

# MAINE STATE LEGISLATURE

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Ms  
R 48

L.D. 1354

DATE: 3/29/94

(Filing No. H-1000)

M A J O R I T Y  
J U D I C I A R Y

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
116TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "H" to H.P. 1008, L.D. 1354, Bill, "An Act to Implement the Recommendations of the Commission to Study the Future of Maine's Courts"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

PART A

Sec. A-1. 5 MRSA §51 is enacted to read:

§51. Interpreters; payment

When personal or property interest of a person who does not speak English is the subject of a proceeding before an agency or a court, the presiding officer of the proceeding shall either appoint a qualified interpreter or utilize a professional telephone-based interpretation service. Payment by the State for an interpreter in civil matters is within the discretion of the agency or court to the extent that payment by the State is not already required by law.

Sec. A-2. 5 MRSA §3360-L is enacted to read:

§3360-L. Information

The Attorney General shall develop a fact sheet for victims with information about the victim advocate and victim compensation programs and shall make copies available to all prosecutors' offices and law enforcement agencies who shall provide that fact sheet for distribution to all victims of crimes and their families.

**COMMITTEE AMENDMENT**

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Sec. A-3. 15 MRSA Pt. 8 is enacted to read:

PART 8

VICTIMS' RIGHTS

CHAPTER 520

VICTIM INVOLVEMENT

§6101. Victim involvement in criminal proceedings

1. Notice to victims. Whenever practicable, prosecutors shall make a good faith effort to inform the victims and families of victims of crimes of domestic violence and sexual assault and crimes in which the victim or the victim's family suffered serious physical trauma or serious financial loss of:

- A. The victim advocate and victim compensation programs;
- B. The victim's right to be advised of the existence of a negotiated plea agreement before that agreement is submitted to the court pursuant to section 812;
- C. The time and place of the trial, if one is to be held;
- D. The victim's right to make a statement or submit a written statement at the time of sentencing pursuant to Title 17-A, section 1257, upon conviction of the person committing the crime; and
- E. The final disposition of the charges against that defendant.

2. Notice to court. Whenever practicable, the prosecutor shall make a good faith effort to inform the court about the following:

- A. If there is a plea agreement, the victim's or the victim's family's position on the plea agreement; and
- B. If there is no plea agreement, the victim's or the victim's family's position on sentencing.

PART B

Sec. B-1. 4 MRSA §9-B, as amended by PL 1991, c. 885, Pt. E, §2 and affected by §47, is further amended to read:

§9-B. Committee on judicial responsibility and disability

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2 The Supreme Judicial Court has the power and authority to  
3 prescribe, repeal, add to, amend or modify rules relating to a  
4 committee to receive complaints, make investigations and make  
5 recommendations to the Supreme Judicial Court in regard to  
6 discipline, disability, retirement or removal of justices of the  
7 Supreme Judicial Court and the Superior Court and judges Judges  
8 of the District Court, and the ~~probate--courts--and--the~~  
Administrative Probate Court.

10 **Sec. B-2. 4 MRSA §101**, as repealed and replaced by PL 1985,  
11 c. 434, §1, is amended to read:

12 **§101. Constitution of court**

13 The Superior Court, as established, shall ~~consist~~ consists  
14 of 15 justices until June 30, 1986, and 16 justices thereafter  
15 until January 1, 1995 and 17 justices thereafter, and such Active  
16 Retired Justices as may be appointed and serving on the court,  
17 learned in the law and of sobriety of manners. The Chief Justice  
18 of the Superior Court shall assign the Justices of the Superior  
19 Court to preside at various locations of the court. Whenever it  
20 becomes necessary, the Chief Justice of the Supreme Judicial  
21 Court may designate a Justice of the Supreme Judicial Court or  
22 any Active Retired Justice of the Supreme Judicial Court to hold  
23 a term of Superior Court. The Chief Justice of the Superior  
24 Court may, when necessary, assign an Active Retired Justice of  
25 the Superior Court to hold a term of Superior Court. The Chief  
26 Justice of the Superior Court may designate any Justice of the  
27 Superior Court and the Chief Justice of the Supreme Judicial  
28 Court may designate any Justice of the Supreme Judicial Court to  
29 hold one or more sessions of the Superior Court, separate from  
30 the session presided over by the justice holding the regular  
31 trial term.

34 **Sec. B-3. 4 MRSA §105**, as amended by PL 1979, c. 540, §3, is  
35 further amended to read:

36 **§105. Jurisdiction; powers**

37 The Superior Court, exclusive of the Supreme Judicial Court,  
38 shall ~~have~~ has and may exercise jurisdiction and has and may  
39 exercise all of the powers, duties and authority necessary for  
40 exercising the jurisdiction in ~~any--and--all~~ matters either  
41 original or appellate, which were, prior to January 1, 1930,  
42 within the jurisdiction of the Supreme Judicial Court or any of  
43 the Superior Courts, whether cognizable at law or in equity,  
44 except as concurrent or exclusive jurisdiction is vested in the  
45 District Court, and except as provided in Title 14, section 5301,  
46 provided that it shall ~~have~~ has and may exercise none of the  
47 jurisdiction, powers, duties and authority of the Supreme  
48 Judicial Court sitting as a ~~law--court~~ Law Court. A single  
49 Justice of the Supreme Judicial Court shall ~~have~~ has and may  
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exercise jurisdiction, and have has and may exercise all of the powers, duties and authority necessary for exercising the same jurisdiction as the Superior Court, to hear and determine, with his the Justice's consent, any issue in a civil action in the Superior Court as to which the parties have no right to trial by jury or in which the right to trial by jury has been waived, except actions for divorce, annulment or separation.

The Superior Court has exclusive jurisdiction to review disciplinary decisions of occupational licensing boards and commissions taken pursuant to Title 10, section 8003. The Maine Administrative Procedure Act, Title 5, chapter 375, subchapter VII governs these proceedings as far as applicable.

The Superior Court has jurisdiction of appeals as provided in Title 14, section 1901.

**Sec. B-4. 4 MRSA §121**, as enacted by PL 1989, c. 891, Pt. A, §1, is amended to read:

**§121. Justice or Active Retired Justice of Superior Court assigned to sit in District Court**

A Justice or an Active Retired Justice of the Superior Court may be assigned by the Chief Justice of the Supreme Judicial Court to sit in the District Court ~~or the Administrative Court~~ and when so directed the justice has authority and jurisdiction in the District Court ~~or the Administrative Court~~ as if the justice were a regular judge of that court; and whenever the Chief Justice of the Supreme Judicial Court so directs, the justice may hear all matters and issue all orders, notices, decrees and judgments that any Judge of the District Court ~~or the Administrative Court~~ is authorized to hear and issue.

The order of the Chief Justice of the Supreme Judicial Court directing a Justice or an Active Retired Justice of the Superior Court to sit in the District Court ~~or the Administrative Court~~ must be filed with the Executive Clerk of the Supreme Judicial Court, but need not be docketed or otherwise recorded in any case heard by that justice.

**Sec. B-5. 4 MRSA §152, sub-§9** is enacted to read:

**9. Licensing and administrative jurisdiction.** The District Court has the same licensing jurisdiction that the former Administrative Court had before January 1, 1995.

A. Except as provided in Title 5, section 10004; Title 8, section 279-B; Title 10, section 8003, subsection 5; Title 20-A, sections 10712 and 10713; Title 29; Title 32, chapters 105 and 114; and Title 35-A, section 3132, the District Court has:

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2           (1) Exclusive jurisdiction upon complaint of an agency  
4           or, if the licensing agency fails or refuses to act  
6           within a reasonable time, upon complaint of the  
              Attorney General to revoke or suspend licenses issued  
              by the agency;

8           (2) Original jurisdiction upon complaint of a  
10           licensing agency to determine whether renewal or  
              reissuance of a license of that agency may be refused;  
              and

12           (3) Original concurrent jurisdiction to grant  
14           equitable relief in proceedings initiated by an agency  
16           or the Department of the Attorney General alleging any  
              violation of a license or of licensing laws or rules.

18           B. In a proceeding initiated pursuant to this subsection by  
20           an agency or the Attorney General, the judge may subpoena  
              and examine witnesses.

22           C. Notwithstanding any other provisions of law, a licensing  
24           agency may not reinstate or otherwise affect a license  
26           suspended, revoked or modified by the District Court  
              pursuant to a complaint filed by the Attorney General  
              without the approval of the Attorney General.

28           D. The District Court has jurisdiction to revoke  
30           temporarily or suspend a license without notice or hearing  
32           upon the verified complaint of an agency or the Attorney  
34           General. An order temporarily suspending or revoking a  
              license expires within 30 days of issuance unless renewed by  
              the court after a hearing that it considers necessary.

36           This paragraph may not abridge or affect the jurisdiction of  
38           the Superior Court to issue injunctive relief or to exercise  
              other powers authorized by law or rule of the court.

40           E. After hearing, on default or by agreement of the  
42           parties, a Judge of the District Court may suspend, revoke  
44           or modify the license of a party properly served with  
46           process or, if the applicable law so provides, the judge may  
              order issuance of a license to an applicant according to the  
              terms of the applicable law. The judge may take other  
              action with relation to the party that may have been taken  
              before July 1, 1978 by the agency involved in the hearing.

48           F. Notwithstanding any other provisions of this chapter, a  
50           Judge of the District Court may impose a fine of a specific  
52           sum that may not be less than \$50 nor more than \$1,500 for  
              one offense or, in the exercise of judicial discretion,  
              within other limits of the laws related to the licensing

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2 question. The fine may be imposed instead of or in addition  
3 to a suspension, revocation or modification of a license by  
4 the court. Section 1057 applies to a fine imposed by this  
5 section.

6 The District Court shall maintain a record of all fines and  
7 surcharges received by the court and shall pay the fines  
8 into the General Fund of the State Treasury and the  
9 surcharges into the Government Operations Surcharge Fund on  
10 or before the 15th day of each month.

12 G. The Supreme Judicial Court may adopt rules providing for  
13 the centralized filing and docketing of matters handled  
14 before January 1, 1995 by the former Administrative Court.  
15 Hearings on these matters may be held in any convenient  
16 District Court location.

18 **Sec. B-6. 4 MRSA §153, sub-§3**, as amended by PL 1991, c. 121,  
19 Pt. B, §1 and affected by §18, is further amended to read:

20  
21 3. **Western Aroostook.** Western Aroostook consists of the  
22 municipalities and unorganized territory known as Hamlin Plt.,  
23 Cyr Plt., T17 R3, T17 R4, T16 R5, T15 R6, Winterville Plt., T15  
24 R8, T15 R9, T14 R10, T14 R11, T14 R12, T14 R13, T14 R14, T14 R15,  
25 T14 R16, and all municipalities and unorganized territory in  
26 Aroostook County lying to the west and north of these. The  
27 District Court for Western Aroostook must be held at Madawaska,  
28 Fort Kent and Van Buren. The ~~presiding-judge~~ Chief Judge shall  
29 determine the level of service at each location.

30  
31 **Sec. B-7. 4 MRSA §153, sub-§11**, as amended by PL 1969, c. 458,  
32 is further amended to read:

33  
34 11. **Central Hancock.** Central Hancock consists of the entire  
35 County of Hancock, except Bar Harbor, Mount Desert, Cranberry  
36 Isles, Southwest Harbor, Trenton, Swan's Island, Long Island  
37 Plantation and Tremont. The District Court for Central Hancock  
38 shall must be held at Ellsworth, except that one session per week  
39 may be held at Bucksport at the discretion of the ~~presiding-judge~~  
40 Chief Judge.

41  
42 **Sec. B-8. 4 MRSA §157, sub-§1, ¶A**, as amended by PL 1989, c.  
43 501, Pt. P, §2, is further amended to read:

44  
45 A. The Governor, subject to review by the joint standing  
46 committee of the Legislature having jurisdiction over  
47 judiciary and to confirmation by the Legislature, shall  
48 appoint to the District Court ~~9-judges-at-large-and-16~~ 25  
49 judges until January 1, 1995 and 26 thereafter. At least  
50 one judge shall must be appointed in from each district who  
51 shall ~~be~~ is a resident of the district, except that in  
52 District 3 there shall must be 2 judges appointed who shall

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2 be are residents of the district; in District 6 there shall  
3 must be 2 judges appointed who shall-be are residents of the  
4 district; and in District 9 there shall must be 2 judges  
5 appointed who shall-be are residents of the district. Each  
6 District Court Judge shall-have has a term of office of 7  
7 years.

8 To be eligible for appointment as a District Judge, a person  
9 shall must be a member of the bar of the State. The term  
10 "District Judge" shall-include includes the Chief Judge, and  
11 Deputy Chief Judge, ~~the judges appointed from the districts~~  
12 and ~~the judges at large.~~

13 **Sec. B-9. 4 MRSA §157, sub-§1, ¶B,** as amended by PL 1985, c.  
14 506, Pt. B, §1, is further amended to read:

15 B. The Chief Justice of the Supreme Judicial Court shall  
16 designate one of the judges as Chief Judge. The Chief  
17 Judge, with the advise-and-consent approval of the Chief  
18 Justice of the Supreme Judicial Court, shall designate one  
19 of the District Court Judges as Deputy Chief Judge who shall  
20 have has all the duties, powers and responsibilities of the  
21 Chief Judge when the Chief Judge is unable to perform them  
22 because of illness, absence or disability.

23 **Sec. B-10. 4 MRSA §157-C,** as amended by PL 1983, c. 112, is  
24 further amended to read:

25 **§157-C. Judge or Active Retired Judge of the District Court to**  
26 **sit in Superior Court**

27 A Judge or an Active Retired Judge of the District Court ~~or~~  
28 ~~Administrative-Court~~ may be assigned by the Chief Justice of the  
29 Supreme Judicial Court to sit in the Superior Court in any  
30 county, and when so directed he ~~shall~~-have the judge has  
31 authority and jurisdiction ~~therein in that Superior Court~~ as if  
32 he the judge were a regular Justice of the Superior Court; and  
33 whenever the Chief Justice of the Supreme Judicial Court ~~so~~  
34 directs, he the judge may hear all matters and issue all orders,  
35 notices, decrees and judgments that any Justice of the Superior  
36 Court is authorized to hear and issue.

37 No ~~A~~ Judge or Active Retired Judge of the District Court ~~or~~  
38 ~~Administrative-Court~~ ~~so~~ sitting in the Superior Court shall may  
39 not act in any case in which he that judge has sat in the  
40 District Court ~~or Administrative-Court~~ nor in which he that judge  
41 otherwise has an interest.

42 The order of the Chief Justice of the Supreme Judicial Court  
43 directing a Judge or an Active Retired Judge of the District  
44 Court ~~or Administrative-Court~~ to sit in the Superior Court shall  
45 must be filed with the Executive Clerk of the Supreme Judicial  
46 Court.

**COMMITTEE AMENDMENT**

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2 Court, but need not be docketed or otherwise recorded in any case  
heard by him that judge.

4 **Sec. B-11. 4 MRSA §157-E**, as enacted by PL 1989, c. 891, Pt.  
A, §6, is repealed.

6 **Sec. B-12. 4 MRSA §164, sub-§1-A**, as amended by PL 1987, c.  
8 758, §2, is further amended to read:

10 **1-A. Appoint bail commissioners.** Appoint bail  
commissioners pursuant to Title 15, section 1023, for any  
12 district ~~when the resident judge for that district, because of  
illness, absence or disability, is unable to appoint;~~

14 **Sec. B-13. 4 MRSA §164, sub-§2**, as amended by PL 1977, c. 544,  
16 §7, is further amended to read:

18 **2. Assign judges.** Assign judges ~~at-large~~ to hold court in  
any division where, in ~~his~~ the judgment of the Chief Judge,  
20 they are needed;

22 **Sec. B-14. 4 MRSA §164, sub-§5**, as amended by PL 1977, c. 544,  
§8, is repealed.

24 **Sec. B-15. 4 MRSA §164, sub-§10** is amended to read:

26 **10. Courtroom facilities.** Make necessary arrangements for  
28 proper courtroom facilities for all branches of the District  
Court pursuant to section 162; establish ~~his own~~ headquarters  
30 with appropriate facilities for the Chief Judge; and establish  
quarters and facilities for the all District Court judges at  
32 large;

34 **Sec. B-16. 4 MRSA §173, sub-§4**, as amended by PL 1991, c. 780,  
Pt. X, §2, is further amended by amending the 3rd and 4th  
36 paragraphs to read:

38 The court shall pay any municipality a flat fee of \$10 for each  
day or part of a day that a municipal law enforcement officer,  
40 designated by the municipality as its court officer, is required  
to be physically present in a District Court in order to  
42 adequately handle that municipality's caseload. In addition, the  
court shall pay any municipality a flat fee of \$10 per day for  
44 every day or part of a day, but no more than \$10 for any one day,  
the municipality loses the services of one or more law  
46 enforcement officers because the officer or officers are  
performing some act authorized or required by a the Maine Rule  
48 Rules of Criminal Procedure or are witnesses in a criminal or  
traffic infraction case within the jurisdiction of the District  
50 Court. A municipality is deemed considered to have lost the  
services of a law enforcement officer when the officer, who  
52 normally performs duties of patrolling or maintaining order, is

2 physically unable to perform those duties of patrolling and  
maintaining order for the municipality.

4 The sheriffs of the several counties shall designate and furnish  
deputy sheriffs to serve as bailiffs in each division of the  
6 District Court within their counties, if so requested by the  
Chief Judge. A deputy sheriff designated as bailiff must be  
8 approved by the resident-judge Chief Judge and may not serve as a  
court officer for any law enforcement agency.

10 **Sec. B-17. 4 MRSA §454, first ¶,** as amended by PL 1989, c. 925,  
12 §1, is further amended to read:

14 There is established a Maine Criminal Justice Sentencing  
Institute under the administrative supervision of the State Court  
16 Administrator to provide a continuing forum for the regular  
discussion of the most appropriate methods of sentencing  
18 convicted offenders and adjudicated juveniles by judges in the  
criminal justice system, prosecutors, law enforcement and  
20 correctional personnel, representatives of advisory and advocacy  
groups and such representatives of the defense bar as the chair  
22 of the Judicial Council may invite. All Supreme Judicial Court,  
Superior Court, and District Court ~~and--Administrative--Court~~  
24 Judges, all District Attorneys and attorneys within the Criminal  
Division of the Office of the Attorney General are, and such  
26 other criminal justice personnel as the Judicial Council may  
authorize, may be members of the institute.

28 **Sec. B-18. 4 MRSA §955-A,** as repealed and replaced by PL  
30 1987, c. 573, §2, is amended to read:

32 **§955-A. Removal from office**

34 **1. Complaint by Secretary of State.** The Secretary of State  
may file a complaint with the Administrative District Court to  
36 have a notary public removed from office.

38 **2. Action by District Court.** If the Administrative  
District Court, upon complaint by the Secretary of State, finds  
40 that the notary public has performed in an improper manner any  
duty imposed upon the notary public by law, or has performed acts  
42 not authorized by law, the Administrative District Court may  
remove the notary public from office.

44 **Sec. B-19. 4 MRSA c. 25,** as amended, is repealed.

46 **Sec. B-20. 5 MRSA §5304,** as amended by PL 1987, c. 402, Pt.  
48 A, §54, is further amended to read:

50 **§5304. Appeals**

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Any person who is aggrieved by the decision of any licensing agency in possible violation of this chapter may file a statement of complaint with the Administrative Superior Court designated in chapter 375.

Sec. B-21. 5 MRSA §8002, sub-§7, ¶C, as enacted by PL 1977, c. 551, §3, is amended to read:

C. Any agency bringing a complaint to Administrative Court under section 10051.

Sec. B-22. 5 MRSA c. 375, sub-c.VI, first 2 lines are repealed and the following enacted in their place:

SUBCHAPTER VI

ADMINISTRATIVE PROCEEDINGS IN SUPERIOR AND DISTRICT COURT

Sec. B-23. 5 MRSA §10051, as amended by PL 1991, c. 824, Pt. A, §5, is further amended to read:

§10051. Administrative jurisdiction; retained powers of agency

1. Jurisdiction. Except as provided in section 10004; Title 8, section 279-B; Title 10, section 8003; Title 20-A, sections 10712 and 10713; Title 29; Title 32, chapters 105 and 114; and Title 35-A, section 3132, the Administrative District Court has exclusive jurisdiction upon complaint of any agency or, if the licensing agency fails or refuses to act within a reasonable time, upon complaint of the Attorney General, to revoke or suspend licenses issued by the agency and has original jurisdiction upon complaint of an agency to determine whether renewal or reissuance of a license of that agency may be refused.

2. Complaining agency. The complaining agency shall retain retains every other power granted to it by statute law or necessarily implied therein in the laws, except the power of revoking or suspending licenses issued by it. Such Retained Retained powers shall include, but are not be limited to, the granting or renewing of licenses, the investigating and determining of grounds for the filing of a complaint under this section, and the prosecution of such those complaints.

3. Appellate jurisdiction. The Administrative Superior Court shall have has exclusive jurisdiction to review disciplinary decisions of occupational licensing boards and commissions taken pursuant to Title 10, section 8003. The Maine Administrative Procedure Act, chapter 375, subchapter Subchapter VII, shall govern governs these proceedings as far as applicable, substituting "Administrative Court" for "Superior Court."

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4. **Violations.** The Administrative District Court shall have has exclusive jurisdiction to hear complaints of the Public Utilities Commission for violations of Title 35-A, section 704.

**Sec. B-24. 5 MRSA §18055, sub-§1, ¶C,** as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

C. Justices of the Supreme Judicial Court and the Superior Court and Judges of the District Court and---the Administrative-Court; and

**Sec. B-25. 10 MRSA §8003, sub-§5,** as amended by PL 1991, c. 509, §2, is further amended by amending the last paragraph to read:

Any nonconsensual disciplinary action taken under authority of this subsection may be imposed only after a hearing conforming to the requirements of Title 5, chapter 375, subchapter IV, and shall--be is subject to judicial review exclusively in--the Administrative--Court in accordance with Title 5, chapter 375, subchapter VII,--substituting the term--"Administrative Court"--for "Superior-Court," notwithstanding any other provision of law.

**Sec. B-26. 14 MRSA §1901,** as amended by PL 1993, c. 338, §1, is repealed and the following enacted in its place:

**§1901. Superior Court; exceptions**

**1. Appeals from District Court to Superior Court.** Except as provided in subsection 2 or by court rule, an appeal may be taken from the District Court to the Superior Court for the county embracing the division in which the judgment was rendered within 30 days after judgment. Within those 30 days, the appellant must pay to the court the required fees for the appeal and in that case no execution issues and the clerk may enter the appeal in the Superior Court as a new entry.

**2. Exceptions.** The following requirements apply to appeals from the District Court.

**A.** A party must appeal from a District Court judgment in an action of foreclosure and sale directly to the Supreme Judicial Court within 30 days of the judgment.

**B.** If all parties agree, a final appeal from civil matters, including family matters, originating in the District Court may be made to the Superior Court in lieu of a 2nd appeal to the Supreme Judicial Court.

**Sec. B-27. 15 MRSA §603,** as enacted by PL 1991, c. 402, §2, is amended to read:

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§603. Warrant repository

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The district attorney of each court district shall designate, with the approval of the ~~resident~~ Chief Judge of the District Court Judge, at least one law enforcement agency that is responsible for the maintenance, administration and retention of attested copies of arrest warrants issued by the courts. If a court district encompasses more than one prosecutorial district, the respective district attorneys shall attempt to agree on the designation of an arrest warrant repository. If the district attorney of a court district fails to designate an arrest warrant repository or the district attorneys are unable to agree to the designation of an arrest warrant repository for a court district, the Attorney General shall make the designation for that court district. The district attorney or attorneys shall notify the District Court and the Superior Court of the location of the arrest warrant repository for arrest warrants in the jurisdiction covered by those courts. All attested copies of arrest warrants issued by the District Court and the Superior Court must be directed to the arrest warrant repository designated for those courts except as otherwise provided by this chapter or by the standards adopted by rule of the Attorney General pursuant to this chapter. The district attorney of each court district shall designate, with the approval of the resident District Court Judge, at least one law enforcement agency that is responsible for the maintenance, administration and retention of attested copies of arrest warrants issued by the courts. If a court district encompasses more than one prosecutorial district, the respective district attorneys shall attempt to agree on the designation of an arrest warrant repository. If the district attorney of a court district fails to designate an arrest warrant repository or the district attorneys are unable to agree to the designation of an arrest warrant repository for a court district, the Attorney General shall make the designation for that court district. The district attorney or attorneys shall notify the District Court and the Superior Court of the location of the arrest warrant repository for arrest warrants in the jurisdiction covered by those courts. All attested copies of arrest warrants issued by the District Court and the Superior Court must be directed to the arrest warrant repository designated for those courts except as otherwise provided by this chapter or by the standards adopted by rule of the Attorney General pursuant to this chapter.

46 Sec. B-28. 15 MRSA §1003, sub-§2, as enacted by PL 1987, c. 758, §20, is amended to read:

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2. Court. "Court" means any Justice of the Supreme Judicial Court or Superior Court or any ~~active-retired-justice~~ Active Retired Justice and any District Court Judge or ~~active-retired judge, or any Administrative Court Judge or active-retired judge~~

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Active Retired Judge when assigned under Title 4, section 157-C  
er-1158.

Sec. B-29. 15 MRSA §1023, sub-§2, as enacted by PL 1987, c.  
758, §20, is amended to read:

2. Appointment. The District Court Judge resident in each  
district, with the concurrence of the Chief Judge of the District  
Court, may appoint one or more residents of the each district as  
bail commissioners. A bail commissioner shall serve serves at  
the pleasure of the District Court Judge resident in the district  
of the Chief Judge of the District Court, but no term for which a  
bail commissioner is appointed may exceed 5 years. The District  
Court Judge or the Chief Judge of the District Court shall  
require bail commissioners to complete the necessary training  
requirements set out in this section. Bail commissioners have  
the powers of notaries public to administer oaths or affirmations  
in carrying out their duties.

Sec. B-30. 15 MRSA §3203-A, sub-§6, as enacted by PL 1985, c.  
439, §9, is amended to read:

6. Availability of judges. The Chief Judge of the District  
Court shall provide that a Juvenile Court Judge, not necessarily  
a judge of the division where a juvenile is being held, is  
available to preside at the detention hearing, described in  
subsection 5, on all days except Saturdays, Sundays and legal  
holidays.

Sec. B-31. 15 MRSA §5822, sub-§6, as amended by PL 1987, c.  
736, §26, is further amended by amending the first paragraph to  
read:

6. Preliminary process. Any Justice of the Supreme  
Judicial Court or the Superior Court, Judge of the District Court  
or Judge of the Administrative Court or justice of the peace may  
issue, at the request of the attorney for the State, ex parte,  
any preliminary order or process as is necessary to seize or  
secure the property for which forfeiture is or will be sought and  
to provide for its custody. That order may include an order to a  
financial institution or to any fiduciary or bailee to require  
the entity to impound any property in its possession or control  
and not to release it except upon further order of the court.  
Process for seizure of the property shall issue issues only upon  
a showing of probable cause that the property is subject to  
forfeiture under section 5821. The application for process and  
the issuance, execution and return of process shall be are  
subject to applicable state law. Any property subject to  
forfeiture under this section may be seized upon process, except  
that seizure without the process may be made when:

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2 **Sec. B-32. 22 MRSA §2040**, as amended by PL 1981, c. 470, Pt. A, §81, is further amended to read:

4 **§2040. Appeal**

6 Any person aggrieved by a decision of the department or the  
7 commission may appeal ~~to the Administrative Court Judge~~ under  
8 Title 5, chapter 375.

10 **Sec. B-33. 32 MRSA §10015, last ¶**, as enacted by PL 1989, c. 845, §14, is amended to read:

12 The jurisdiction to suspend or revoke certificates conferred  
14 by this section is concurrent with that of the Administrative  
15 District Court. Civil penalties accrue to the Ground Water Oil  
16 Clean-up Fund. Any nonconsensual action under subsection 2-A  
17 taken under authority of this section may be imposed only after a  
18 hearing conforming to the requirements of Title 5, chapter 375,  
19 subchapter IV, and is subject to judicial review exclusively in  
20 the ~~Administrative Court~~ in accordance with Title 5, chapter 375,  
21 subchapter VII, ~~substituting the term "Administrative Court" for~~  
22 ~~"Superior Court,"~~ notwithstanding any other provision of law.

24 **Sec. B-34. 32 MRSA §13068, sub-§3**, as enacted by PL 1987, c. 395, Pt. A, §212, is amended to read:

26 **3. Appeals.** Appeals from decisions of the commission shall  
28 be are to the Administrative Superior Court. Appeals shall must  
29 be based on questions of law. The procedure for appeals under  
30 this section ~~shall be as is~~ provided in the Maine Administrative  
31 Procedure Act, Title 5, chapter 375, subchapter VII, ~~except that~~  
32 ~~for purposes of this section, all references to the Superior~~  
33 ~~Court shall be construed as references to the Administrative~~  
34 ~~Court. Further appeal shall be directly to the Law Court.~~

36 **Sec. B-35. PL 1993, c. 401, §5** is amended to read:

38 **Sec. 5. Family court project continuation and expansion.** The  
39 family court project established pursuant to Public Law 1989,  
40 chapter 891, Part A, section 12 may be continued and expanded  
41 into other geographic areas with large numbers of family law  
42 cases as well as in other areas determined appropriate. The  
43 current jurisdiction of the Superior Court, and District Court  
44 ~~and Administrative Court~~ is not altered to ensure access. In  
45 those areas in which the family court project exists or into  
46 which the project is expanded, it must be structured as the  
47 Family Court Division of the District Court, and Superior Court  
48 ~~and Administrative Court~~. The Chief Justice of the Supreme  
49 Judicial Court shall designate one judge or justice from the  
50 Superior Court, or District Court ~~or Administrative Court~~ to  
51 direct the project. The Chief Justice or the designated judge or  
52 justice shall convene a preliminary planning committee on the

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development of a nonadversarial administrative forum that includes social services for family matters. The designated judge or justice shall report to the Joint Standing Committee on Judiciary by January 15, 1994 1995, and annually thereafter, and shall make a final report concerning the family court project by January 15, 1999.

**Sec. B-36. Salaries and titles of District Court Judges and Superior Court Justices.** The Supreme Judicial Court shall develop a plan to equalize the salaries of District Court Judges and Superior Court Justices. The plan must provide for equal salaries by July 1, 1998, but the salaries of Superior Court Justices may not be frozen and cost-of-living adjustments may not be delayed for the purpose of equalizing salaries. The Supreme Judicial Court shall also develop a plan to provide by July 1, 1998 appropriate titles for District Court Judges and Superior Court Justices. The Supreme Judicial Court shall present the 2 plans to the Joint Standing Committee on Judiciary by January 31, 1995. The presentation must include comments and considerations, fiscal information and draft legislation regarding the implementation and completion of the equalization of salaries and titles.

**Sec. B-37. Administrative Court transition provisions.** The following provisions apply to the reassignment of the duties and responsibilities of the Administrative Court as of January 1, 1995.

1. The District Court is the successor in every way to the jurisdiction, powers, duties and functions of the Administrative Court, except that appeals of any court, agency or licensing board decision that are heard by the Administrative Court as of December 31, 1994 are transferred to the Superior Court.

2. References in the Maine Revised Statutes to actions taken by the District Court or a District Court Judge include actions within the jurisdiction of the Administrative Court taken by the Administrative Court or an Administrative Court Judge before January 1, 1995.

3. Notwithstanding the provisions of the Maine Revised Statutes, Title 5, all accrued expenditures, assets, liabilities, balances or appropriations, allocations, transfers, revenues or other available funds in an account or subdivision of an account of the Administrative Court must be transferred to the proper accounts by the State Court Administrator.

4. All contracts, agreements and compacts in effect on the effective date of this section in the Administrative Court remain in effect.

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2           5. The individual holding the position of Associate  
3 Administrative Court Judge and designated by the Chief Justice of  
4 the Supreme Judicial Court to direct the family court project is  
5 transferred into the new Superior Court Justice position created  
6 by this Act for the remainder of the term for which that  
7 individual was nominated and confirmed as Associate  
8 Administrative Court Judge. The individual holding the position  
9 of Administrative Court Judge is transferred into the new  
10 District Court Judge position created by this Act for the  
11 remainder of the term for which that individual was nominated and  
12 confirmed as Administrative Court Judge. The individual  
13 designated as an Active Retired Administrative Court Judge is  
14 designated as an Active Retired District Court Judge for the  
15 remainder of the term for which that individual was nominated and  
16 confirmed as Active Retired Administrative Court Judge.

17           6. The positions of Administrative Court Judge, Associate  
18 Administrative Court Judge and Active Retired Administrative  
19 Court Judge are abolished.

20           7. All records, property and equipment previously belonging  
21 to or allocated for the use of the Administrative Court are  
22 transferred to the District Court.

23           8. The dissolution of the Administrative Court does not  
24 affect eligibility in the retirement system of any Administrative  
25 Court Judge, Associate Administrative Court Judge, Active Retired  
26 Administrative Court Judge or other Administrative Court  
27 personnel.

28           9. The Chief Justice of the Maine Supreme Judicial Court  
29 shall develop a plan to implement a centralized filing and  
30 docketing system in the District Court and Superior Court for  
31 cases that would have been within the jurisdiction of the  
32 Administrative Court before its abolition. The plan must provide  
33 for assignment of judges and justices to make maximum use of the  
34 available expertise and resources in order to process cases in a  
35 manner providing as close to the same level of service as  
36 provided by the Administrative Court before January 1, 1995.

37           **Sec. B-38. Maine Revised Statutes amended; revision clause;**  
38 **Administrative Court.** Except as expressly amended in this Act,  
39 wherever in the Maine Revised Statutes the words "Administrative  
40 Court" and "Administrative Court Judge" and "Associate  
41 Administrative Court Judge" appear or reference is made to those  
42 words, they are amended to read and mean "District Court" and  
43 "District Court Judge" and the Revisor of Statutes shall  
44 implement this revision when updating, publishing or republishing  
45 the laws.

46           **Sec. B-39. Resident judge and Judge-at-Large; transition clause.**  
47 Each District Court Resident Judge serves as a District  
48

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2 Court Judge for the remainder of the term for which that  
individual was nominated and confirmed as a District Court  
4 Resident Judge. Each District Court Judge-at-Large serves as a  
District Court Judge for the remainder of the term for which that  
6 individual was nominated and confirmed as a District Court  
Judge-at-Large.

8 **Sec. B-40. Effective dates.** The sections of this Part enacting,  
amending or repealing the following elements of the Maine Revised  
10 Statutes are effective January 1, 1995:

- 12 1. Title 4, section 9-B;
- 14 2. Title 4, section 101;
- 16 3. Title 4, section 105;
- 18 4. Title 4, section 121;
- 20 5. Title 4, section 152, subsection 9;
- 22 6. Title 4, section 157, subsection 1, ¶A;
- 24 7. Title 4, section 157-C;
- 26 8. Title 4, section 157-E;
- 28 9. Title 4, section 454, first paragraph;
- 30 10. Title 4, section 955-A;
- 32 11. Title 4, chapter 25;
- 34 12. Title 5, section 5304;
- 36 13. Title 5, section 8002, subsection 7, paragraph C;
- 38 14. Title 5, chapter 375, subchapter VI, first 2 lines;
- 40 15. Title 5, section 10051;
- 42 16. Title 5, section 18055, subsection 1, paragraph C;
- 44 17. Title 10, section 8003, subsection 5, last paragraph;
- 46 18. Title 15, section 1003, subsection 2;
- 48 19. Title 15, section 5822, subsection 6, first paragraph;
- 50 20. Title 22, section 2040;
- 52 21. Title 32, section 10015, last paragraph;

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2 22. Title 32, section 13068, subsection 3; and

4 23. Public Law 1993, chapter 401, section 5.

6

PART C

8

10 Sec. C-1. 4 MRSA §§15 and 16, as enacted by PL 1975, c. 408,  
§5-A, are amended to read:

12 §15. Administrative Office of the Courts; appointment of State  
14 Court Administrator

16 There shall-be is an Administrative Office of the Courts,  
18 directed by a State Court Administrator who shall-be is appointed  
20 by and serve serves at the pleasure of the Chief Justice of the  
22 Supreme Judicial Court. Said--administrater The State Court  
Administrator shall devote full time to his the official duties  
of this position to the exclusion of any profession for profit.  
The State Court Administrator must have experience and skills in  
leadership, management, planning and administration.

24 §16. Assistants and employees of State Court Administrator

26 With the approval of the Chief Justice and within the limits  
28 of appropriations made therefor, the State Court Administrator  
30 may appoint such assistants and other employees and purchase or  
32 lease such equipment, services and facilities as-may-be needed  
for the performance of the duties of said the administrator. All  
administrative personnel in the Judicial Department are  
supervised by the State Court Administrator.

34 These personnel shall must have qualifications as prescribed  
36 by the Supreme Judicial Court.

38 Sec. C-2. 4 MRSA §17, first ¶, as enacted by PL 1975, c. 408,  
§5-A, is amended to read:

40 The State Court Administrator under, subject to the  
42 supervision and direction of the Chief Justice of the Supreme  
44 Judicial Court, is responsible for administration and management  
of the court system. The State Court Administrator shall:

46 Sec. C-3. 4 MRSA §17, sub-§1, as enacted by PL 1975, c. 408,  
§5-A, is amended to read:

48 1. Continuous survey and study. Carry on a continuous  
50 survey and study of the organization, operation, condition of  
52 business, practice and procedure of the Judicial Department and  
The State Court Administrator shall make recommendations to  
the Chief Justice to improve administration and management of the

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2 court system, including recommendations concerning the number of  
judges and other judicial personnel required for the efficient  
4 administration of justice,---Assist--in--long--and--short--range  
planning;

6 **Sec. C-4. 4 MRSA §17, sub-§1-A** is enacted to read:

8 1-A. Long-range planning. Develop and recommend to the  
Chief Justice long-range plans for the Judicial Department and  
10 operations of the courts;

12 **Sec. C-5. 4 MRSA §17, sub-§7, ¶C**, as enacted by PL 1975, c.  
408, §5-A, is amended to read:

14 C. Prepare budget estimates and submissions of state  
16 appropriations necessary for the maintenance and operation  
of the Judicial Department and make appropriate  
18 recommendations ~~with-respect-thereeto~~;

20 **Sec. C-6. 4 MRSA §17, sub-§7, ¶¶D and E**, as amended by PL 1983,  
c. 269, §§3 and 9, are further amended to read:

22 D. Collect statistical and other data and make reports to  
24 the Chief Justice, to the Chief Justice of the Superior  
Court and to the Chief Judge of the District Court relating  
26 to the expenditures of public moneys money for the  
maintenance and operation of the Judicial Department; and

28 E. Develop a uniform set of accounting and budgetary  
30 accounts, based on generally accepted fiscal and accounting  
procedures, for the Supreme Judicial Court, for the Superior  
32 Court and for the District Court and serve as auditor of the  
Judicial Department;

34 **Sec. C-7. 4 MRSA §17, sub-§15**, as amended by PL 1991, c. 885,  
36 Pt. E, §3 and affected by §47, is further amended to read:

38 **15. Provide for court security.** Plan and implement  
40 arrangements for safe and secure court premises to ensure the  
orderly conduct of judicial proceedings. This includes the  
42 authority to contract for the services of qualified deputy  
sheriffs and other qualified individuals as needed on a per diem  
basis to perform court security-related functions and services.  
44 "Qualified deputy sheriffs and other qualified individuals" means  
those individuals who hold valid certification as law enforcement  
46 officers, as defined by the Maine Criminal Justice Academy,  
pursuant to Title 25, chapter 341, to include successful  
48 completion of such additional training in court security as  
provided by the academy or equivalent training. When under such  
50 that contract and then only for the assignment specifically  
contracted for, the qualified deputy sheriffs or other qualified  
52 individuals have the same duties and powers throughout the

counties of the State as sheriffs have in their respective  
2 counties. Qualified deputy sheriffs performing these contractual  
3 services continue to be employees of the counties in which they  
4 are deputized. Other qualified individuals performing such these  
5 contractual services may not be considered employees of the State  
6 for any purpose, ~~provided that~~ as long as the other qualified  
7 individuals are treated as employees of the State for purposes of  
8 the Maine Tort Claims Act and the Maine Workers' Compensation Act  
9 of 1992. They must be paid a reasonable per diem fee plus  
10 reimbursement of their actual, necessary and reasonable expenses  
11 incurred in the performance of their duties, consistent with  
12 policies established by the State Court Administrator.  
13 Notwithstanding any other provision of law, such the plans,  
14 arrangements and files involving court security matters are  
15 confidential. Nothing in this section precludes dissemination of  
16 such that information to another criminal justice agency.

18 In addition to the foregoing authority, the State Court  
19 Administrator may employ other qualified individuals to perform  
20 court security-related functions and services. These employees  
21 must have a valid certification as law enforcement officers, as  
22 defined by Title 25, chapter 341, including successful completion  
23 of additional training in court security as provided by the Maine  
24 Criminal Justice Academy or equivalent training and, when on  
25 assignment for court security functions, have the same powers and  
26 duties throughout the counties of the State as sheriffs have in  
27 their respective counties. These individuals are state employees  
28 for all purposes; and

30 **Sec. C-7. 4 MRSA §17, sub-§16**, as enacted by PL 1991, c. 622,  
31 Pt. L, §6, is amended to read:

32 **16. Report on out-of-state travel.** Submit to the joint  
33 standing committee of the Legislature having jurisdiction over  
34 appropriations and financial affairs a quarterly report on  
35 out-of-state travel activity of the Judicial Department. The  
36 report must be submitted within 15 days after the end of each  
37 quarter and must include, for each individual who has been  
38 authorized to travel, the destination, purpose and cost by  
39 funding source of each trip; and

42 **Sec. C-7. 4 MRSA §17, sub-§17** is enacted to read:

44 **17. Statement of fiscal effect on judicial system.** Apply  
45 the following requirements when the State Court Administrator  
46 prepares statements pertaining to the impact that executive  
47 orders and proposed legislation have upon judicial system  
48 resources, including the cost or savings to the judicial system.

50 A. The State Court Administrator shall furnish the  
51 statements to the legislative staff office designated to  
52 collect and assemble fiscal information for use of

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legislative committees under Title 3, section 163-A, subsection 10 and to:

(1) The Governor for judicial impact statements on executive orders; and

(2) The appropriate committee of the Legislature for the information of its members for proposed legislation.

B. The statement on a particular executive order prepared by the State Court Administrator must be included in the executive order if the executive order has a fiscal impact on the judicial system, as determined by the State Court Administrator.

C. The statement on proposed legislation prepared by the State Court Administrator must be considered in the preparation of the fiscal note included in a committee amendment or other amendment if the legislation or amendment has a fiscal impact on the judicial system, as determined by the State Court Administrator.

Sec. C-8. 4 MRSA §24, as amended by PL 1983, c. 269, §§6 and 9, is further amended to read:

**§24. Operating budgets**

The State Court Administrator shall, subject to the approval of the Chief Justice, prepare biennially a consolidated operating budget for all courts in the State to be known as the Judicial Department operating budget. ~~He shall~~ The administrator may be assisted in this task by the Chief Justice of the Superior Court and the Chief Judge of the District Court.

The State Court Administrator shall prepare the consolidated court budget according to procedures prescribed by the State Budget Officer. Budget requests and other additional information as requested shall must be transmitted to the State Budget Officer on or before September 1st of the even--numbered even-numbered years. The Governor shall include in the budget submission the judicial budget without revision, in accordance with Title 5, section 1664, but with such recommendations as ~~he~~ may-deem the Governor considers proper.

The State Court Administrator, subject to the approval of the Chief Justice, shall prescribe the financial management procedures to be used in all courts of the Judicial Department.

Sec. C-9. 5 MRSA §1664, last ¶ is enacted to read:

If the Governor submits legislation setting forth appropriations or allocations for the Judicial Department that

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2 differ from the full budget request submitted by the Judicial  
3 Department under Title 4, section 24, the Governor shall  
4 simultaneously submit a report to the joint standing committees  
5 of the Legislature having jurisdiction over appropriations and  
6 financial affairs and judiciary matters explaining why the  
7 Governor's budget legislation differs from the Judicial  
8 Department's budget submission.

9 **Sec. C-10. 5 MRSA Pt. 27 is enacted to read:**

10 **PART 27**

11 **INTERBRANCH COMMUNICATION AND COORDINATION**

12 **CHAPTER 555**

13 **INTERBRANCH COMMUNICATION AND COORDINATION**

14 **§21201. Findings**

15 The Legislature finds that difficulties in interactions  
16 among the Executive Department, the Legislature and the Judicial  
17 Department often arise from the lack of understanding of the  
18 functions, structures, needs and perspectives of the 3 separate  
19 but coequal branches of government. Increased communication and  
20 coordination in daily activities as well as in long-range  
21 planning are possible to improve the effectiveness and efficiency  
22 of all 3 branches without the imposition of the views or  
23 directions of one or 2 branches upon another.

24 **§21202. Interbranch forum**

25 1. Annual interbranch forum. Beginning in February 1995  
26 and at least every year thereafter, the Chief Justice of the  
27 Supreme Judicial Court, the Governor, the President of the Senate  
28 and the Speaker of the House of Representatives shall jointly  
29 convene an interbranch forum.

30 2. Purpose of forum. The purpose of the interbranch forum  
31 is to provide for discussions among the top policymakers from  
32 each branch of government to address the need for cooperation and  
33 coordination at all levels. Topics to be discussed may include,  
34 but are not limited to:

35 A. An integrated system of communication;

36 B. A technology plan;

37 C. Long-range planning; and

38 D. The allocation and use of resources.

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2 3. More frequent forums. Representatives of the 3 branches  
may convene a forum as often as they determine it is appropriate.

4 4. Expenses. Each branch absorbs the expenses for  
convening and holding interbranch forums within the general  
6 operating budgets for each department.

8  
10 **PART D**

12 **Sec. D-1. 5 MRSA §8001**, as reallocated by PL 1977, c. 696,  
§48, is further amended to read:

14 **§8001. Short title**

16 This chapter ~~and Title 4, chapter 25~~ shall along with the  
18 administrative provisions of Title 4, section 105 and Title 4,  
section 152, subsection 9 may be known and may be cited as the  
20 "Maine Administrative Procedure Act."

22 **Sec. D-2. 7 MRSA §1456**, as repealed and replaced by PL 1977,  
c. 694, §118, is amended to read:

24 **§1456. Cancellation of permit**

26 The permit to operate the sales rings may be canceled by the  
28 Administrative District Court pursuant to Title 4, ~~chapter 25~~  
section 152, subsection 9.

30 **Sec. D-3. 7 MRSA §2955, 4th ¶**, as amended by PL 1977, c. 694,  
§141, is further amended to read:

32 The Administrative District Court as designated by Title 4,  
34 ~~chapter 25~~ section 152, subsection 9 may, upon proper evidence,  
36 decline to grant a license or may suspend or revoke a license  
38 already granted upon due notice and after hearing. Violation of  
40 this chapter or of any order, rule or regulation made, or  
conviction of violating any other law or regulation of the State  
relating to the production, distribution and sale of milk, shall  
be is sufficient cause to suspend, revoke or withhold such the  
license.

42 **Sec. D-4. 7 MRSA §3991, sub-§2, ¶D**, as enacted by PL 1987, c.  
44 383, §3, is amended to read:

46 D. If the board concludes that suspension or revocation of  
48 the license is in order, shall file a complaint in the  
Administrative District Court in accordance with Title 4,  
50 ~~chapter 25~~ section 152, subsection 9.

52 **Sec. D-5. 8 MRSA §271, sub-§1**, as amended by PL 1991, c. 579,  
§10, is further amended to read:

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2           1. **Licensing.** If the commission is satisfied that all of  
 4 this chapter and rules prescribed by the commission have been  
 6 substantially complied with during the past year and will be  
 8 fully complied with during the coming year by the person,  
 10 association or corporation applying for a license; that the  
 12 applicant, its members, directors, officers, shareholders,  
 14 employees, creditors and associates are of good moral character;  
 16 that the applicant is financially responsible; and that the award  
 18 of racing dates to the applicant is appropriate under the  
 20 criteria contained in subsection 2, it may issue a license for  
 22 the holding of harness horse races or meets for public exhibition  
 24 with pari-mutuel pools, which ~~must--expire~~ expires on December  
 26 31st. The commission shall set licensing and license renewal  
 28 fees sufficient to carry out the administration and enforcement  
 30 of the licensing program. These fees may not exceed annually the  
 32 greater of \$100 or \$10 for each calendar week or part of a week  
 34 of harness racing regardless of whether pari-mutuel pools are  
 36 sold. The commission shall provide a booklet containing harness  
 38 racing laws and rules and relevant portions of the Maine  
 40 Administrative Procedure Act to every initial licensee and a fee  
 42 not to exceed \$10 must be included in the license fee to cover  
 44 the cost of this publication. The commission shall provide  
 46 necessary revisions of this booklet to those persons renewing  
 licenses at the time of renewal and shall include the cost of the  
 revisions, not to exceed \$10, in the renewal fee. The license  
 must set forth the name of the licensee, the place where the  
 races or race meets are to be held and the specific dates and  
 time of day or night during which racing may be conducted by the  
 licensee. The location stated in the license where the race or  
 race meet is to be held may be transferred to any other licensee  
 on the dates set forth in the license during which the racing may  
 be conducted, but, with respect to that transfer, the transfer  
 may only be made to another licensee and the licensee is liable  
 for compliance with all laws and regulations governing the  
 conduct of harness racing. Any such license issued is not  
 transferable or assignable. The Administrative District Court  
 Judge, as designated in Title 4, ~~chapter--25~~ section 152,  
subsection 9, may revoke any license issued at any time for  
 violation of the commission's rules or licensing provisions upon  
 notice and hearing. The license of any corporation is  
 automatically revoked, subject to Title 5, chapter 375, upon the  
 change in ownership, legal or equitable, of 50% or more of the  
 voting stock of the corporation and the corporation may not hold  
 a harness horse race or meet for public exhibition without a new  
 license.

48           **Sec. D-6. 12 MRSA §6371, sub-§3,** as enacted by PL 1977, c.  
 50 661, §5, is amended to read:

52           **3. Suspension for violations.** Violation of any section of  
 marine resources' laws shall-be is grounds for suspension of any

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COMMITTEE AMENDMENT "A" to H.P. 1008, L.D. 1354

and all licenses or certificates issued under this Part. In order to suspend a license or certificate for a violation, the commissioner shall follow the procedures for license suspension or revocation in the Administrative District Court, as provided under Title 4, ~~chapter-25~~ section 152, subsection 9.

**Sec. D-7. 12 MRSA §6373, first ¶,** as enacted by PL 1977, c. 661, §5, is amended to read:

In order to suspend a license or certificate for refusal to allow a shellfish inspection or for violation of shellfish sanitation regulations, the commissioner shall follow the procedures for license suspension or revocation in the Administrative District Court, as provided under Title 4, ~~chapter 25~~ section 152, subsection 9. The suspension for these reasons shall ~~be~~ is a summary action necessary to prevent an immediate threat to the public health, safety and welfare and shall ~~must~~ be an emergency proceeding under Title 4, section 1153.

**Sec. D-8. 12 MRSA §8833, sub-§2,** as enacted by PL 1979, c. 545, §3, is amended to read:

**2. Revocation.** The director may revoke, suspend or refuse to renew any registration of any mill for violation of sections 8830 and 8831 under the authority granted in Title 5, section 10004. The Administrative District Court, acting pursuant to Title 4, ~~chapter-25~~ section 152, subsection 9, may revoke the registration granted to any mill for violation of sections 8830 and 8831 for a period not to exceed 2 years, after which time the mill may make application for reinstatement as a registered mill.

**Sec. D-9. 12 MRSA §9321, sub-§2,** as repealed and replaced by PL 1983, c. 504, §2, is amended to read:

**2. Revocation.** The director or ~~his~~ the director's delegate may revoke any permit during a period of high forest fire danger or any permit which that results in creation of a nuisance condition without compliance with the provisions of Title 4, ~~chapter-25~~ section 152, subsection 9 or Title 5, chapter 375.

**Sec. D-10. 12 MRSA §9322, sub-§3,** as amended by PL 1985, c. 108, §6, is further amended to read:

**3. Resident guides.** On application to the director, a statewide yearly permit for out-of-door fires shall must be issued to resident guides licensed by the Department of Inland Fisheries and Wildlife. The director may restrict the scope of a permit to correspond with the classification of the guide license. Use of the permit shall ~~be~~ is conditional upon such the guides notifying a forest ranger in person or by telephone each time they enter an area to guide a party. ~~Wherever~~ The director shall revoke the permit of any person who violates this

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subsection shall have his permit revoked by the director, when, in taking this action, the director need not comply with the provisions of Title 4, ~~chapter 25~~ section 152, subsection 9 and Title 5, chapter 375.

**Sec. D-11. 13-A MRSA §1210, sub-§1**, as amended by PL 1989, c. 501, Pt. L, §19, is further amended by amending the first paragraph to read:

1. Notwithstanding Title 4, ~~chapter 25~~ section 152, subsection 9, and Title 5, chapter 375, the authority of a foreign corporation to do business in this State may be revoked by the Secretary of State, as provided by subsections 2 and 3 when:

**Sec. D-12. 13-A MRSA §1302, sub-§1**, as amended by PL 1991, c. 780, Pt. U, §7, is further amended to read:

1. A corporation required to deliver an annual report for filing as provided by section 1301 that fails to deliver its properly completed annual report to the Secretary of State shall pay, in addition to the regular annual report fee, the sum of \$25, providing the report is received by the Secretary of State prior to revocation or suspension. Upon failure to file the annual report and to pay the annual report fee or the penalty, the Secretary of State, notwithstanding Title 4, ~~chapter 25~~ section 152, subsection 9 and Title 5, chapter 375, shall revoke a foreign corporation's authority to do business in this State and suspend a domestic corporation from doing business. The Secretary of State shall use the procedures set forth in section 1210, relative to revoking the right of foreign corporations to do business in this State, for suspending domestic corporations. A foreign corporation whose authority to do business in this State has been revoked under this subsection that wishes to do business again in this State must be authorized as provided in section 1202. A domestic corporation that has been suspended under this subsection may be reinstated by filing the current annual report, together with the current annual filing fee, and by paying the sum of \$125 for each year the corporation failed to file an annual report.

**Sec. D-13. 13-B MRSA §1302, sub-§1**, as repealed and replaced by PL 1993, c. 349, §36, is amended to read:

1. **Failure to file annual report.** Any corporation that is required to deliver an annual report for filing, as provided by section 1301, and fails to deliver its properly completed annual report to the Secretary of State, shall pay the sum of \$10 for each failure to file on time. Upon failure to file the annual report and to pay the annual report fee and the penalty, the Secretary of State, notwithstanding Title 4, ~~chapter 25~~ section 152, subsection 9 and Title 5, chapter 375, shall revoke a

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2 foreign corporation's authority to carry on activities in this  
3 State and suspend a domestic corporation from carrying on  
4 activities. The Secretary of State shall use the procedures set  
5 forth in section 1210, relative to revoking the right of foreign  
6 corporations to carry on activities in this State, for suspending  
7 domestic corporations. A foreign corporation whose authority to  
8 carry on activities in this State has been revoked under this  
9 subsection that wishes to carry on activities again in this State  
10 must be authorized as provided in section 1202. A domestic  
11 corporation that has been suspended under this subsection may be  
12 reinstated by filing the current annual report and by paying the  
13 penalty accrued.

14 **Sec. D-14. 22 MRSA §1471-D, sub-§7, ¶D,** as enacted by PL 1977,  
15 c. 694, §339, is amended to read:

16 D. This subsection shall ~~is~~ is not be governed by the  
17 provisions of Title 4, ~~chapter-25~~ section 152, subsection 9  
18 or Title 5, chapter 375.

19 **Sec. D-15. 22 MRSA §1471-D, sub-§8,** as amended by PL 1983, c.  
20 819, Pt. A, §49, is further amended by amending the first  
21 paragraph to read:

22 **8. Revocation.** The Administrative District Court may  
23 suspend or revoke the certification or license of a licensee or  
24 certificate holder upon a finding that the applicant:

25 **Sec. D-16. 30-A MRSA §4451, sub-§6,** as amended by PL 1991, c.  
26 163, is further amended to read:

27 **6. Certification; terms; revocation.** The office shall  
28 certify individuals as to their competency to successfully  
29 enforce ordinances and other land use regulations and permits  
30 granted under those ordinances and regulations and shall issue  
31 certificates attesting to the competency of those individuals to  
32 act as code enforcement officers. Certificates are valid for 5  
33 years unless revoked by the Administrative District Court. An  
34 examination is not required for recertification of code  
35 enforcement officers. The office shall recertify a code  
36 enforcement officer if the code enforcement officer successfully  
37 completes at least 12 hours of approved training in each area of  
38 job responsibility during the 5-year certification period.

39 **A.** The Administrative District Court may revoke the  
40 certificate of a code enforcement officer, in accordance  
41 with Title 4, ~~chapter-25~~ section 152, subsection 9, when it  
42 finds that:

- 43 (1) The code enforcement officer has practiced fraud  
44 or deception;

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2 (2) Reasonable care, judgment or the application of a  
duly trained and knowledgeable code enforcement  
4 officer's ability was not used in the performance of  
the duties of the office; or

6 (3) The code enforcement officer is incompetent or  
unable to perform properly the duties of the office.

8  
10 B. Code enforcement officers whose certificates are  
invalidated under this subsection may be issued new  
12 certificates provided that they are newly certified as  
provided in this section.

14 **Sec. D-17. 31 MRSA §498, sub-§2, ¶A**, as amended by PL 1991, c.  
16 780, Pt. U, §28, is further amended to read:

18 A. Notwithstanding Title 4, ~~chapter--25~~ section 152,  
subsection 9 and Title 5, chapter 375, the authority of a  
20 foreign limited partnership to do business in this State may  
be revoked by the Secretary of State as provided in  
22 paragraphs C and D when:

24 (1) The foreign limited partnership fails to deliver  
its annual report for filing within the time specified  
26 by this chapter or fails to pay any fees or penalties  
as prescribed by this chapter when they become due and  
payable;

28 (2) The foreign limited partnership fails to appoint  
30 and maintain a registered agent in this State as  
required by section 494;

32 (3) The foreign limited partnership fails, after change  
34 of its registered office or registered agent, to file  
with the Secretary of State a statement of the change  
36 required by section 494;

38 (4) The foreign limited partnership has failed to file  
40 with the Secretary of State an amended application for  
authority required by section 495; or

42 (5) A misrepresentation of a material fact is made in  
44 any application, report, affidavit or other document  
required by this chapter.

46 **Sec. D-18. 31 MRSA §530, sub-§1**, as enacted by PL 1991, c.  
48 780, Pt. U, §33, is amended to read:

50 1. **Failure to file annual report.** A limited partnership  
required to deliver an annual report for filing as provided by  
52 section 529 that fails to deliver its properly completed annual  
report to the Secretary of State shall pay, in addition to the

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2 regular annual report fee, the sum of \$25, providing the report  
is received by the Secretary of State prior to revocation or  
4 suspension of the limited partnership. Upon failure to file the  
annual report and to pay the annual report fee or the penalty,  
6 the Secretary of State, notwithstanding Title 4, ~~chapter--25~~  
section 152, subsection 9 and Title 5, chapter 375, shall revoke  
8 a foreign limited partnership's authority to do business in this  
State and suspend a domestic limited partnership from doing  
10 business. The Secretary of State shall use the procedures set  
forth in section 498, subsection 2, relative to revoking the  
12 right of foreign limited partnerships to do business in this  
State, for suspending domestic limited partnerships. A foreign  
14 limited partnership whose authority to do business in this State  
has been revoked under this subsection that wishes to do business  
16 again in this State must be authorized as provided in section  
492. A domestic limited partnership that has been suspended  
18 under this subsection may be reinstated by filing the current  
annual report together with the current annual filing fee and by  
20 paying the sum of \$125 for each year the limited partnership  
failed to file an annual report.

22 **Sec. D-19. 32 MRSA §64-A, sub-§1, ¶D,** as enacted by PL 1983,  
c. 378, §2, is amended to read:

24  
26 D. If the board concludes that suspension or revocation of  
the license is in order, the board shall file a complaint in  
28 the Administrative District Court in accordance with Title  
4, ~~chapter--25~~ section 152, subsection 9.

30 **Sec. D-20. 32 MRSA §90-A, sub-§4, ¶D,** as enacted by PL 1987,  
c. 273, §8, is amended to read:

32  
34 D. Except in the specific circumstances where the Maine  
Administrative Procedure Act, Title 5, section 10004 may be  
36 invoked, if the board concludes that suspension or  
revocation of the license is in order, the board shall hold  
38 a hearing or file a complaint in the Administrative District  
Court in accordance with Title 4, ~~chapter--25~~ section 152,  
40 subsection 9, to commence either full or emergency  
proceedings.

42 **Sec. D-21. 32 MRSA §503-A, sub-§1, ¶D,** as enacted by PL 1983,  
c. 378, §4, is amended to read:

44  
46 D. If the board concludes that suspension or revocation of  
the license is in order, the board shall file a complaint in  
48 the Administrative District Court in accordance with Title  
4, ~~chapter--25~~ section 152, subsection 9.

50 **Sec. D-22. 32 MRSA §1077, sub-§1, ¶D,** as enacted by PL 1983,  
c. 378, §7, is amended to read:

52

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2 D. If the board concludes that suspension or revocation of  
the license is in order, the board shall file a complaint in  
4 the Administrative District Court in accordance with Title  
4, ~~chapter-25~~ section 152, subsection 9.

6 **Sec. D-23. 32 MRSA §1356, first ¶,** as repealed and replaced by  
PL 1983, c. 413, §49, is amended to read:

8  
10 The board may suspend or revoke the registration of an  
engineer or the certificate of an engineer-in-training pursuant  
12 to Title 5, section 10004. The board may refuse to issue or renew  
or the Administrative District Court, pursuant to Title 4,  
14 ~~chapter-25~~ section 152, subsection 9, may revoke, suspend or  
refuse to renew the registration of a registered professional  
16 engineer or the certificate of an engineer-in-training who is  
found guilty of:

18 **Sec. D-24. 32 MRSA §2105-A, sub-§1-A, ¶E,** as enacted by PL  
1985, c. 724, §12, is amended to read:

20  
22 E. If the board concludes that suspension or revocation of  
the license is in order, file a complaint in the  
24 Administrative District Court in accordance with Title 4,  
~~chapter-25~~ section 152, subsection 9.

26 **Sec. D-25. 32 MRSA §2431-A, sub-§1, ¶D,** as enacted by PL 1983,  
c. 378, §30, is amended to read:

28  
30 D. If the board concludes that suspension or revocation of  
the license is in order, the board shall file a complaint in  
32 the Administrative District Court in accordance with Title  
4, ~~chapter-25~~ section 152, subsection 9.

34 **Sec. D-26. 32 MRSA §2591-A, sub-§1, ¶D,** as enacted by PL 1983,  
c. 378, §38, is amended to read:

36  
38 D. If the board concludes that suspension or revocation of  
the license is in order, the board shall file a complaint in  
40 the Administrative District Court in accordance with Title  
4, ~~chapter-25~~ section 152, section 9.

42 **Sec. D-27. 32 MRSA 3282-A, sub-§1, ¶D,** repealed and replaced  
by PL 1991, c. 824, Pt. A, §68, is amended to read:

44  
46 D. If the board concludes that suspension or revocation of  
the license is in order, the board shall file a complaint in  
48 the Administrative District Court in accordance with Title  
4, ~~chapter-25~~ section 152, subsection 9.

50 **Sec. D-28. 32 MRSA §3655-A, sub-§1, ¶D,** as enacted by PL 1983,  
c. 378, §59, is amended to read:

52

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2 D. If the board concludes that suspension or revocation of  
the license is in order, the board shall file a complaint in  
4 the Administrative District Court in accordance with Title  
4, chapter-25 section 152, subsection 9.

6 **Sec. D-29. 32 MRSA §4175, 2nd ¶**, as amended by PL 1977, c.  
694, §635, is further amended to read:

8  
10 Certificates shall continue in effect unless revoked by the  
Administrative District Court.

12 **Sec. D-30. 32 MRSA §4175, 3rd ¶**, as amended by PL 1989, c.  
890, Pt. A, §5 and affected by §40, is further amended to read:

14  
16 The Administrative District Court may revoke the certificate  
of an operator, in accordance with Title 4, chapter-25 section  
18 152, subsection 9, when it is found that the operator has  
practiced fraud or deception; that reasonable care, judgment or  
20 the application of the operator's knowledge or ability was not  
used in the performance of the operator's duties; or that the  
operator is incompetent or unable properly to perform the  
22 operator's duties.

24 **Sec. D-31. 32 MRSA §4864, first ¶**, as repealed and replaced by  
PL 1977, c. 694, §641, is amended to read:

26  
28 The board on its own motion or upon complaint made to it,  
may hold a hearing to determine whether or not violations of this  
chapter or the standards for the practice of veterinary medicine  
30 adopted by the board have been violated. Hearings conducted under  
this section shall-be are considered "adjudicatory proceedings"  
32 and shall must be conducted in accordance with the provisions of  
Title 5, chapter 375, subchapter IV. The board shall-have has  
34 authority to issue subpoenas subject to the provisions of Title  
5, section 9060. If the board considers a licensee has committed  
36 any of the acts set forth in this section, it shall either report  
its findings to the Attorney General for prosecution in the  
38 Administrative District Court for suspension or revocation in  
accordance with Title 4, chapter-25 section 152, subsection 9, or  
40 place the licensee on probation for a certain period of time  
during which the licensee shall file periodic affidavits of his  
42 the licensee's practice in accordance with the standards set by  
the board, or censure, by letter, the licensee. The following  
44 acts are grounds for disciplinary action by the board or for  
revocation or suspension by the Administrative District Court:

46  
48 **Sec. D-32. 32 MRSA §4865-A, first ¶**, as amended by PL 1993, c.  
404, Pt. A, §11, is further amended to read:

50 The board, on the board's own motion or upon complaint made  
to the board, may hold a hearing held in accordance with rules  
52 adopted by the board to determine whether or not violations of

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2 this chapter relating to veterinary technicians have occurred.  
 3 Hearings conducted under this section are considered  
 4 "adjudicatory proceedings" and are conducted in accordance with  
 5 the provisions of Title 5, chapter 375, subchapter IV. The board  
 6 may issue subpoenas subject to the provisions of Title 5, section  
 7 9060. If the board considers that a veterinary technician has  
 8 committed any of the acts set forth in this section, the board  
 9 shall either report the board's findings to the Attorney General  
 10 for prosecution in the Administrative District Court for  
 11 suspension or revocation of the veterinary technician's  
 12 registration in accordance with Title 4, ~~chapter-25~~ section 152,  
 13 subsection 9; place the licensee on probation for a certain  
 14 period of time during which the licensee shall file periodic  
 15 affidavits of the licensee's duties in accordance with the  
 16 standards set by the board; or censure, by letter, the veterinary  
 17 technician. The following acts are grounds for disciplinary  
 18 action by the board or for revocation or suspension by the  
 19 Administrative District Court:

20 **Sec. D-33. 32 MRSA §4913, sub-§1**, as amended by PL 1983, c.  
 21 413, §184, is further amended by amending the first paragraph to  
 22 read:

23 **1. Powers of board and District Court Judge concerning**  
 24 **complaints.** The board shall investigate or cause to be  
 25 investigated all complaints against certified geologists or soil  
 26 scientists and persons granted temporary authorizations pursuant  
 27 to this chapter and all cases of violations of this chapter. The  
 28 board may, pursuant to Title 5, section 10004, suspend or revoke  
 29 a license issued by it. In addition, the board may refuse to  
 30 issue or renew the license, or the Administrative District Court  
 31 may, pursuant to Title 4, ~~chapter-25~~ section 152, subsection 9,  
 32 suspend, revoke or refuse to renew the license of any registrant  
 33 who is found guilty of:  
 34

35 **Sec. D-34. 32 MRSA §5018, first ¶**, as amended by PL 1987, c.  
 36 395, Pt. A, §190, is further amended to read:

37  
 38 The board may, pursuant to Title 5, section 10004, revoke or  
 39 suspend the license of a professional forester. In addition, the  
 40 board may refuse to issue or renew the license, or the  
 41 Administrative District Court may, pursuant to Title 4, ~~chapter~~  
 42 25 section 152, subsection 9, revoke, suspend or refuse to renew  
 43 the license, of a professional forester who has been found guilty  
 44 of any deceit, misconduct, misrepresentation, fraud, incompetence  
 45 or gross negligence in his the forester's practice, or has been  
 46 guilty of any fraud or deceit in obtaining his the forester's  
 47 license, or aids or abets any person alleged alleged to have  
 48 been defrauded in the violation of any provisions of this chapter  
 49 or fails in any material respect to comply with the provisions of  
 50 this chapter.  
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STATEMENT OF FACT

This is the majority report of the Joint Standing Committee on Judiciary.

This amendment replaces the bill to make the changes more easily understandable. Part A of this amendment includes subject matter included in Parts A and C of the bill. Part B of this amendment is made up of sections from Part D of the bill. Part C of this amendment includes the sections from Part F of the bill. Part B of the bill, concerning alternative dispute resolution and negotiated rulemaking, is deleted entirely. The subject matter is being reviewed by the Advisory Committee on Alternative Dispute Resolution in the Public Sector, which will report back to the Legislature in 1995. Part E of the bill, changing the Probate Court structure, is deleted entirely. Part G of the bill, establishing 2 studies, is also deleted.

Part A

The Maine Revised Statutes, Title 5, section 51 is enacted to enhance access to justice by requiring the use of interpreters or interpretation services by courts and agencies when personal or property interests are at stake and the person does not speak English. The agency or court will compensate the interpreter if required by law. Otherwise, it is in the discretion of the court or agency to provide compensation or require one or more of the parties to provide compensation to the interpreter.

Title 5, section 3360-L is enacted to require the Attorney General to develop a fact sheet on programs available to victims of crimes. Prosecutors and law enforcement agencies will distribute the fact sheets to crime victims and their families.

A new Part 8 is added to Title 15 concerning victim involvement in the justice system. Whenever practicable, prosecutors must make a good faith effort to inform victims of certain serious crimes about the programs for victims, the victim's rights concerning negotiated plea agreements, the time and place of trial, the victim's right to make an oral or written statement at time of sentencing and the final disposition of the case. Whenever practicable, the prosecutor must make a good faith effort to notify the judge about the victim's or victim's family's position on any plea agreement or on sentencing.

Part B

Several sections of Part B of this amendment transfer the administrative jurisdiction and duties of the Administrative Court to the District and Superior Courts, and abolish the

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2 Administrative Court effective January 1, 1995. Most of the  
 4 current jurisdiction of the Administrative Court is transferred  
 6 to the District Court, although the appellate jurisdiction will  
 8 be taken over by the Superior Court. One justice position is  
 10 created in the Superior Court and one judge position is created  
 12 in the District, so there is no net loss of judicial resources.  
 14 Transition provisions transfer the person serving as the  
 16 Administrative Court Judge into the new District Court Judge  
 18 position, and the person serving as the Associate Administrative  
 Court Judge and who directs the family court project into the new  
 Superior Court Justice position. The transition provisions  
 direct the Chief Justice of the Supreme Judicial Court to develop  
 a plan to ensure that the District Court and Superior Court  
 provide as close to the same level of service as provided by the  
 Administrative Court. This plan is to include a system for  
 centralized filing and docketing, and assignment of judges and  
 justices to make use of their administrative experience.

20 Several sections of Part B eliminate the dichotomy of  
 22 resident judges and judges-at-large within the District Court.  
 Duties currently handled by resident judges will be taken over by  
 the Chief Judge of the District Court.

24 Title 14, section 1901 is repealed and replaced, but the  
 26 provision for appeals directly to the Supreme Judicial Court in  
 actions of foreclosure and sale is retained. The new language  
 also provides that, if all parties to a civil matter, including  
 28 any family matters, agree, a final appeal may be made to the  
 Superior Court in lieu of a 2nd appeal to the Supreme Judicial  
 30 Court.

32 The language adopted during the First Regular Session  
 34 concerning the family court project is amended to accommodate the  
 transfer of the Administrative Court.

36 The Commission to Study the Future of Maine's Courts  
 38 recommended that the titles and salaries of District Court Judges  
 and Superior Court Justices be equalized in part to recognize the  
 fact-that both courts are trial courts. This amendment charges  
 40 the Supreme Judicial Court to develop plans by January 1995 plans  
 to put both objectives into effect.

Part C

44 Part C adopts administrative and financial changes  
 46 recommended by the Special Commission on Governmental  
 Restructuring. These changes include revising the  
 48 responsibilities of the State Court Administrator, consolidating  
 administrative supervision and providing for long-range  
 50 planning. Executive orders and legislative documents must  
 include Judicial Department fiscal impact statements if prepared  
 52 by the Judicial Department.

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2 Title 5, section 1664 is amended to treat the Judicial  
3 Department as a coequal branch of government when submitting its  
4 budget. If the Governor submits a budget that does not contain  
5 the Judicial Department's budget as submitted by the Judicial  
6 Department, the Governor must provide a report to the Joint  
7 Standing Committee on Judiciary and the Joint Standing Committee  
8 on Appropriations and Financial Affairs explaining why the budget  
9 legislation differs from the Judicial Department's submission.

10

11 A new Part to Title 5 is added to provide a forum for the 3  
12 branches of government to communicate on a regular basis. This  
13 will allow the executive, legislative and judicial branches to  
14 discuss cooperation and coordination, especially in the areas of  
15 an integrated system of communication, a technology plan,  
16 long-range planning and the allocation and use of resources.

17 This amendment adds a fiscal note to the bill and also  
18 conforms existing law to current drafting standards.

19

20 Part D

21

22 Part D makes necessary corrections to references to the  
23 Administrative Court.  
24