

# MAINE STATE LEGISLATURE

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

COMMITTEE AMENDMENT "B" 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

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

4 PART 8

6 VICTIMS' RIGHTS

8 CHAPTER 520

10 VICTIM INVOLVEMENT

12 §6101. Victim involvement in criminal proceedings

14 1. Notice to victims. Whenever practicable, prosecutors  
16 shall make a good faith effort to inform the victims and families  
18 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:

20 A. The victim advocate and victim compensation programs;

22 B. The victim's right to be advised of the existence of a  
24 negotiated plea agreement before that agreement is submitted  
to the court pursuant to section 812;

26 C. The time and place of the trial, if one is to be held;

28 D. The victim's right to make a statement or submit a  
30 written statement at the time of sentencing pursuant to  
Title 17-A, section 1257, upon conviction of the person  
committing the crime; and

32 E. The final disposition of the charges against that  
34 defendant.

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

40 A. If there is a plea agreement, the victim's or the  
42 victim's family's position on the plea agreement; and

44 B. If there is no plea agreement, the victim's or the  
victim's family's position on sentencing.

46 PART B

48  
50 Sec. B-1. 4 MRSA §153, sub-§3, as amended by PL 1991, c. 121,  
Pt. B, §1 and affected by §18, is further amended to read:

2           **3. Western Aroostook.** Western Aroostook consists of the  
3 municipalities and unorganized territory known as Hamlin Plt.,  
4 Cyr Plt., T17 R3, T17 R4, T16 R5, T15 R6, Winterville Plt., T15  
5 R8, T15 R9, T14 R10, T14 R11, T14 R12, T14 R13, T14 R14, T14 R15,  
6 T14 R16, and all municipalities and unorganized territory in  
7 Aroostook County lying to the west and north of these. The  
8 District Court for Western Aroostook must be held at Madawaska,  
9 Fort Kent and Van Buren. The ~~presiding-judge~~ Chief Judge shall  
10 determine the level of service at each location.

12           **Sec. B-2. 4 MRSA §153, sub-§11,** as amended by PL 1969, c. 458,  
13 is further amended to read:

14           **11. Central Hancock.** Central Hancock consists of the entire  
15 County of Hancock, except Bar Harbor, Mount Desert, Cranberry  
16 Isles, Southwest Harbor, Trenton, Swan's Island, Long Island  
17 Plantation and Tremont. The District Court for Central Hancock  
18 shall must be held at Ellsworth, except that one session per week  
19 may be held at Bucksport at the discretion of the ~~presiding-judge~~  
20 Chief Judge.

22           **Sec. B-3. 4 MRSA §157, sub-§1, ¶A,** as amended by PL 1989, c.  
23 501, Pt. P, §2, is further amended to read:

24           A. The Governor, subject to review by the joint standing  
25 committee of the Legislature having jurisdiction over  
26 judiciary and to confirmation by the Legislature, shall  
27 appoint to the District Court ~~9-judges-at-large-and-16~~ 25  
28 judges. At least one judge shall must be appointed in from  
29 each district who shall ~~be~~ is a resident of the district,  
30 except that in District 3 there shall must be 2 judges  
31 appointed who shall ~~be~~ are residents of the district; in  
32 District 6 there shall must be 2 judges appointed who shall  
33 be are residents of the district; and in District 9 there  
34 shall must be 2 judges appointed who shall ~~be~~ are residents  
35 of the district. Each District Court Judge shall ~~have~~ has  
36 a term of office of 7 years.

37           To be eligible for appointment as a District Judge, a person  
38 shall must be a member of the bar of the State. The term  
39 "District Judge" shall ~~include~~ includes the Chief Judge, and  
40 Deputy Chief Judge, ~~the-judges-appointed-from-the-districts~~  
41 and-the-judges-at-large.

42           **Sec. B-4. 4 MRSA §157, sub-§1, ¶B,** as amended by PL 1985, c.  
43 506, Pt. B, §1, is further amended to read:

44           B. The Chief Justice of the Supreme Judicial Court shall  
45 designate one of the judges as Chief Judge. The Chief  
46 Judge, with the ~~advice-and-consent~~ approval of the Chief  
47 Judge, shall determine the level of service at each location.

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2 Justice of the Supreme Judicial Court, shall designate one  
4 of the District Court Judges as Deputy Chief Judge who shall  
6 have has all the duties, powers and responsibilities of the  
8 Chief Judge when the Chief Judge is unable to perform them  
because of illness, absence or disability.

10 **Sec. B-5. 4 MRSA §164, sub-§1-A**, as amended by PL 1987, c.  
12 758, §2, is further amended to read:

14 **1-A. Appoint bail commissioners.** Appoint bail  
16 commissioners pursuant to Title 15, section 1023, for any  
18 district ~~when the resident judge for that district, because of  
20 illness, absence or disability, is unable to appoint.~~

22 **Sec. B-6. 4 MRSA §164, sub-§2**, as amended by PL 1977, c. 544,  
24 §7, is further amended to read:

26 **2. Assign judges.** Assign judges at-large to hold court in  
28 any division where, in his sole the judgment of the Chief Judge,  
30 they are needed;

32 **Sec. B-7. 4 MRSA §164, sub-§5**, as amended by PL 1977, c. 544,  
34 §8, is repealed.

36 **Sec. B-8. 4 MRSA §164, sub-§10** is amended to read:

38 **10. Courtroom facilities.** Make necessary arrangements for  
40 proper courtroom facilities for all branches of the District  
42 Court pursuant to section 162; establish ~~his own~~ headquarters  
44 with appropriate facilities for the Chief Judge; and establish  
46 quarters and facilities for the all District Court judges at  
48 large;

50 **Sec. B-9. 4 MRSA §173, sub-§4**, as amended by PL 1991, c. 780,  
Pt. X, §2, is further amended by amending the 3rd and 4th  
paragraphs to read:

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,  
designated by the municipality as its court officer, is required  
to be physically present in a District Court in order to  
adequately handle that municipality's caseload. In addition, the  
court shall pay any municipality a flat fee of \$10 per day for  
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  
enforcement officers because the officer or officers are  
performing some act authorized or required by a the Maine Rule  
Rules of Criminal Procedure or are witnesses in a criminal or  
traffic infraction case within the jurisdiction of the District  
Court. A municipality is deemed considered to have lost the  
services of a law enforcement officer when the officer, who

normally performs duties of patrolling or maintaining order, is physically unable to perform those duties of patrolling and maintaining order for the municipality.

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

Sec. B-10. 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-11. 15 MRSA §603, as enacted by PL 1991, c. 402, §2, is amended to read:

**§603. Warrant repository**

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

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2 repository or the district attorneys are unable to agree to the  
 3 designation of an arrest warrant repository for a court district,  
 4 the Attorney General shall make the designation for that court  
 5 district. The district attorney or attorneys shall notify the  
 6 District Court and the Superior Court of the location of the  
 7 arrest warrant repository for arrest warrants in the jurisdiction  
 8 covered by those courts. All attested copies of arrest warrants  
 9 issued by the District Court and the Superior Court must be  
 10 directed to the arrest warrant repository designated for those  
 11 courts except as otherwise provided by this chapter or by the  
 12 standards adopted by rule of the Attorney General pursuant to  
 13 this chapter. The district attorney of each court district shall  
 14 designate, with the approval of the resident District Court  
 15 Judge, at least one law enforcement agency that is responsible  
 16 for the maintenance, administration and retention of attested  
 17 copies of arrest warrants issued by the courts. If a court  
 18 district encompasses more than one prosecutorial district, the  
 19 respective district attorneys shall attempt to agree on the  
 20 designation of an arrest warrant repository. If the district  
 21 attorney of a court district fails to designate an arrest warrant  
 22 repository or the district attorneys are unable to agree to the  
 23 designation of an arrest warrant repository for a court district,  
 24 the Attorney General shall make the designation for that court  
 25 district. The district attorney or attorneys shall notify the  
 26 District Court and the Superior Court of the location of the  
 27 arrest warrant repository for arrest warrants in the jurisdiction  
 28 covered by those courts. All attested copies of arrest warrants  
 29 issued by the District Court and the Superior Court must be  
 30 directed to the arrest warrant repository designated for those  
 31 courts except as otherwise provided by this chapter or by the  
 32 standards adopted by rule of the Attorney General pursuant to  
 33 this chapter.

34 **Sec. B-12. 15 MRSA §1023, sub-§2,** as enacted by PL 1987, c.  
 35 758, §20, is amended to read:

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

50 **Sec. B-13. 15 MRSA §3203-A, sub-§6,** as enacted by PL 1985, c.  
 439, §9, is amended to read:

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

8           **Sec. B-14. PL 1993, c. 401, §5** is amended to read:

9  
10           **Sec. 5. Family court project continuation and expansion.** The  
11 family court project established pursuant to Public Law 1989,  
12 chapter 891, Part A, section 12 may be continued and expanded  
13 into other geographic areas with large numbers of family law  
14 cases as well as in other areas determined appropriate. The  
15 current jurisdiction of the Superior Court, District Court and  
16 Administrative Court is not altered to ensure access. In those  
17 areas in which the family court project exists or into which the  
18 project is expanded, it must be structured as the Family Court  
19 Division of the District Court, Superior Court and Administrative  
20 Court. The Chief Justice of the Supreme Judicial Court shall  
21 designate one judge or justice from the Superior Court, District  
22 Court or Administrative Court to direct the project. The Chief  
23 Justice or the designated judge or justice shall convene a  
24 preliminary planning committee on the development of a  
25 nonadversarial administrative forum that includes social services  
26 for family matters. The designated judge or justice shall report  
27 to the Joint Standing Committee on Judiciary by January 15, 1994  
28 1995, and annually thereafter, and shall make a final report  
29 concerning the family court project by January 15, 1999.

30  
31           **Sec. B-15. Salaries and titles of District Court Judges and Superior**  
32 **Court Justices.** The Supreme Judicial Court shall develop a plan to  
33 equalize the salaries of District Court Judges and Superior Court  
34 Justices. The plan must provide for equal salaries by July 1,  
35 1998, but the salaries of Superior Court Justices may not be  
36 frozen and cost-of-living adjustments may not be delayed for the  
37 purpose of equalizing salaries. The Supreme Judicial Court shall  
38 also develop a plan to provide by July 1, 1998 appropriate titles  
39 for District Court Judges and Superior Court Justices. The  
40 Supreme Judicial Court shall present the 2 plans to the Joint  
41 Standing Committee on Judiciary by January 31, 1995. The  
42 presentation must include comments and considerations, fiscal  
43 information and draft legislation regarding the implementation  
44 and completion of the equalization of salaries and titles.

45           **Sec. B-16. Resident judge and Judge-at-Large; transition clause.**  
46 Each District Court Resident Judge serves as a District Court  
47 Judge for the remainder of the term for which that



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

PART C

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

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

There shall be is an Administrative Office of the Courts, directed by a State Court Administrator who shall be is appointed by and serve serves at the pleasure of the Chief Justice of the Supreme Judicial Court. Said--administrator 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.

§16. Assistants and employees of State Court Administrator

With the approval of the Chief Justice and within the limits of appropriations made therefor, the State Court Administrator may appoint such assistants and other employees and purchase or 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.

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

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

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

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

1. **Continuous survey and study.** Carry on a continuous survey and study of the organization, operation, condition of business, practice and procedure of the Judicial Department and

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2 . The State Court Administrator shall make recommendations to  
4 the Chief Justice to improve administration and management of the  
6 court system, including recommendations concerning the number of  
judges and other judicial personnel required for the efficient  
administration of justice. ~~---Assist---in---long---and---short---range  
planning;~~

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

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

14 Sec. C-5. 4 MRSA §17, sub-§7, ¶C, as enacted by PL 1975, c.  
16 408, §5-A, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART 27

INTERBRANCH COMMUNICATION AND COORDINATION

CHAPTER 555

INTERBRANCH COMMUNICATION AND COORDINATION

§21201. Findings

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

§21202. Interbranch forum

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

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

A. An integrated system of communication;

2 B. A technology plan;

4 C. Long-range planning; and

6 D. The allocation and use of resources.

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

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

14 Further amend the bill by inserting at the end before the  
16 statement of fact the following:

18 **FISCAL NOTE**

20 The courts and state agencies may incur additional costs to  
22 pay for interpreters in certain proceedings. These additional  
24 costs can be absorbed by the respective agencies utilizing  
existing budgeted resources.

26 The additional costs to develop a fact sheet for victims  
with information about the advocate and compensation programs can  
28 be absorbed by the Department of the Attorney General utilizing  
existing budgeted resources.

30 The Judicial Department will incur some minor additional  
32 costs to develop a plan to provide for the equalization of  
salaries of certain judges and justices and provide statements of  
34 fiscal effect for legislation and executive orders affecting the  
judicial system. These costs can be absorbed within the  
department's existing budgeted resources.

36 The reassignment of certain responsibilities within the  
38 court system will not significantly affect the Judicial  
Department's expenditures.

40 The additional costs to hold the interbranch forums at least  
42 annually can be absorbed by the Legislature, the Judicial  
Department and the Executive Department utilizing existing  
44 budgeted resources.'

46 **STATEMENT OF FACT**

48 This is the minority report of the Joint Standing Committee  
50 on Judiciary.

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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 eliminate the dichotomy of 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.

Title 14, section 1901 is repealed and replaced, but the 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

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any family matters, agree, a final appeal may be made to the Superior Court in lieu of a 2nd appeal to the Supreme Judicial Court.

The language adopted during the First Regular Session concerning the family court project is amended to take into account activities that have already occurred.

The Commission to Study the Future of Maine's Courts 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 the Supreme Judicial Court to develop plans by January 1995 to put both objectives into effect.

Part C

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

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

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

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