

MAINE STATE LEGISLATURE

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(New Draft of S.P. 189, L.D. 516)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1510

S.P. 494

In Senate, May 11, 1987

Reported by Senator Black of Cumberland for the Committee on Judiciary and printed under Joint Rule 2. Original Bill sponsored by Senator Brannigan of Cumberland. Cosponsored by: Representative Paradis of Augusta, Representative Cote of Auburn, Representative Begley of Waldoboro.

JOY J. O'BRIEN, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 **AN ACT to Allow the Use of Electronic**
2 **Recording in Superior Court Cases in**
3 **Limited Circumstances.**
4

5 Be it enacted by the People of the State of Maine as
6 follows:

7 4 **MRSA §651, 3rd ¶, as amended by PL 1981, c.**
8 647, §3, is repealed and the following enacted in its
9 place:

10 The Supreme Judicial Court shall prescribe rules
11 and requirements, not inconsistent with this Title
12 or other laws of the State, which will ensure the
13 production of a reviewable record by stenographic
14 methods or any other suitable means, including, but

1 not limited to, electronic recording equipment, of
2 proceedings before:

3 1. District Court. The District Court; and

4 2. District and Administrative Court Judges in
5 Superior Court cases. A judge or an active retired
6 judge of the District Court or Administrative Court
7 sitting as a Superior Court Judge in a District Court
8 or Administrative Court facility.

9 STATEMENT OF FACT

10 The original bill proposed to permit use of elec-
11 tronic recording in Superior Court facilities. This
12 new draft permits the use of electronic recording in
13 Superior Court cases only when the case is being
14 heard by a District Court Judge or Administrative
15 Court Judge sitting as a Superior Court Judge in a
16 District Court or Administrative Court facility.
17 This limitation will exclude any possibility of the
18 electronic recording of a jury trial since Superior
19 Court facilities must be used for jury trials.

20 This new draft accomplishes its purpose by re-
21 pealing and replacing current law. Only subsection 2
22 in the new draft is new; the rest of the language is
23 the same as that existing in current law. A final
24 sentence of the existing paragraph repealed and re-
25 placed in the new draft is also deleted. Subsection
26 2 encompasses that provision, which permitted the use
27 of electronic recording in a nonjury trial of a Class
28 D or Class E crime when the case was tried before a
29 District Court Judge sitting as a Superior Court
30 Judge in a District Court facility.

31 It is intended that incumbent official court re-
32 porters not be laid off as a result of the change in
33 law provided by this new draft.

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