

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 523

6
7 S.P. 197

In Senate, February 12, 1985

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

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

Presented by Senator Carpenter of Aroostook.

11 Cosponsored by Representative Kane of So. Portland, Senator Chalmers
of Knox and Senator Gauvreau of Androscoggin.

12 STATE OF MAINE
13

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

17 AN ACT to Increase the Number of Superior
18 Court Justices and District Court
19 Judges.
20

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

23 Sec. 1. 4 MRSA §101, as amended by PL 1983, c.
24 688, §2 and c. 825, §1, is repealed and the following
25 enacted in its place:

26 §101. Constitution of court

27 The Superior Court, as established, shall consist
28 of 15 justices until June 30, 1985, 16 justices until
29 June 30, 1986, and 17 justices thereafter, and such
30 Active Retired Justices as may be appointed and
31 serving on the court, learned in the law and of
32 sobriety of manners. The Chief Justice of the Super-
33 ior Court shall assign the Justices of the Superior
34 Court to preside at various locations of the court.
35 Whenever it becomes necessary, the Chief Justice of

1 the Supreme Judicial Court may designate a Justice of
2 the Supreme Judicial Court or any Active Retired Jus-
3 tice of the Supreme Judicial Court to hold a term of
4 Superior Court. The Chief Justice of the Superior
5 Court may, when necessary, assign an Active Retired
6 Justice of the Superior Court to hold a term of Supe-
7 rior Court. The Chief Justice of the Superior Court
8 may designate any Justice of the Superior Court and
9 the Chief Justice of the Supreme Judicial Court may
10 designate any Justice of the Supreme Judicial Court
11 to hold one or more sessions of the Superior Court,
12 separate from the session presided over by the jus-
13 tice holding the regular trial term.

14 Sec. 2. 4 MRSA §157, sub-§1, ¶A, as repealed and
15 replaced by PL 1983, c. 863, Pt. B, §§7 and 45, is
16 amended to read:

17 A. The Governor, subject to review by the joint
18 standing committee of the Legislature having ju-
19 risdiction over judiciary and to confirmation by
20 the Legislature, shall appoint to the District
21 Court 7 judges at large until July 1, 1985; 8
22 judges at large until July 1, 1986; and 9 judges
23 at large after July 1, 1986; and 15 judges. At
24 least one judge shall be appointed in each dis-
25 trict who shall be a resident of the district,
26 except that in District 3 there shall be 2 judges
27 appointed who shall be residents of the district
28 and in District 9 there shall be 2 judges ap-
29 pointed who shall be residents of the district.
30 Each District Court Judge shall have a term of
31 office of 7 years.

32 To be eligible for appointment as a District
33 Judge, a person shall be a member of the bar of
34 the State. The term "District Judge" shall in-
35 clude the Chief Judge, Deputy Chief Judge, the
36 judges appointed from the districts and the
37 judges at large.

1

STATEMENT OF FACT

2 In 1983, the Judicial Department's Judicial Poli-
3 cy Committee assessed the adequacy of the existing
4 judicial resources in the Maine trial courts. Their
5 analysis resulted in a recommendation that 3 addi-
6 tional Superior Court judgeships and 3 additional
7 District Court judgeships be authorized by the 111th
8 Legislature. While the Legislature's authorization
9 of one new judgeship in each of these courts provided
10 some relief to the already overburdened courts, the
11 realities which led the committee to recommend a to-
12 tal of 6 new judgeships still remain: Large pending
13 caseloads continue to impede efficient case process-
14 ing and cause inordinate delays; individual cases in-
15 volve increasingly complex legal issues; and new laws
16 continue to directly impact the courts' workload.
17 The creation of 2 additional Superior Court judgeships
18 and 2 additional District Court judgeships should do
19 much to alleviate these problems.

20

1002010985