

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 540

S.P. 213

In Senate, February 12, 1991

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator FOSTER of Hancock

Cosponsored by Senator GAUVREAU of Androscoggin and Representative HASTINGS of Fryeburg.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Create a Magistrate System within the Maine Courts.

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

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4 MRSA c. 18 is enacted to read:

CHAPTER 18

MAGISTRATES

§911. Jurisdiction

Magistrates have the jurisdiction exercised by Superior Court Justices and District Court Judges in the following matters:

1. Uncontested civil and criminal matters, motions or actions. Civil and criminal matters in which all parties of record represent that there is no dispute, including, without limitation, motions, uncontested divorces and other family related matters, traffic offenses, enforcement of money judgments and bail hearings. A magistrate is not empowered to impose a sentence of incarceration or a fine in excess of \$1,000. In contested matters a magistrate may make appropriate orders concerning those motions or issues that are not contested; and

2. Contested civil and criminal matters, motions or actions. Nonjury, civil and criminal matters when all parties of record agree to the jurisdiction of the magistrate.

§912. Appointment as magistrate; one-year term

The Chief Justice of the Supreme Judicial Court may appoint attorneys to serve as magistrates at as many locations within the Superior Courts and the District Courts as the Chief Justice determines necessary. The term of a magistrate may not exceed one year.

§913. Qualifications

A magistrate must be a member in good standing of the bar of the State and must have been admitted to practice for at least one year at the time of appointment.

§914. Assignments

A magistrate shall serve in the District Courts or Superior Courts to which the magistrate is assigned by the Chief Justice of the Supreme Judicial Court; except that a magistrate may not be assigned to a court outside of the county where the magistrate resides without the magistrate's consent.

§915. Salary

A magistrate is entitled to receive a salary of \$150 for

2 each half day and \$300 for each full day of service. A
4 magistrate may not serve more than one day each week unless the
6 magistrate consents to additional service. A magistrate is not
8 entitled to any other compensation or benefits.

STATEMENT OF FACT

10 This bill is intended to promote the efficiency of the
12 courts and to reduce the need for additional full-time judges of
14 the Superior Court and the District Court by employing
16 magistrates. Magistrates would be attorneys who agree to serve
18 for not more than one day each week within their own counties,
hearing uncontested matters and, by agreement, nonjury contested
matters. Judicial time and resources would not be expended on
nonadjudicatory matters that could readily be heard by part-time
magistrates.

20 Because magistrates would be independent contractors, they
22 would not be entitled to medical insurance coverage, retirement
24 benefits or other fringe benefits. Also, magistrates would be
26 used only where needed and to the extent needed. By applying
resources to those courts where resources are needed and by
reducing the need for additional full-time judges, a more
efficient and less expensive court system should result.

28 Magistrates would usually preside in the Superior Courts and
the District Courts on days when the courtrooms are not in use.