

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 (New Draft of S.P. 656, L.D. 1694)
3 SECOND REGULAR SESSION
4

5 ONE HUNDRED AND TWELFTH LEGISLATURE
6

7 Legislative Document

No. 2390

8
9 S.P. 953

In Senate, April 11, 1986

10 Reported by Senator Pearson of Penobscot from the Committee on
11 Appropriations and Financial Affairs and printed under Joint Rule 2. Original
12 bill sponsored by Senator Carpenter of Aroostook. Cosponsored by
Representative Kane of So. Portland.

JOY J. O'BRIEN, Secretary of the Senate

13
14 STATE OF MAINE
15

16 IN THE YEAR OF OUR LORD
17 NINETEEN HUNDRED AND EIGHTY-SIX
18

19 AN ACT Making Appropriations from the General
20 Fund Necessary for the Proper
21 Operation of the Judicial Department
22 for the Fiscal Years Ending June 30,
23 1986, and June 30, 1987.
24

25 Emergency preamble. Whereas, Acts of the Legis-
26 lature do not become effective until 90 days after
27 adjournment unless enacted as emergencies; and

28 Whereas, the 90-day period may not terminate un-
29 til after the beginning of the next fiscal year; and

30 Whereas, certain obligations and expenses will
31 become due and payable prior to June 30, 1986; and

32 Whereas, in the judgment of the Legislature,
33 these facts create an emergency within the meaning of
34 the Constitution of Maine and require the following
35 legislation as immediately necessary for the preser-

1 vation of the public peace, health and safety; now,
2 therefore,

3 Be it enacted by the People of the State of Maine as
4 follows:

5 Sec. 1. 4 MRSA §26 is enacted to read:

6 §26. Use of Executive Department agencies

7 Unless otherwise prohibited by law, the Judicial
8 Department shall use the services of and be included
9 in any systems established and maintained by the bu-
10 reaus within the Department of Finance and Adminis-
11 tration and the Department of Personnel and shall be
12 subject to the same rules which apply to the Execu-
13 tive Department unless specifically exempted.

14 Sec. 2. Appropriation. There is appropriated
15 from the General Fund for the fiscal years ending
16 June 30, 1986, and June 30, 1987, the sums listed in
17 the following schedule.

	<u>1985-86</u>	<u>1986-87</u>
18		
19	<u>JUDICIAL DEPARTMENT</u>	
20	Court Mediation Service	
21	All Other	\$235,170
22	Provides funds to pay for	
23	the contractual services	
24	of court mediators re-	
25	quired to implement man-	
26	datory mediations of di-	
27	vorces involving minor	
28	children of the parties.	
29	Courts - Superior, Dis-	
30	trict	
31	All Other	200,000
32	Provides funds for trial	
33	court operating expenses.	
34	Maine District Court	
35	All Other	39,859
		249,694

1 Provides funds required
 2 to lease relocated or
 3 renovated district court
 4 facilities in Bar Harbor,
 5 Brunswick, Farmington,
 6 Fort Kent, Houlton,
 7 Kittery, Machias,
 8 Madawaska, Presque Isle
 9 and Springvale to achieve
 10 handicap accessibility by
 11 August, 1986 in compli-
 12 ance with a Federal Court
 13 Order and pay for antici-
 14 pated costs of new leases
 15 at other court locations.

16 Administrative Office of
 17 the Courts

18	Positions	(1)	(1)
19	Personal Services	9,475	20,000
20	All Other		5,000
21	Capital Expenditures		5,000
22	Provides a state match		
23	for a judicial protection		
24	court security program to		
25	improve the quality of		
26	court security and extend		
27	judicial protection.		

28 JUDICIAL DEPARTMENT

29	TOTAL	<u>\$484,504</u>	<u>\$542,069</u>
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30 Sec. 3. Study. The joint standing committee of
 31 the Legislature having jurisdiction over appropri-
 32 ations and financial affairs shall conduct a study of
 33 the relationship between the judicial, executive and
 34 legislative branches of government with respect to
 35 financial and administrative practices and proce-
 36 dures. The committee shall take into consideration
 37 the constitutional separation of powers between the
 38 branches of government; the advisability of estab-
 39 lishing coordinated financial and administrative ser-
 40 vices between the executive branch and the judicial
 41 branch; and the need for increased cooperation and
 42 sharing of information between the Judicial Depart-
 43 ment and agencies of State Government regarding the
 44 financial, administrative and personnel practices and

1 procedures. The committee may organize a subcommit-
2 tee to investigate these issues.

3 The committee shall issue a report together with
4 any proposed legislation to the first session of the
5 113th Legislature.

6 **Sec. 4. Appropriation.** The following funds are
7 appropriated from the General Fund to carry out the
8 purposes of this Act.

9 1986-87
10 LEGISLATURE

11	Legislature	
12	Personal Services	\$1,650
13	All Other	3,350
14	Provides funds for a	
15	5-member subcommittee of	
16	the joint standing com-	
17	mittee of the Legislature	
18	having jurisdiction over	
19	appropriations and finan-	
20	cial affairs to conduct a	
21	study of the relationship	
22	between the Judicial, Ex-	
23	ecutive and Legislative	
24	branches of government.	
25	Also provides funds for a	
26	full committee meeting to	
27	review the subcommittee's	
28	report.	

29 \$5,000
30 TOTAL

31 **Emergency clause.** In view of the emergency cited
32 in the preamble, this Act shall take effect when ap-
33 proved.

1

STATEMENT OF FACT

2 This purpose of this new draft is to appropriate
3 supplemental funds to the Judicial Department. In
4 addition it requires the Judicial Department to use
5 the Executive Department agencies unless otherwise
6 prohibited by law. This bill also authorizes and ap-
7 propriates funds to conduct a study of the relation-
8 ship between the Judicial, Executive and Legislative
9 branches of government with respect to financial and
10 administrative practices and procedures.

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