

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1905

H.P. 1318

House of Representatives, May 23, 1991

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative PARADIS of Augusta.

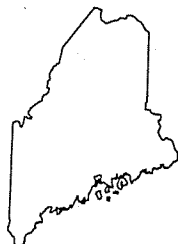
Cosponsored by Senator CLARK of Cumberland and Senator GOULD of Waldo.

STATE OF MAINE

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

An Act to Authorize the Supreme Judicial Court to Provide a Record of
Court Proceedings.

(AFTER DEADLINE)



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

4 Sec. 1. 4 MRSA §651, as amended by PL 1987, c. 152, is
repealed.

6 Sec. 2. 4 MRSA §651-A is enacted to read:

8 §651-A. Production of verbatim record; Official Court Reporters;
electronic recording

10 The Supreme Judicial Court shall prescribe rules, not
12 inconsistent with this Title or other laws of the State, to
14 ensure the production of a verbatim record of proceedings before
all state courts within the Judicial Department.

16 1. Court Reporters; appointment. The Chief Justice or the
18 Chief Justice's designee shall appoint Official Court Reporters
who shall report the proceedings in the Supreme Judicial Court
and in the Superior Court as provided in this section.

20 2. Reporters required; duties. Official Court Reporters
22 shall report:

24 A. All oral testimony and other proceedings in the trial or
hearing of all criminal actions;

26 B. All oral testimony and other proceedings in the trial of
28 all civil actions before a jury;

30 C. All oral testimony and other proceedings in civil
32 actions not before a jury in which:

34 (1) Either party requests, at least 48 hours prior to
hearing, that a Court Reporter report the proceeding; or

36 (2) The judge orders that a Court Reporter be present.

38 3. Transcripts. In proceedings covered by subsection 2,
40 Official Court Reporters shall furnish a transcript of as much of
the evidence and other proceedings taken by them as either party
to the proceeding requires, at a rate to be determined by the
42 Chief Justice. The original of this transcript must be filed
with the clerk of courts.

44 4. Expenses. Official Court Reporters are entitled to
46 compensation for expenses as determined by the Chief Justice.
The State shall pay the expenses of Official Court Reporters only
48 when in attendance at the court or proceedings away from their
city or town of residence.

50 5. Temporary Court Reporters. The Chief Justice or the
52 Chief Justice's designee may appoint temporary Court Reporters to

2 serve at the pleasure of the Chief Justice, to fulfill the duties
3 of Official Court Reporters whenever the Chief Justice determines
4 they are necessary to carry out the functions and duties of the
5 court. While in the performance of temporary duties such a Court
6 Reporter is entitled to receive the same compensation and
7 expenses as approved by the Chief Justice for, and has all the
8 powers and duties of, an Official Court Reporter.

9 Expense statements of temporary Court Reporters must be submitted
10 to and approved by the Chief Justice of the Supreme Judicial
11 Court or the Chief Justice's designee before payment by the
12 Treasurer of State.

13 6. Rules; reviewable records; electronic recordings. The
14 Supreme Judicial Court shall prescribe rules and requirements to
15 ensure the production of a reviewable record in all proceedings.
16 Electronic recording equipment may be used to produce a
17 reviewable record only in proceedings before:

18 A. District Court; or

19 B. A judge or an active retired judge of the District Court
20 or Administrative Court sitting as a Superior Court Judge in
21 a District Court or Administrative Court facility.

22 7. Collective bargaining. Subsection 2 may not be
23 construed to limit the scope of collective bargaining between
24 Court Reporters and the Judicial Department. All matters not
25 specifically covered by this section are subject to collective
26 bargaining.

27 Sec. 3. 4 MRSA §652, as amended by PL 1977, c. 208, §2, is
28 repealed.

36 STATEMENT OF FACT

37 This bill requires court reporters to be present in 4
38 circumstances:

39 1. All criminal proceedings;

40 2. All civil proceedings before a jury;

41 3. All civil proceedings without a jury but in which a
42 party requests a Court Reporter and notifies the court that a
43 reporter is required at least 48 hours before the proceeding; and

44 4. All civil proceedings without a jury in which the court
45 determines that there is good cause for the reporter to be
46 present.

52

2 Nothing in this bill limits the scope of collective
bargaining between the Court Reporters and the Judicial
Department.

4
6 Current law concerning appointment and compensation is
retained.