

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 365

6
7 S.P. 125

In Senate, February 1, 1985

8 Reference to the Committee on Judiciary suggested and ordered printed.

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

10 Presented by Senator Carpenter of Aroostook.

Cosponsored by Representative Kane of So. Portland and Senator
Chalmers of Knox.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Amend the Statute Providing for the
18 Appointment of Clerks of Judicial
19 Courts.
20

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

23 Sec. 1. 4 MRSA §551, as amended by PL 1983, c.
24 131, §2, is further amended to read:

25 §551. Clerks of the judicial courts, clerical as-
26 sistants; appointments; compensation

27 For each county, or if the Supreme Judicial Court
28 shall have by rule established judicial regions, for
29 each judicial region, and ~~for the office of the Chief~~
30 ~~Justice of the Supreme Judicial Court~~, the Chief Jus-
31 tice of the Superior Court shall appoint such clerks
32 as may be necessary to serve the ~~Supreme Judicial~~
33 ~~Court and the~~ Superior Court. If the business of any
34 county or judicial region does not require the full-
35 time service of a clerk, the Chief Justice of the Su-

1 perior Court may appoint a part-time clerk for such
2 county or region. Whenever a clerk is absent or tem-
3 porarily unable to perform ~~his~~ the duties as of clerk
4 and an existing or immediate session of the court
5 renders it necessary, the Chief Justice of the Super-
6 rior Court may designate a clerk pro tempore who
7 shall have the same powers and duties as the clerk.
8 The clerks of the Superior Court shall also serve in
9 their respective counties or judicial regions as
10 clerks of the Supreme Judicial Court as needed.

11 Sec. 2. 4 MRSA §554, as repealed and replaced by
12 PL 1975, c. 735, §10, is amended to read:

13 §554. Accounting by clerks

14 Clerks of judicial courts shall account quarterly
15 under oath to the State Auditor for all fees received
16 by them or payable to them by virtue of their office,
17 except those portions of fees collected for passports
18 and naturalization proceedings which are payable to
19 the United States Government, specifying the items,
20 and shall pay the whole amount of the same to the
21 Treasurer of State at such times and in such manner
22 as the Chief Justice of the Superior Court or his
23 designee shall from time to time specify.

24 Sec. 3. 4 MRSA §565 is amended to read:

25 §565. Examination and correction of records

26 The Chief Justice of the ~~Supreme Judicial~~
27 Superior Court may cause the records of each clerk to
28 be examined and when found deficient, direct them to
29 be immediately made or corrected, and when such order
30 is not obeyed, the fact of such deficiency shall be
31 certified to the Treasurer of State, who shall cause
32 the clerk's bond to be sued.

33 Sec. 4. 4 MRSA §570 is enacted to read:

34 §570. Executive Clerk of the Supreme Judicial Court

35 The Chief Justice of the Supreme Judicial Court
36 shall appoint an executive clerk of that court, whose
37 authority, functions and duties shall be prescribed
38 from time to time by the Supreme Judicial Court by

1 rule or administrative order. The executive clerk of
2 the Supreme Judicial Court may administer oaths and
3 may sign and issue summonses, writs and other process
4 in the name of the State and under the seal of the
5 court.

6 STATEMENT OF FACT

7 The office of Chief Justice of the Superior Court
8 was established by Public Law 1983, chapter 269, sec-
9 tion 7. This bill amends certain statutes to reflect
10 the establishment of this office.

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