice of the Superior Court.

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

1 §111. Simultaneous and special sessions

2 Two or more simultaneous sessions of the Superior
3 Court may be held in the same county, or special ses-
4 sions thereof may be held in any county, whenever the
5 Chief Justice of the ~~Supreme Judicial~~ Superior Court
6 determines that public convenience so requires. The
7 business may be so divided as to secure its speedy
8 and convenient disposal. Special sessions of the Su-
9 perior Court for the transaction of civil or criminal
10 business or both may be held in any county at any
11 time whenever the Chief Justice of the ~~Supreme~~
12 ~~Judicial~~ Superior Court determines that public conve-
13 nience and necessity so require.

14 Sec. 5. 14 MRSA §508, as amended by PL 1981, c.
15 558, is repealed and the following enacted in its
16 place:

17 §508. Transfer of venue

18 A presiding Justice of the Superior Court may, in
19 the interests of justice and to secure the speedy
20 trial of an action, or for other good cause, transfer
21 any civil action or proceeding from the Superior
22 Court in one county to another county. Transfer may
23 be by consent of all parties to any civil action or
24 proceeding, provided that the prior approval of the
25 Chief Justice of the Superior Court is obtained.

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

27 §1103. Petition for assignment of another justice

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

1 Chief Justice of the Supreme Judicial Court. Upon the
2 receipt of ~~such~~ that petition the Chief Justice of
3 the Supreme Judicial Court may assign another justice
4 to hear the matter.

5 Sec. 7. 14 MRSA §1216, 2nd ¶, as enacted by PL
6 1981, c. 705, Pt. G, §7, is amended to read:

7 The terms of the grand jury in any county shall
8 be set by the Chief Justice of the Superior Court
9 with a maximum of 12 months' service required. When
10 the number of grand jurors is reduced by death or
11 otherwise, additional grand jurors may be selected
12 and summoned under the direction of the court at any
13 time.

14 Sec. 8. 14 MRSA §5541, as amended by PL 1981, c.
15 456, Pt. A, §55, is further amended to read:

16 §5541. Bail commissioners appointed by the court

17 The District Court Judge resident in each dis-
18 trict, with the concurrence of the Chief Justice of
19 the Superior Court regional presiding justice for the
20 judicial region including that district or his
21 designee, may appoint one or more residents of the
22 district as bail commissioners. Bail commissioners
23 appointed by a District Court Judge or Superior Court
24 Justice shall continue in office at the pleasure of
25 that judge and ~~that regional presiding justice~~ the
26 Chief Justice of the Superior Court or his designee.
27 Bail commissioners shall have the powers of notaries
28 public to administer oaths or affirmations in carry-
29 ing out their duties.

30 Sec. 9. 15 MRSA §2129, sub-§2, as repealed and
31 replaced by PL 1981, c. 238, §5, is amended to read:

32 2. Assignment of case. On receipt of a copy of
33 the petition, the Chief Justice shall assign the case
34 to any Justice of the Supreme Judicial Court or to a
35 Regional Presiding Justice the Chief Justice of the
36 Superior Court, who may in turn assign the case to
37 another Superior Court Justice.

1 STATEMENT OF FACT

2 This bill is intended to eliminate references to
3 Regional Presiding Justices, which positions have
4 been replaced by a Chief Justice of the Superior
5 Court by Public Law 1983, chapter 269. This bill also
6 clarifies outdated references to judicial regions and
7 redefines the authority of the Chief Justice of the
8 Superior Court.

9 5742020384