

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 945

S.P. 312

In Senate, March 18, 1993

An Act Regarding Appeal Periods in District Court Civil Cases.

(EMERGENCY)

Submitted by the Judicial Department pursuant to Joint Rule 24.
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 HANLEY of Oxford.

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

4
Whereas, this legislation must be enacted and take effect
6 immediately in order to bring the State into compliance with
certain federal regulations affecting child support enforcement;
8 and

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

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

18 **Sec. 1. 14 MRSA §1901**, as amended by PL 1975, c. 552, §2, is
further amended to read:

20 **§1901. To Superior Court**

22
Any appeal shall must be taken from the District Court to
24 the Superior Court for the county embracing the division in which
the judgment was rendered within ~~10~~ 30 days after judgment;
26 except that any party shall must appeal from a District Court
judgment in an action of foreclosure and sale directly to the
28 Supreme Judicial Court within 30 days. The appellant shall,
within ~~10~~ 30 days after judgment, pay to the court the required
30 fees for such appeal and in that case no execution shall may
issue, and the clerk shall enter the appeal in the appellate
32 court where it shall must be determined as a new entry.

34 **Sec. 2. 19 MRSA §319, sub-§§4 and 5**, as enacted by PL 1991, c.
840, §4, are amended to read:

36
4. **Request for hearing.** A request for hearing must be made
38 in writing within ~~21~~ 30 days of receipt of service and be
accompanied by the requesting party's income affidavit and child
40 support worksheet. If a party requests a hearing, the matter
must be referred for mediation prior to trial. This subchapter
42 applies to all proceedings to modify an order of child support.

44
5. **Order without hearing.** If a party does not request a
hearing within ~~21~~ 30 days after service, the court may enter an
46 order modifying support without hearing using the proposed order,
provided that the proposed modified support obligation is equal
48 to or greater than the obligation resulting from the application
of section 315. If a downward deviation is proposed, the court
50 shall hold a hearing prior to entering an order. The court may

2 apply the presumptions set out in section 314, subsection 1,
paragraph D.

4 **Sec. 3. Legislative intent.** Notwithstanding any other provision
of law or rule to the contrary, it is the intent of the
6 Legislature that the period for an appeal from a District Court
civil case is within 30 days after judgment.

8 **Sec. 4. Committee review.** The Joint Standing Committee on
10 Judiciary shall review the Maine Revised Statutes to identify any
statutory changes necessary to reflect the legislative intent
12 stated in section 3 of this Act and shall submit any necessary
legislation to accomplish those changes to the Legislature by
14 November 1, 1993.

16 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.
18

20 STATEMENT OF FACT

22 Federal regulations promulgated on July 10, 1992 in 45 Code
of Federal Regulations, Section 303.8 require a 30-day notice
24 period and a 30-day appeal period in child support cases. In
order for the State to receive federal reimbursement for child
26 support cases, the federal regulations must be followed. To
avoid confusion, this bill changes the appeal period in all
28 District Court civil cases from 10 days to 30 days.

30 The Joint Standing Committee on Judiciary is charged with
reviewing the Maine Revised Statutes to identify necessary
32 statutory changes to reflect the legislative intent of creating a
uniform appeal period of 30 days for all District Court civil
34 cases.