

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1181

H.P. 849

House of Representatives, April 13, 1989

Reference to the Committee on Judiciary suggested and ordered printed.

Ed Pert

EDWIN H. PERT, Clerk

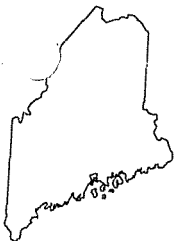
Presented by Representative CONLEY of Portland.

Cosponsored by Representative MacBRIDE of Presque Isle, Representative HASTINGS of Fryeburg and Senator HOBBS of York.

STATE OF MAINE

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

An Act to Increase the Number of Superior Court Justices and District Court Judges.



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

3 Sec. 1. 4 MRSA §101, as repealed and replaced by PL 1985, c.
434, §1, is amended to read:

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§101. Constitution of court

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9 The Superior Court, as established, shall consist of 15
11 ~~justices until June 30, 1986,~~ and 16 justices until June 30,
12 1989, and 18 justices thereafter, and such Active Retired
13 Justices as may be appointed and serving on the court, learned in
14 the law and of sobriety of manners. The Chief Justice of the
15 Superior Court shall assign the Justices of the Superior Court to
16 preside at various locations of the court. Whenever it becomes
17 necessary, the Chief Justice of the Supreme Judicial Court may
18 designate a Justice of the Supreme Judicial Court or any Active
19 Retired Justice of the Supreme Judicial Court to hold a term of
20 Superior Court. The Chief Justice of the Superior Court may,
21 when necessary, assign an Active Retired Justice of the Superior
22 Court to hold a term of Superior Court. The Chief Justice of the
23 Superior Court may designate any Justice of the Superior Court
24 and the Chief Justice of the Supreme Judicial Court may designate
25 any Justice of the Supreme Judicial Court to hold one or more
sessions of the Superior Court, separate from the session
presided over by the justice holding the regular trial term.

27 Sec. 2. 4 MRSA §157, sub-§1, ¶A, as amended by PL 1987, c. 349,
Pt. H, §1, is further amended to read:

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31 A. The Governor, subject to review by the joint standing
32 committee of the Legislature having jurisdiction over
33 judiciary and to confirmation by the Legislature, shall
34 appoint to the District Court 9 11 judges at large and 15
35 judges. At least one judge shall be appointed in each
36 district who shall be a resident of the district, except
37 that in District 3 there shall be 2 judges appointed who
38 shall be residents of the district and in District 9 there
39 shall be 2 judges appointed who shall be residents of the
district. Each District Court Judge shall have a term of
office of 7 years.

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43 To be eligible for appointment as a District Judge, a person
44 shall be a member of the bar of the State. The term
45 "District Judge" shall include the Chief Judge, Deputy Chief
Judge, the judges appointed from the districts and the
judges at large.

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STATEMENT OF FACT

Both the Superior Court and the District Court are in need of additional judgeships if they are to continue meeting the demands of a case load that is increasing both numerically and in complexity. Since the early 1970's, only 6 new judgeships have been created in the State, 2 in the Superior Court and 4 in the District Court. This is about a 24% increase in judicial resources of the trial courts in a period when case loads have risen by 50%.

The problem is particularly severe in the District Court. In 1987, 73,162 more cases were filed than in 1984, a 33% increase. The 3 new judgeships added in this period represented a 14% increase in judicial resources during the same time.

This bill increases the number of Superior Court Justices and District Court Judges to help with the increased case loads.