

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
SECOND REGULAR SESSION

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ONE HUNDRED AND THIRTEENTH LEGISLATURE

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Legislative Document

NO. 2551

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H.P. 1866 House of Representatives, March 21, 1988  
Approved for introduction by a majority of the  
Legislative Council pursuant to Joint Rule 26.  
Reference to the Committee on Appropriations and  
Financial Affairs suggested and ordered printed.

EDWIN H. PERT, Clerk  
Presented by Representative PARADIS of Augusta.  
Cosponsored by Senator GAUVREAU of Androscoggin,  
Representatives MARSANO of Belfast and HANLEY of Paris.

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STATE OF MAINE

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

---

1 AN ACT to Make Supplemental Appropriations  
2 for Expenditures of the Judicial Department  
3 and to Change Certain Provisions of the  
4 Law Necessary to the Operation of the  
5 Judicial Department for the Fiscal Years  
6 Ending June 30, 1988, and June 30, 1989.  
7

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8 Emergency preamble. Whereas, Acts of the  
9 Legislature do not become effective until 90 days  
10 after adjournment unless enacted as emergencies; and

1       Whereas, the 90-day period may not terminate until  
2 after the beginning of the next fiscal year; and

3       Whereas, the Judicial Department has certain  
4 immediate needs, obligations and expenses; and

5       Whereas, in the judgment of the Legislature, these  
6 facts create an emergency within the meaning of the  
7 Constitution of Maine and require the following  
8 legislation as immediately necessary for the  
9 preservation of the public peace, health and safety;  
10 now, therefore,

11 Be it enacted by the People of the State of Maine as  
12 follows:

13       Sec. 1. 4 MRSA §6-B, as amended by PL 1983, c.  
14 416, §1, is further amended to read:

15 §6-B. Per diem compensation for Active Retired  
16 Justices of the Supreme Judicial Court

17       Any Active Retired Justice of the Supreme Judicial  
18 Court, who performs judicial service at the direction  
19 and assignment of the Chief Justice of the Supreme  
20 Judicial Court, shall be compensated for those  
21 services at the rate of \$75 ~~\$150~~ per day or \$45  
22 \$90 per 1/2 day, provided that the total per diem  
23 compensation and retirement pension received by an  
24 Active Retired Justice of the Supreme Judicial Court  
25 in any calendar year may not exceed the annual salary  
26 of a Justice of the Supreme Judicial Court.

27       Sec. 2. 4 MRSA 17, sub-§3, as enacted by PL  
28 1975, c. 408, §5-A, is amended to read:

29       3. Investigate complaints. Investigate  
30 complaints with respect to the operation of the courts  
31 and relating to court and judicial security.  
32 Notwithstanding any other provision of law, such  
33 complaints and investigative files are confidential.  
34 Nothing in this section precludes dissemination of  
35 such information to another criminal justice agency;

1           Sec. 3.     4 MRSA §17, sub-§15, as enacted by PL  
2     1987, c. 137, §3, is amended to read:

3           15.     Provide for court security.     Plan and  
4     implement arrangements for safe and secure court  
5     premises to ensure the orderly conduct of judicial  
6     proceedings. This includes the authority to contract  
7     for the services of qualified deputy sheriffs and  
8     other qualified individuals as needed on a per diem  
9     basis to perform court security-related functions and  
10    services.     "Qualified deputy sheriffs and other  
11    qualified individuals" means those individuals who  
12    hold valid certification as law enforcement officers,  
13    as defined by the Maine Criminal Justice Academy,  
14    pursuant to Title 25, chapter 341, to include  
15    successful completion of such additional training in  
16    court security as provided by the academy or  
17    equivalent training. When under such contract and  
18    then only for the assignment specifically contracted  
19    for, the qualified deputy sheriffs or other qualified  
20    individuals shall have the same duties and powers  
21    throughout the counties of the State as sheriffs have  
22    in their respective counties. The persons performing  
23    such contractual services shall not be considered  
24    employees of the State for any purpose. They shall be  
25    paid a reasonable per diem fee plus reimbursement of  
26    their actual, necessary and reasonable expenses  
27    incurred in the performance of their duties,  
28    consistent with policies established by the State  
29    Court Administrator.     Notwithstanding any other  
30    provision of law, such plans, arrangements and files  
31    involving court security matters are confidential.  
32    Nothing in this section precludes dissemination of  
33    such information to another criminal justice agency.

34           Sec. 4.     4 MRSA § 104-A, as amended by PL 1983,  
35     c. 416, §2, is further amended to read:

36     §104-A. Per diem compensation for Active Retired  
37     Superior Court Justices

38           Any Active Retired Justice of the Superior Court,  
39     who performs judicial service at the direction and  
40     assignment of the Chief Justice of the ~~Supreme~~  
41     ~~Judicial~~ Superior Court, shall be compensated for

1 those services at the rate of \$75 \$150 per day or  
2 \$45 \$90 per 1/2 day, provided that the total per diem  
3 compensation and retirement pension received by an  
4 Active Retired Justice of the Superior Court in any  
5 calendar year may not exceed the annual salary of a  
6 Justice of the Superior Court.

7 **Sec. 5. 4 MRSA §157-D**, as enacted by PL 1983,  
8 c. 853, Pt. C, §§13, 18, is amended to read:

9 §157-D. Active retired judges; compensation

10 Any Active Retired Judge of the District Court,  
11 who performs judicial service at the direction and  
12 assignment of the Chief Judge of the District Court,  
13 shall be compensated for those services at the rate  
14 of \$75 \$150 per day or \$45 \$90 per 1/2 day,  
15 provided that the total per diem compensation and  
16 retirement pension received by an Active Retired Judge  
17 of the District Court in any calendar year may not  
18 exceed the annual salary of a Judge of the District  
19 Court.

20 **Sec. 6. 4 MRSA 1151, sub-§3, ¶H**, as enacted by  
21 PL 1987, c. 85, §1, is amended to read:

22 H. Any Administrative Court Judge who retires or  
23 terminates his service on the court in accordance  
24 with chapter 27, except for a disability  
25 retirement, is eligible for appointment as an  
26 Active Retired Judge of the Administrative Court  
27 as provided. The Governor, subject to review by  
28 the joint standing committee of the Legislature  
29 having jurisdiction over judiciary and to  
30 confirmation by the Legislature, may appoint any  
31 eligible judge to be an Active Retired Judge of  
32 the Administrative Court for a period of 7 years,  
33 unless sooner removed. That judge may be  
34 reappointed for a like term. Any judge so  
35 appointed and designated shall thereupon  
36 constitute a part of the court from which he has  
37 retired and shall have the same jurisdiction and  
38 be subject to the same restrictions therein as  
39 before retirement, except that he shall act only  
40 in those cases and matters and hold court only at

1 those sessions and times as he may be directed and  
2 assigned by the Administrative Court Judge or by  
3 the Chief Justice of the Supreme Judicial Court.  
4 An Active Retired Judge of the Administrative  
5 Court, who performs judicial service at the  
6 direction and assignment of the Administrative  
7 Court Judge or the Chief Justice of the Supreme  
8 Judicial Court, shall be compensated for those  
9 services at the rate of \$75 \$150 a day or  
10 \$45 \$90 for 1/2 day, provided that the total per  
11 day compensation and retirement pension received  
12 by an Active Retired Judge of the Administrative  
13 Court in any calendar year may not exceed the  
14 annual salary of the Associate Judge of the  
15 Administrative Court.

16 Sec. 7. Appropriation. The following funds are  
17 appropriated from the General Fund to carry out the  
18 purposes of this Act.

19 1988-89

20 JUDICIAL DEPARTMENT

21 Courts- Supreme, Superior,  
22 District and Administrative

23 Personal Services \$ 63,435

24 Provides funds for  
25 increased per diem for  
26 Active Retired Judges  
27 and Justices.

28 All Other \$61,000

29 Provides funds for  
30 increased per diem for  
31 mediators hired by  
32 contract for the Court  
33 Mediation Service  
34 pursuant to the Maine  
35 Revised Statutes,  
36 Title 4, section 18,

1	subsection 2.	
2	Positions	(1)
3	Personal Services	\$ 31,712
4	All Other	6,000
5		
6	Total	<u>\$ 37,712</u>
7	Provides authorization	
8	and funds to employ an	
9	additional Official	
10	Court Reporter to	
11	support the trial work	
12	of Active Retired	
13	Justices in the	
14	Superior Court.	
15	Positions	(3)
16	Personal Services	\$ 93,920
17	All Other	9,000
18	Capital Expenditures	255,000
19		
20	Total	<u>\$357,920</u>
21	Provides authorization	
22	to employ additional	
23	programmer analysts	
24	and funds to complete	
25	computerization of all	
26	50 state court	
27	locations and	
28	establish	
29	communications linkage	
30	between courts and	
31	with the Division of	
32	Motor Vehicles and	
33	State Bureau of	
34	Identification files.	
35	JUDICIAL DEPARTMENT	
36	TOTAL	<u>\$520,067</u>





1 This section also provides authorization for an  
2 additional official court reporter needed to support  
3 the trial work of Active Retired Justices in the  
4 Superior Court. The Superior Court has found it  
5 necessary to postpone trials in which active retired  
6 justices were available to sit because no court  
7 reporter, official or private, was available to  
8 transcribe the proceedings.

9 Section 7 also provides authorization to hire 3  
10 additional programmer analysts and provides additional  
11 funds necessary to complete computerization of all  
12 courts and established communications linkage between  
13 the courts and state agencies.

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