

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

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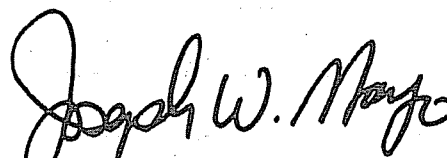
H.P. 1008

House of Representatives, April 28, 1993

**An Act to Implement the Recommendations of the Commission to Study
the Future of Maine's Courts.**

Reported by Representative PARADIS for the Commission to Study the Future of Maine's
Courts pursuant to Public Law 1989, chapter 891, Part B.

Reference to the Joint Standing Committee on Judiciary suggested and printing ordered under
Joint Rule 20.


JOSEPH W. MAYO, Clerk

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

PART A

Sec. A-1. 5 MRSA §49 is enacted to read:

§49. 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 appoint a qualified interpreter in consultation with the person who does not speak English. Payment by the State for an interpreter in civil matters is within the discretion of the court to the extent that payment by the State is not already required by law.

PART B

Sec. B-1. 5 MRSA §8002, sub-§§3-A, 3-B, 3-C, 4-A, 6-A and 6-B are enacted to read:

3-A. Consensus. "Consensus" means unanimous concurrence among the interests represented on a negotiated rule-making committee established under this subchapter, unless the committee:

A. Agrees to define the term to mean a general but not unanimous concurrence; or

B. Agrees upon another specified definition.

3-B. Convener. "Convener" means a person who impartially assists an agency in determining whether establishment of a negotiated rule-making committee is feasible and appropriate in a particular rulemaking.

3-C. Facilitator. "Facilitator" means a person who impartially aids in the discussions and negotiations among the members of a negotiated rule-making committee to develop a proposed rule.

4-A. Interest. "Interest" means parties that have a similar point of view or that are likely to be affected in a similar manner with respect to an issue or matter.

6-A. Negotiated rulemaking. "Negotiated rulemaking" means rulemaking by a negotiated rule-making committee.

6-B. Negotiated rule-making committee. "Negotiated rulemaking committee" or "committee" means an advisory committee established by an agency pursuant to subchapter II-A to consider and discuss issues for reaching consensus in the development of a proposed rule.

2 **Sec. B-2. 5 MRSA c. 375, sub-c.II-A is enacted to read:**

4 **SUBCHAPTER II-A**

6 **NEGOTIATED RULEMAKING**

8 **§8501. Determination of need for negotiated rule-making committee**

10 **1. Determination of need by the agency.** An agency may
12 **establish a negotiated rule-making committee to negotiate and**
14 **develop a proposed rule if the head of the agency determines that**
16 **the use of the negotiated rule-making procedure is in the public**
18 **interest. In making a determination, the head of the agency**
20 **shall consider whether:**

22 **A. There is a need for a rule;**

24 **B. There are identifiable interests that will be**
26 **significantly affected by the rule;**

28 **C. There is a reasonable likelihood that a committee can be**
30 **convened with a balanced representation of persons who:**

32 **(1) Can adequately represent the interests identified**
34 **under paragraph B; and**

36 **(2) Are willing to negotiate in good faith to reach a**
38 **consensus on the proposed rule;**

40 **D. There is a reasonable likelihood that a committee will**
42 **reach a consensus on the proposed rule within a fixed period**
44 **of time;**

46 **E. The negotiated rule-making procedure will not**
48 **unreasonably delay the notice of proposed rulemaking and the**
50 **issuance of the final rule;**

52 **F. The agency has adequate resources and is willing to**
54 **commit those resources, including technical assistance, to**
56 **the committee; and**

58 **G. The agency, to the maximum extent possible consistent**
60 **with its legal obligations, will use the consensus of the**
62 **committee as the basis for the rule proposed by the agency**
64 **for notice and comment.**

66 **2. Use of conveners.** Conveners may be used in negotiated
68 **rulemaking in the following ways.**

70 **A. An agency may use the services of a convener to assist**
72 **the agency in:**

2 (1) Identifying persons or organizations that
4 represent interests that will be significantly affected
 by a proposed rule; and

6 (2) Conducting discussions to identify the issues of
8 concern for those persons and organizations and to
10 ascertain whether the establishment of a negotiated
 rule-making committee is feasible and appropriate in a
 particular rulemaking.

12 B. The convener shall report findings and may make
14 recommendations to the agency. Upon request of the agency,
16 the convener shall ascertain the names of persons and
18 organizations that are willing and qualified to represent
 interests that will be significantly affected by the
 proposed rule. The report and recommendations of the
 convener must be made available to the public upon request.

20 §8502. Publication of notice; applications for membership on
22 committees

24 1. Publication of notice. If after considering the report
26 of a convener or conducting its own assessment an agency decides
 to establish a negotiated rule-making committee, the agency shall
 publish notice of the intended negotiated rulemaking.

28 A. Notice to the public must be given:

30 (1) By publication at least twice in a newspaper of
32 general circulation in the affected area of the State;
 or

34 (2) In any other manner determined appropriate by the
36 agency.

38 B. The notice must include:

40 (1) An announcement that the agency intends to
42 establish a negotiated rule-making committee to
 negotiate and develop a proposed rule;

44 (2) A description of the subject and scope of the rule
 to be developed and the issues to be considered;

46 (3) A proposed schedule for completing the work of the
48 committee, including a target date for publication by
 the agency of a proposed rule for notice and comment;

50 (4) A description of administrative support for the
52 committee by the agency, including technical assistance;

2 (5) A solicitation of comments on the proposal to
 establish the committee; and

4 (6) An explanation of application and nomination
 procedures for membership on the committee, as provided
6 under subsection 2.

8 2. Applications for membership on committee. Persons or
 organizations that represent interests that will be significantly
10 affected by a proposed rule may apply for or nominate another
 person or organization for membership on the negotiated
12 rule-making committee to represent those interests. Each
 application or nomination must include:

14 A. The name of the applicant or nominee and a description
16 of the interests the person will represent;

18 B. A statement that the applicant or nominee is authorized
 to represent parties related to those interests; and

20 C. A written commitment that the applicant or nominee will
22 actively participate in good faith in the development of the
 rule under consideration.

24 §8503. Establishment of committee

26 1. Establishment. The following apply to establishment of
28 negotiated rule-making committees.

30 A. If after considering comments and applications submitted
 under section 8502 the agency determines that a negotiated
32 rule-making committee can adequately represent the interests
 that will be significantly affected by a proposed rule and
34 that it is feasible and appropriate in the particular
 rulemaking, the agency may establish a negotiated
36 rule-making committee.

38 B. If after considering comments and applications the
 agency decides not to establish a negotiated rule-making
40 committee, the agency shall promptly publish notice of that
 decision and the reasons for it in the manner specified in
42 section 8502, subsection 1, paragraph A and send a copy of
 the notice and reasons for that decision to any person or
44 organization that applied for or nominated another person or
 organization for membership on the negotiating rule-making
46 committee.

48 2. Membership. The agency shall limit membership on the
 negotiated rule-making committee to 25 members unless the agency
50 head determines that a greater number of members is necessary for
 the functioning of the committee or to achieve balanced

2 membership. The committee must include at least one person
3 representing the agency.

4 3. Administrative support. The agency shall provide
5 appropriate administrative support to the negotiated rule-making
6 committee, including technical assistance.

8 **§8504. Conduct of committee activities**

10 1. Duties of committee. Each negotiated rule-making
11 committee established under this subchapter shall consider the
12 matter proposed by the agency and shall attempt to reach a
13 consensus concerning a proposed rule with respect to that matter
14 and any other matter the committee determines relevant to the
15 proposed rule.

16 2. Representatives of agency on committee. The person or
17 persons representing the agency on a negotiated rule-making
18 committee, who participate in the deliberations and activities of
19 the committee, have the same rights and responsibilities as other
20 members of the committee and must be authorized to fully
21 represent the agency in the discussions and negotiations of the
22 committee.

23 3. Selecting a facilitator or facilitators. An agency may
24 nominate either a person or persons from State Government or a
25 person from outside the committee, subject to the approval of the
26 committee by consensus, to facilitate committee discussions. If
27 the committee does not approve the nominee of the agency for
28 facilitator, the agency shall submit a substitute nomination. If
29 a committee does not approve any nominee of the agency for
30 facilitator, the committee shall select by consensus a
31 facilitator. A person designated to represent the agency in
32 substantive issues may not serve as facilitator or otherwise
33 chair the committee.

34 4. Duties of facilitator. A facilitator approved or
35 selected by a negotiated rule-making committee shall:

36 A. Chair the meetings of the committee in an impartial
37 manner;

38 B. Impartially assist the members of the committee in
39 conducting discussions and negotiations; and

40 C. Keep minutes and records as determined appropriate by
41 the committee. These minutes and records are public records
42 for the purpose of Title 1, section 402, subsection 3 except
43 that any personal notes and materials of the facilitator or
44 of the members of a committee are not public records.

2 5. Committee procedures. A negotiated rule-making
committee established under this subchapter may adopt procedures
4 for the operation of the committee.

6 6. Report of committee. If a committee reaches a consensus
on a proposed rule at the conclusion of negotiations, the
8 committee shall transmit to the agency that established the
committee a report containing the proposed rule. If the
10 committee does not reach a consensus on a proposed rule, the
committee may transmit to the agency a report specifying areas in
12 which the committee reached a consensus. The committee may
include in a report any other information, recommendations or
14 materials that the committee considers appropriate. A committee
member may include as an addendum to the report additional
16 information, recommendations or materials.

18 **§8505. Termination of committee**

20 A negotiated rule-making committee terminates upon adoption
of the final rule under consideration unless the committee's
22 charge contains an earlier termination date or the agency, after
consulting the committee, or the committee itself specifies an
24 earlier termination date.

26 **§8506. Services; facilities; payment of committee members'**
expenses

28 1. Services of conveners and facilitators. The following
guidelines apply to the employment of conveners and facilitators.

30 A. An agency may employ or contract for the services of an
32 individual or organization to serve as a convener or
facilitator for a negotiated rule-making committee under
34 this subchapter or may use the services of a state employee
to act as a convener or a facilitator for such a committee.

36 B. An agency shall determine whether a person under
38 consideration to serve as convener or facilitator of a
committee under paragraph A has any financial or other
40 interest that precludes that person from serving in an
impartial and independent manner.

42 2. Services and facilities of other entities. For purposes
44 of this subchapter, an agency may use the services and facilities
of other state agencies and public and private agencies and
46 instrumentalities with the consent of those agencies and
instrumentalities with or without reimbursement, and they may
48 accept voluntary and uncompensated services.

50 3. Expenses of committee members. Members of a negotiated
rule-making committee are responsible for their own committee
52 expenses, except that at an agency's discretion, it may pay for a

2 member's reasonable travel and per diem expenses, expenses to
3 obtain technical assistance and a reasonable rate of compensation
4 if:

5 A. The member certifies lack of adequate financial
6 resources to participate in the committee; and

7 B. The agency determines that that member's participation
8 in the committee is necessary to ensure an adequate
9 representation of the member's interests.

10 **§8507. Judicial review**

11 An agency action to establish, assist or terminate a
12 negotiated rule-making committee under this subchapter is not
13 subject to judicial review. Nothing in this section bars
14 judicial review of a rule if the review is otherwise provided by
15 law. A rule that is the product of negotiated rulemaking and
16 subject to judicial review is not accorded any greater deference
17 by a court than a rule that is the product of other rule-making
18 procedures.

19 **Sec. B-3. 5 MRSA c. 375, sub-c. IV-A is enacted to read:**

20 **SUBCHAPTER IV-A**

21 **ALTERNATIVE MEANS OF DISPUTE RESOLUTION**

22 **§9501. Definitions**

23 As used in this subchapter, the following terms have the
24 following meanings.

25 1. Administrative program. "Administrative program"
26 includes a state function that involves protection of the public
27 interest and the determination of rights, privileges and
28 obligations of private persons through rulemaking, adjudication
29 or licensing.

30 2. Alternative means of dispute resolution. "Alternative
31 means of dispute resolution" means a procedure that is used in
32 lieu of an adjudication as defined in subchapter IV, to resolve
33 issues in controversy, including but not limited to settlement
34 negotiations, conciliation, facilitation, mediation, factfinding,
35 minitrials, arbitration or any combination of these means.

36 3. Award. "Award" means a decision by an arbitrator
37 resolving the issues in controversy.

38 4. Dispute resolution communication. "Dispute resolution
39 communication" means an oral or written communication prepared
40 for the purposes of a dispute resolution proceeding, including
41 for the purposes of a dispute resolution proceeding, including

2 memoranda, notes or work product of the neutral, of the parties
3 or nonparty participant, except that a written agreement to enter
4 into a dispute resolution proceeding or final written agreement
5 or arbitral award reached as a result of a dispute resolution
6 proceeding is not a dispute resolution communication.

7 5. Dispute resolution proceeding. "Dispute resolution
8 proceeding" means a process in which an alternative means of
9 dispute resolution is used to resolve an issue in controversy in
10 which a neutral is appointed and specified parties participate.

11 6. In confidence. "In confidence" means with respect to
12 information that the information is provided:

13 A. With the expressed intent of the source that it not be
14 disclosed; or

15 B. Under circumstances that would create the reasonable
16 expectation on behalf of the source that the information
17 will not be disclosed.

18 7. Issue in controversy. "Issue in controversy" means an
19 issue that concerns an administrative program of an agency when
20 there is disagreement between that agency and persons who would
21 be substantially affected by the decision.

22 8. Neutral. "Neutral" means an individual who specifically
23 aids the parties in resolving an issue in controversy.

24 9. Party. "Party" means:

25 A. For a proceeding with named parties, the same as in
26 section 8002, subsection 7; and

27 B. For a proceeding without named parties, a person who
28 will be significantly affected by the decision in the
29 proceeding and who participates in the proceeding.

30 10. Roster. "Roster" means a list of persons qualified to
31 provide services as neutrals.

32 **§9502. General authority**

33 1. Use of alternative dispute resolution. An agency may
34 use a dispute resolution proceeding to resolve an issue in
35 controversy that relates to an administrative program if the
36 parties agree to that proceeding.

37 2. Use of alternative dispute resolution not appropriate.
38 An agency may consider not using a dispute resolution proceeding
39 if:

2 A. A definitive or authoritative resolution of an issue is
4 required for precedential value and that proceeding is not
likely to be accepted generally as an authoritative
precedent;

6 B. An issue involves or may bear upon significant questions
8 of government policy that require additional procedures
10 before a final resolution may be made and that proceeding
would not likely serve to develop a recommended policy for
the agency;

12 C. Maintaining established policies is of special
14 importance so that variations among individual decisions are
not increased and that proceeding is unlikely to produce
consistent results among individual decisions;

16 D. An issue significantly affects organizations or persons
18 who are not parties to the proceeding;

20 E. A full public record of the proceeding is important and
22 a dispute resolution proceeding can not provide such a
record; and

24 F. The agency is maintaining continuing jurisdiction over
26 an issue with authority to alter the outcome of the issue
28 because of changed circumstances and a dispute resolution
proceeding may interfere with the agency's fulfilling that
requirement.

30 3. Alternative dispute resolution voluntary and
32 supplemental. Alternative means of dispute resolution authorized
34 under this subchapter are voluntary procedures, which supplement
rather than limit other available agency dispute resolution
techniques.

36 **§9503. Neutrals**

38 1. Qualifications. A neutral may be a permanent or
40 temporary officer or employee of State Government or an
42 individual who is acceptable to the parties in a dispute
44 resolution proceeding. With respect to the issues in controversy
a neutral may have no official, financial or personal conflict of
interest unless that interest is fully disclosed in writing to
all parties who agree that the neutral may serve.

46 2. Term of employment. A neutral who serves as a
48 conciliator, facilitator, or mediator serves at the will of the
parties.

50 3. Neutrals from other agencies. An agency may use the
52 services of one or more employees of other agencies as neutrals
in dispute resolution proceedings. The agencies may enter into

2 an interagency agreement that provides for the reimbursement by
4 the user agency or the parties for the full or partial cost of
6 the services of that employee.

8 4. Contracts with neutrals. An agency may enter into a
10 contract with a person listed on a roster maintained by public or
12 private organizations or with an individual for services as a
14 neutral or for training in connection with alternative means of
16 dispute resolution. The parties in a dispute resolution
18 proceeding must agree on compensation for the neutral that is
20 fair and reasonable to the State.

22 **§9504. Confidentiality**

24 1. Disclosure by neutral. Except as provided in
26 subsections 4 and 5, a neutral in a dispute resolution proceeding
28 may not voluntarily disclose or through discovery or compulsory
30 process be required to disclose information concerning any
32 dispute resolution communication or any communication provided in
34 confidence to the neutral, unless:

36 A. All parties to the dispute resolution proceeding and the
38 neutral consent in writing, and, if the dispute resolution
40 communication was provided by a nonparty participant, that
42 participant also consents in writing;

44 B. The dispute resolution communication has already been
46 made public;

48 C. The dispute resolution communication is required by law
50 to be made public, but a neutral may make the communication
52 public only if no other person is reasonably available to
disclose the communication; or

D. A court determines that the testimony or disclosure is
necessary to:

(1) Prevent a manifest injustice;

(2) Help establish commission of a crime; or

(3) Prevent harm to the public health or safety and of
sufficient magnitude in the particular case to outweigh
the integrity of dispute resolution proceedings in
general by reducing the confidence of parties in future
cases that their communications will remain
confidential.

2. Disclosure by party. A party to a dispute resolution
proceeding may not voluntarily disclose or through discovery or
compulsory process be required to disclose information concerning
a dispute resolution communication unless:

2 A. The communication was prepared by the party seeking
3 disclosure;
4
5 B. All parties to the dispute resolution proceeding consent
6 in writing;
7
8 C. The dispute resolution communication has already been
9 made public;
10
11 D. The dispute resolution communication is required by law
12 to be made public;
13
14 E. A court determines that the testimony or disclosure is
15 necessary to:
16
17 (1) Prevent a manifest injustice;
18
19 (2) Help establish a violation of law; or
20
21 (3) Prevent harm to the public health or safety and of
22 sufficient magnitude in the particular case to outweigh
23 the integrity of dispute resolution proceedings in
24 general by reducing the confidence of parties in future
25 cases that their communications will remain
26 confidential;
27
28 F. The dispute resolution communication is relevant for
29 determining the existence or meaning of an agreement or
30 award that resulted from the dispute resolution proceeding
31 or to the enforcement of such an agreement or award; or
32
33 G. The dispute resolution communication was provided to all
34 parties to the dispute resolution proceeding.
35
36 3. Admissibility of communication disclosed in violation.
37 Any dispute resolution communication that is disclosed in
38 violation of subsection 1 or 2 is not admissible in a proceeding
39 related to the issue in controversy.
40
41 4. Alternative confidential procedures for neutrals. The
42 parties may agree to alternative confidential procedures for
43 disclosures by a neutral. Upon reaching the agreement, the
44 parties shall inform the neutral before the commencement of the
45 dispute resolution proceeding of any modifications to the
46 provisions of subsection 1 that govern the confidentiality of the
47 dispute resolution proceeding. If the parties do not so inform
48 the neutral, subsection 1 applies.
49
50 5. Demand for disclosure by neutral. If a demand for
51 disclosure through discovery, request or other legal process is
52 made upon a neutral regarding a dispute resolution communication,

2 the neutral may make reasonable efforts to notify the parties and
3 any affected nonparty participants of the demand. A party or
4 affected nonparty participant who receives the notice and within
5 15 calendar days does not offer to defend a refusal of the
6 neutral to disclose the requested information waives any
7 objection to the disclosure.

8 6. Information otherwise discoverable. Nothing in this
9 section prevents the discovery or admissibility of evidence that
10 is otherwise discoverable, solely because the evidence was
11 presented in the course of a dispute resolution proceeding.

12 7. Necessary to document agreement. Subsections 1 and 2
13 have no effect on the information and data that are necessary to
14 document an agreement reached or order issued pursuant to a
15 dispute resolution proceeding.

16 8. Information for research or educational purposes.
17 Subsections 1 and 2 do not prohibit the gathering of information
18 for research or educational purposes in cooperation with other
19 agencies, governmental entities or dispute resolution programs,
20 if the parties and the specific issues in controversy are not
21 identifiable.

22 9. Use of information to resolve dispute. Subsections 1
23 and 2 do not prevent use of a dispute resolution communication to
24 resolve a dispute between the neutral in a dispute resolution
25 proceeding and a party to or participant in that proceeding if
26 the dispute resolution communication is disclosed only to the
27 extent necessary to resolve the dispute.

28 **§9505. Authorization of arbitration**

29 1. Maine Uniform Arbitration Act. The Maine Uniform
30 Arbitration Act applies to arbitration proceedings authorized
31 under this section.

32 2. Arbitration. The following guidelines apply to the use
33 of arbitration as an alternative means of dispute resolution.

34 A. Arbitration may be used as an alternative means of
35 dispute resolution whenever all parties consent. Consent
36 may be obtained either before or after an issue in
37 controversy has arisen. A party may agree to:

38 (1) Submit only certain issues in controversy to
39 arbitration; or

40 (2) Arbitration on the condition that the award must
41 be within a range of possible outcomes.

2 B. An arbitration agreement that is submitted to an
3 arbitrator and that sets forth the issue in controversy must
4 be in writing.

5 C. Except as otherwise provided by law, an agency may not
6 require a person to consent to arbitration as a condition of
7 entering into a contract or obtaining a benefit.

8 3. Offer of use of arbitration. An officer or employee of
9 an agency may offer to use arbitration for the resolution of
10 issues in controversy if the officer or employee:

11 A. Has authority to enter into a settlement concerning the
12 issue; or

13 B. Is otherwise specifically authorized by the agency to
14 consent to the use of arbitration.

15 §9506. Enforcement of arbitration agreements

16 An agreement to arbitrate an issue to which this subchapter
17 applies is enforceable as a contract pursuant to the Maine
18 Uniform Arbitration Act. An action brought to enforce such an
19 agreement may not be dismissed nor relief be denied on the
20 grounds that the agreement is against the State or that the State
21 is an indispensable party.

22 §9507. Arbitrators

23 1. Selection of arbitrator. The parties to an arbitration
24 proceeding are entitled to participate in the selection of the
25 arbitrator.

26 2. Qualifications of arbitrator. The arbitrator must be a
27 neutral who meets the criteria of section 9503.

28 §9508. Authority of the arbitrator

29 An arbitrator under this subchapter may:

30 1. Course and conduct of hearings. Regulate the course of
31 and conduct arbitral hearings;

32 2. Oaths and affirmations. Administer oaths and
33 affirmations;

34 3. Attendance of witnesses and production of evidence.
35 Compel the attendance of witnesses and production of evidence at
36 a hearing under the provisions of section 9060 only to the extent
37 the agency involved is otherwise authorized by law to do so; and

38 4. Awards. Make awards.

2 **§9509. Arbitration proceedings**

4 **1. Time and place; notice.** The arbitrator shall set a time
6 and place for a hearing on a dispute and shall notify the parties
at least 5 days before the hearing.

8 **2. Record.** Any party requesting a record of the hearing:

10 A. Is responsible for the preparation of the record;

12 B. Shall notify the other parties and the arbitrator of the
preparation of the record;

14 C. Shall furnish copies to all identified parties and the
16 arbitrator; and

18 D. Shall pay all costs for the record, unless the parties
20 agree otherwise or the arbitrator determines that the costs
be apportioned.

22 **3. Hearing.** The following guidelines apply to the conduct
24 of a hearing.

26 A. The parties to an arbitration are entitled to be heard,
to present evidence material to the controversy and to
28 cross-examine witnesses at the hearing.

30 B. If each party has an opportunity to participate, and
with the consent of those parties, the arbitrator may
32 conduct all or part of a hearing by telephone, television,
computer or other electronic means.

34 C. The hearing must be conducted expeditiously and in an
informal manner.

36 D. The arbitrator may receive oral or documentary evidence
38 but may exclude irrelevant, immaterial, unduly repetitious
or privileged evidence.

40 E. The arbitrator shall interpret and apply relevant
42 statutory and regulatory requirements, legal precedents and
44 policy directives.

46 **4. Ex parte communications.** An interested person may not
48 make or knowingly cause to be made to the arbitrator an
unauthorized ex parte communication relevant to the merits of the
50 proceeding unless the parties agree otherwise. If a
communication is made in violation of this subsection, the
52 arbitrator shall ensure that a memorandum of the communication is
prepared and made a part of the record and that an opportunity
for rebuttal is allowed. Upon receipt of a communication made in

2 violation of this subsection, and consistent with the interests
4 of justice and the policies of this subchapter, the arbitrator
6 may require an offending party to show cause why the claim of
8 that party should not be resolved against that party as a result
10 of improper conduct.

12 5. Award; time limits. The arbitrator shall make the award
14 within 30 days after the close of a hearing or after the date of
16 the filing of briefs authorized by the arbitrator, whichever date
18 is later, unless:

20 A. The parties at any time agree to another time limit. A
22 party waives the objection that an award is not made within
24 the required time limit unless the party notifies the
26 arbitrator of the objection before the delivery of the award
28 to the party; or

30 B. The agency provides by rule for another time limit.

32 **§9510. Arbitration awards**

34 1. Award. The following guidelines apply to the award in
36 an arbitration proceeding.

38 A. Unless the agency provides otherwise by rule, the award
40 in an arbitration proceeding under this subchapter must
42 include a brief, informal discussion of the factual and
44 legal bases for the award, but formal findings of fact or
46 conclusions of law may not be required.

48 B. The prevailing parties shall file the award with all
50 involved agencies along with proof of service of all parties.

52 2. Award final; extension. The award in an arbitration
proceeding becomes final 30 days after it is served on all
parties. An agency that is a party to the proceeding may extend
this 30-day period for an additional 30-day period by serving a
notice of the extension on all other parties before the end of
the first 30-day period.

3. Award binding. A final award is binding on the parties
to the arbitration proceeding and is enforceable as a final
agency action under subchapter VII. An action brought to enforce
such an award may not be dismissed nor may relief be denied on
the grounds that the award is against the State or that the State
is an indispensable party.

4. Award not estoppel or precedent in other proceedings.
An award entered under this subchapter in an arbitration
proceeding may not serve as an estoppel in another proceeding for
an issue that was resolved in the proceeding. Neither may such
an award be used as precedent or otherwise be considered in

2 a factually unrelated proceeding, whether conducted under this
3 subchapter by an agency or in a court or in another arbitration
4 proceeding.

5 5. Attorney's fees and expenses when award vacated. If an
6 agency head vacates an award within 30 days of the action, a
7 party to the arbitration other than the State may petition the
8 agency head for an award of attorney's fees and expenses incurred
9 in connection with the arbitration proceeding. The agency head
10 shall award the petitioning party those fees and expenses unless
11 that agency head or the agency head's designee finds that special
12 circumstances make such an award unjust. Fees and expenses must
13 be paid from the funds of the agency that vacated the award.

14 **§9511. Judicial review**

15
16
17 1. Action for judicial review. Notwithstanding any other
18 provision of law, a person adversely affected or aggrieved by an
19 award made in an arbitration proceeding conducted under this
20 subchapter may bring an action for review of the award under
21 subchapter VII.

22
23 2. Decision on use of arbitration. A decision by an agency
24 whether to use a dispute resolution proceeding under this
25 subchapter is within the discretion of the agency and is not
26 subject to judicial review, except that arbitration is subject to
27 judicial review under subchapter VII.

28 **§9512. Support services**

29
30
31 For the purposes of this subchapter and with or without
32 reimbursement, an agency may use the services and facilities of
33 other state agencies, public and private organizations and
34 agencies and individuals with the consent of those agencies,
35 organizations and individuals.

36 **§9513. Alternative means of dispute resolution policies**

37
38
39 1. Adoption of agency policy. With the advice of the
40 Attorney General, each agency shall adopt a policy that addresses
41 the use of alternative means of dispute resolution and case
42 management. In developing a policy each agency shall examine
43 alternative means of resolving disputes in connection with:

44
45 A. Formal and informal adjudications;

46
47 B. Rulemaking;

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49 C. Enforcement actions;

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51 D. Issuing and revoking licenses and permits;

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2 E. Contract administration;

4 F. Litigation brought by or against the agency; and

6 G. Other agency actions.

8 2. Dispute resolution specialists. The head of each agency
10 shall designate a senior official to be the dispute resolution
12 specialist of the agency. That official is responsible for the
14 implementation of:

16 A. The provisions of this subchapter; and

18 B. The agency policy developed under subsection 1.

20 3. Training. Each agency shall provide for training on a
22 regular basis for the dispute resolution specialist of the agency
24 and other employees involved in implementing the policy of the
26 agency developed under subsection 1. The training may encompass
28 the theory and practice of negotiation, mediation, arbitration or
30 related techniques. The dispute resolution specialist shall
32 periodically recommend to the agency head agency employees who
34 may benefit from similar training.

36 4. Procedures for grants and contracts. The following
38 guidelines apply to grants and contracts entered into or
40 administered by the agency.

42 A. Each agency shall review its standard agreements for
44 contracts, grants and other assistance and shall determine
46 whether to amend those standard agreements to authorize and
48 encourage the use of alternative means of dispute resolution.

50 B. By July 1, 1994, the Department of Administrative and
52 Financial Services shall amend the rules governing state
54 procurement of goods and services.

56 5. Representation of parties. In developing a policy on
58 the use of alternative means of dispute resolution, each agency
60 shall develop a policy of representation by persons other than
62 attorneys of parties in alternative dispute resolution
64 proceedings.

66 A. Each agency shall identify administrative programs with
68 numerous claims or disputes before the agency and determine:

70 (1) The extent to which individuals are represented or
72 assisted by attorneys or by persons who are not
74 attorneys; and

76 (2) Whether the subject areas of the applicable
78 proceedings or the procedures are so complex or

2 specialized that only attorneys can provide adequate
3 representation or assistance.

4 B. A person who is not an attorney may provide
5 representation or assistance to an individual in a claim or
6 dispute with an agency if:

8 (1) The claim or dispute concerns an administrative
9 program identified under paragraph A;

10 (2) The agency determines that the proceeding or
11 procedure does not necessitate representation or
12 assistance by an attorney under paragraph A,
13 subparagraph (2); or

14 (3) The person meets the requirement of the agency to
15 provide representation or assistance in that type of
16 claim or dispute.

17 C. An agency that adopts rules to permit representation or
18 assistance by persons who are not attorneys shall review the
19 rules of practice before that agency to:

20 (1) Ensure that rules pertaining to disqualification
21 of attorneys from practicing before that agency also
22 apply to other persons who provide representation or
23 assistance; and

24 (2) Establish effective agency procedures for
25 enforcing the rules of practice and for hearing
26 complaints from affected persons.

27 **Sec. B-4. Interim Advisory Committee on Alternative Dispute**
28 **Resolution in the Public Sector.** There is established an Interim
29 Advisory Committee on Alternative Dispute Resolution in the
30 Public Sector, hereafter cited as "the committee," to provide
31 short-term assistance to state, municipal and other governmental
32 entities in developing plans and policies for dispute resolution
33 as recommended in the final report of the Commission to Study the
34 Future of Maine's Courts, established by Public Law 1989, chapter
35 891, Part B.

36 **1. Charge.** The committee shall:

37 A. Provide guidance and expertise to state agencies,
38 municipalities and other governmental entities in developing
39 dispute resolution policies;

40 B. Seek funding to support the committee's work and to
41 provide training for agency personnel;

2 C. Review agency dispute resolution policies and recommend
to the Legislature statutory or other changes necessary to
4 remove barriers to the effective use of dispute resolution
by governmental entities;

6 D. Design and initiate a continuing study and analysis of
the costs and benefits of public sector alternative dispute
8 resolution to governmental agencies, private groups and
individuals; and

10 E. Develop a proposal for a state center for dispute
12 resolution that will assume the responsibilities and
functions of the committee.

14 **2. Appointment.** The committee consists of up to 11 members
16 who have knowledge of, experience or familiarity with alternative
dispute resolution. The Chief Justice of the Supreme Judicial
18 Court may appoint one judge or justice. The other 10 members are
appointed jointly by the Governor, the President of the Senate
20 and the Speaker of the House of Representatives as follows:

22 A. One member representing a statewide organization of
municipal officials;

24 B. One member representing a statewide organization of
26 dispute resolution professionals;

28 C. One member representing a statewide organization of
businesses;

30 D. One member representing direct consumers of state
32 services;

34 E. One member representing administrators from state
executive departments;

36 F. One member representing a statewide environmental
38 organization;

40 G. One member representing an organization whose goal is to
establish public sector dispute resolution;

42 H. One member who has a background in education;

44 I. One member from an organization that advocates for
46 low-income individuals; and

48 J. One member representing the general public.

50 **3. Convening of committee.** When the appointment of all
committee members is completed, the Executive Director of the

2 Legislative Council shall convene the first meeting. The members
may elect a chair from among the membership.

4 **4. Reports.** The committee shall submit a progress report
to the Joint Standing Committee on Judiciary by January 1, 1994.
6 The committee shall present a summary of its activities and
findings, together with any recommended legislation to the First
8 Regular Session of the 117th Legislature by January 31, 1995.

10 **5. Staffing.** If funding permits, the committee may employ
staff and may contract for administrative, professional and
12 clerical services.

14 **6. Assistance.** The committee may request assistance from
the Legislative Council with drafting legislation.

16 **7. Funding.** The committee is authorized to seek, accept
and expend outside sources of funding to carry out the
18 committee's activities. Expenditures that have an impact on the
20 General Fund may not be incurred.

22 **8. Compensation.** The members of the committee shall serve
without compensation.

24
26 **PART C**

28 **Sec. C-1. 5 MRSA §199, 2nd ¶** is enacted to read:

30 If the Constitution of Maine is amended to remove the
32 requirement of indictment by or presentment to a grand jury for
34 noncapital cases, the Attorney General shall monitor the effects
36 of repealing the requirement of a grand jury in noncapital
38 cases. The Attorney General shall submit a report describing the
use of the grand jury in the previous calendar year to the joint
standing committee of the Legislature having jurisdiction over
judiciary matters by January 31, 1994 and every January 31st
thereafter for 3 years.

40 **Sec. C-2. 5 MRSA §3360-L** is enacted to read:

42 **§3360-L. Information**

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

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52 **Sec. C-3. 15 MRSA Pt. 8** is enacted to read:

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PART 8

VICTIMS' RIGHTS

CHAPTER 520

VICTIM INVOLVEMENT

§6101. Victim involvement in criminal proceedings

1. Notice to victims. Prosecutors shall 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 or emotional 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. The prosecutor shall 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;

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

C. Whether the victim or the victim's family was notified of the time, place and whether the victim or the victim's family wants to attend the sentencing. If the victim or the victim's family has not been notified or is not available at the time of sentencing, the court shall continue the matter to allow for input from the victim or the victim's family when feasible and appropriate.

PART D

Sec. D-1. 3 MRSA §2-A, sub-§3 is enacted to read:

2 **3. Equalization of Superior Court, District Court and**
3 **Probate Court salaries.** The commission shall develop a plan to
4 equalize the salaries of Superior Court, District Court and
5 full-time, appointed Probate Court judges. The commission shall
6 submit the plan and necessary implementing legislation as part of
7 its interim report to the Legislature in January 1994. The plan
8 must provide for the gradual increase of District Court and
9 full-time, appointed Probate Court judges' salaries to equal
10 Superior Court judges' salaries by January 1998. Pay
11 equalization may not compromise present or future increases in
12 the salaries of current Superior Court judges.

14 **Sec. D-2. 4 MRSA §9-B**, as amended by PL 1991, c. 885, Pt. E,
15 §2 and as affected by §47, is further amended to read:

16 **§9-B. Committee on judicial responsibility and disability**

18 The Supreme Judicial Court has the power and authority to
19 prescribe, repeal, add to, amend or modify rules relating to a
20 committee to receive complaints, make investigations and make
21 recommendations to the Supreme Judicial Court in regard to
22 discipline, disability, retirement or removal of justices of the
23 Supreme Judicial Court and ~~the Superior Court and~~ judges of the
24 Superior Court, the District Court, the ~~probate courts~~ Probate
25 Court and the Administrative Court.

28 **Sec. D-3. 4 MRSA §101**, as repealed and replaced by PL 1985,
29 c. 434, §1, is amended to read:

30 **§101. Constitution of court**

32 The Superior Court, as established, ~~shall consist~~ consists
33 of 15 justices until June 30, 1986, and 16 justices thereafter
34 until January 1, 1994 and 17 judges thereafter, and such Active
35 Retired ~~Justices~~ Judges as may be appointed and serving on the
36 court, learned in the law and of sobriety of manners. The Chief
37 Justice ~~Judge~~ of the Superior Court shall assign the ~~Justices~~
38 Judges of the Superior Court to preside at various locations of
39 the court. Whenever it becomes necessary, the Chief Justice of
40 the Supreme Judicial Court may designate a Justice of the Supreme
41 Judicial Court or any Active Retired Justice of the Supreme
42 Judicial Court to hold a term of Superior Court. The Chief
43 Justice ~~Judge~~ of the Superior Court may, when necessary, assign
44 an Active Retired ~~Justice~~ Judge of the Superior Court to hold a
45 term of Superior Court. The Chief ~~Justice~~ Judge of the Superior
46 Court may designate any ~~Justice~~ Judge of the Superior Court and
47 the Chief Justice of the Supreme Judicial Court may designate any
48 Justice of the Supreme Judicial Court to hold one or more
49 sessions of the Superior Court, separate from the session
50 presided over by the ~~justice judge~~ holding the regular trial term.

2 **Sec. D-4. 4 MRSA §101-B** is enacted to read:

4 **§101-B. Appellate Division**

6 The Supreme Judicial Court may establish an Appellate
8 Division within the Superior Court to hear appeals within the
10 jurisdiction of the Superior Court.

12 **Sec. D-5. 4 MRSA §105**, as amended by PL 1979, c. 540, §3, is
14 further amended to read:

16 **§105. Jurisdiction; powers**

18 The Superior Court, exclusive of the Supreme Judicial Court,
20 ~~shall have~~ has and may exercise jurisdiction and have ~~has~~ and ~~may~~
22 exercise all of the powers, duties and authority necessary for
24 exercising the jurisdiction in ~~any--and--all~~ matters either
26 original or appellate, which were, prior to January 1, 1930,
28 within the jurisdiction of the Supreme Judicial Court or any of
30 the Superior Courts, whether cognizable at law or in equity,
32 except as concurrent or exclusive jurisdiction is vested in the
34 District Court, and except as provided in Title 14, section 5301,
36 provided that it ~~shall have~~ has and may exercise none of the
38 jurisdiction, powers, duties and authority of the Supreme
40 Judicial Court sitting as a ~~law-court~~ Law Court. A single Justice
42 of the Supreme Judicial Court ~~shall have~~ has and may exercise
44 jurisdiction, and have has and may exercise all of the powers,
46 duties and authority necessary for exercising the same
48 jurisdiction as the Superior Court, to hear and determine, with
50 his the Justice's consent, any issue in a civil action in the
52 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.

44 **Sec. D-6. 4 MRSA §121**, as enacted by PL 1989, c. 891, Pt. A,
46 §1, is amended to read:

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

52 A Justice Judge or an Active Retired Justice Judge of the
 Superior Court may be assigned by the Chief Justice of the
 Supreme Judicial Court to sit in the District Court ~~ex--the~~

Administrative-Court and when so directed the-justice that judge
2 has authority and jurisdiction in the District Court ~~or--the~~
Administrative-Court as if the justice judge were a regular judge
4 of that court; and whenever the Chief Justice of the Supreme
Judicial Court so directs, the justice judge may hear all matters
6 and issue all orders, notices, decrees and judgments that any
Judge of the District Court ~~or--the--Administrative--Court~~ is
8 authorized to hear and issue.

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

16 **Sec. D-7. 4 MRSA §152, sub-§9** is enacted to read:

18 **9. Licensing and administrative jurisdiction.** The District
20 Court has the same licensing jurisdiction that the former
Administrative Court had before January 1, 1994.

22 A. Except as provided in Title 5, section 10004; Title 8,
24 section 279-B; Title 10, section 8003, subsection 5; Title
20-A, sections 10712 and 10713; Title 29; Title 32, chapters
26 105 and 114; and Title 35-A, section 3132, the District
Court has:

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

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

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

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

48 C. Notwithstanding any other provisions of law, a licensing
50 agency may not reinstate or otherwise affect a license
suspended, revoked or modified by the District Court

2 pursuant to a complaint filed by the Attorney General,
3 without the approval of the Attorney General.

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

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

13 E. After hearing, on default or by agreement of the
14 parties, a Judge of the District Court may suspend, revoke
15 or modify the license of a party properly served with
16 process or, if the applicable law so provides, the judge may
17 order issuance of a license to an applicant according to the
18 terms of the applicable law. The judge may take other
19 action with relation to the party that may have been taken
20 before the enactment of this section by the agency involved
21 in the hearing.

22 F. Notwithstanding other provisions of this chapter, a
23 Judge of the District Court may impose a fine of a specific
24 sum that may not be less than \$50 nor more than \$1,500 for
25 one offense or, in the exercise of judicial discretion
26 within other limits of the laws related to the licensing
27 question. The fine may be imposed instead of or in addition
28 to a suspension, revocation or modification of a license by
29 the court. Section 1057 applies to a fine imposed by this
30 section.

31 The District Court shall maintain a record of all fines and
32 surcharges received by the court and shall pay the fines
33 into the General Fund of the State Treasury and the
34 surcharges into the Government Operations Surcharge Fund on
35 or before the 15th day of each month.

36 G. The Supreme Judicial Court may adopt rules providing for
37 the centralized filing and docketing of matters handled
38 before January 1, 1994 by the former Administrative Court.
39 Hearings on these matters may be held in any convenient
40 District Court location.

41 **Sec. D-8. 4 MRSA §153, sub-§3, as amended by PL 1991, c. 121,**
42 **Pt. B, §1, and affected by §18, is further amended to read:**

43 **3. Western Aroostook.** Western Aroostook consists of the
44 municipalities and unorganized territory known as Hamlin Plt.,
45 Cyr Plt., T17 R3, T17 R4, T16 R5, T15 R6, Winterville Plt., T15
46

2 R8, T15 R9, T14 R10, T14 R11, T14 R12, T14 R13, T14 R14, T14 R15,
4 T14 R16, and all municipalities and unorganized territory in
6 Aroostook County lying to the west and north of these. The
District Court for Western Aroostook must be held at Madawaska,
Fort Kent and Van Buren. The ~~presiding-judge~~ Chief Judge shall
determine the level of service at each location.

8 **Sec. D-9. 4 MRSA §153, sub-§11**, as amended by PL 1969, c. 458,
is further amended to read:

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

18 **Sec. D-10. 4 MRSA §157, sub-§1, ¶A**, as amended by PL 1989, c.
20 501, Pt. P, §2, is further amended to read:

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

36 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
"District Judge" shall ~~include~~ includes the Chief Judge, and
40 Deputy Chief Judge, ~~the-judges-appointed-from-the-districts~~
and ~~the-judges-at-large~~.

42 **Sec. D-11. 4 MRSA §157, sub-§1, ¶B**, as amended by PL 1985, c.
44 506, Pt. B, §1, is further amended to read:

46 B. The Chief Justice of the Supreme Judicial Court shall
designate one of the judges as Chief Judge. The Chief
48 Judge, with the ~~advice-and-consent~~ approval of the Chief
Justice of the Supreme Judicial Court, shall designate one
50 of the District Court Judges as Deputy Chief Judge who shall
have all the duties, powers and responsibilities of the
52 Chief Judge when the Chief Judge is unable to perform them
because of illness, absence or disability.

2 **Sec. D-12. 4 MRSA §157, sub-§4**, as repealed and replaced by PL
3 1989, c. 596, Pt. C, §§3 and 8, is amended to read:

4 **4. Associate judge; salary.** Each Associate Judge of the
5 District Court shall receive a salary as follows:

6 A. For fiscal year 1989-90 and thereafter, \$72,983.

7 Pursuant to Title 3, section 2-A, subsection 3 the State
8 Compensation Commission shall develop a plan by January 1994 to
9 equalize the salaries of District Court Judges with those of
10 Superior Court Judges by January 1998.

11 **Sec. D-13. 4 MRSA §157-C**, as amended by PL 1983, c. 112, is
12 further amended to read:

13 **§157-C. Judge or Active Retired Judge of the District Court to**
14 **sit in Superior Court**

15 A Judge or an Active Retired Judge of the District Court ~~or~~
16 ~~Administrative-Court~~ may be assigned by the Chief Justice of the
17 Supreme Judicial Court to sit in the Superior Court in any
18 county, and when so directed he--shall--have the judge has
19 authority and jurisdiction therein as if he the judge were a
20 regular Justice Judge of the Superior Court; and whenever the
21 Chief Justice of the Supreme Judicial Court ~~so~~ directs, he the
22 judge may hear all matters and issue all orders, notices, decrees
23 and judgments that any Justice Judge of the Superior Court is
24 authorized to hear and issue.

25 No A Judge or Active Retired Judge of the District Court ~~or~~
26 ~~Administrative-Court--so~~ sitting in the Superior Court shall may
27 not act in any case in which he that judge has sat in the
28 District Court ~~or-Administrative-Court~~ nor in which he that judge
29 otherwise has an interest.

30 The order of the Chief Justice of the Supreme Judicial Court
31 directing a Judge or an Active Retired Judge of the District
32 Court ~~or-Administrative-Court~~ to sit in the Superior Court shall
33 must be filed with the Executive Clerk of the Supreme Judicial
34 Court, but need not be docketed or otherwise recorded in any case
35 heard by him that judge.

36 **Sec. D-14. 4 MRSA §157-E**, as enacted by PL 1989, c. 891, Pt.
37 A, §6, is repealed.

38 **Sec. D-15. 4 MRSA §164, sub-§2**, as amended by PL 1977, c. 544,
39 §7, is further amended to read:

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

4
6 **Sec. D-16. 4 MRSA §164, sub-§5**, as amended by PL 1977, c. 544, §8, is repealed.

8 **Sec. D-17. 4 MRSA §173, sub-§4**, as amended by PL 1991, c. 780, Pt. X, §2, is further amended to read:

10
12 **4. Distribution of fees and fines.** All law enforcement officers appearing for a scheduled trial in District Court at times other than their regular working hours, at the order of a prosecuting official and whether or not they are called upon to give testimony, must be compensated out of the General Fund at the rate of \$10 for each day or part of a day that the officer is required to be physically present.

18
20 The court officer required to be present at an arraignment may be an officer other than the arresting officer, provided that the municipality has designated the officer to handle the arraignment caseload of that municipality. In addition, one or more municipalities may designate either a municipal law enforcement officer or a county law enforcement officer to represent the municipalities at arraignments on a rotating schedule.

26
28 The court shall must 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 must 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 Maine Rule 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.

44
46 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.

2 Compensation for reasonable and necessary expenses, as agreed to
by the parties, must be paid by the District Court.

4 In those municipalities where a police officer has been furnished
to serve as a bailiff, the Chief Judge may continue to authorize
6 the use of a police officer as a bailiff and the municipality
must be compensated by the District Court. A person now appointed
8 to serve as bailiff may not serve as court officer for a
municipal police department, as provided in this subsection.

10 **Sec. D-18. 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,
Justices and Superior Court, and District Court and
24 Administrative Court Judges, all District Attorneys and attorneys
within the Criminal Division of the Office of the Attorney
26 General are, and such other criminal justice personnel as the
Judicial Council may authorize may be, members of the institute.

28 **Sec. D-19. 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. D-20. 4 MRSA c. 25,** as amended, is repealed.

46 **Sec. D-21. 4 MRSA §1201, sub-§12,** as enacted by PL 1983, c.
48 853, Pt. C, §§15 and 18, is amended to read:

50 **12. Judge.** "Judge" means --a- any Justice of the Supreme
Judicial Court ~~or the Superior Court,~~ any Judge of the Superior
52 Court or District Court, any Administrative Court Judge or any

2 Associate Administrative Court Judge who is actively serving as
of December 1, 1984, or who is appointed subsequent to December
4 1, 1984, but does not include Active Retired Judges.

6 **Sec. D-22. 5 MRSA §5304**, as amended by PL 1987, c. 402, Pt.
A, §54, is further amended to read:

8 **§5304. Appeals**

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

14 **Sec. D-23. 5 MRSA §8002, sub-§7, ¶C**, as enacted by PL 1977, c.
16 551, §3, is amended to read:

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

20 **Sec. D-24. 5 MRSA c. 375, sub-c.VI, first 2 lines** are repealed and
22 the following enacted in their place:

24 SUBCHAPTER VI

26 ADMINISTRATIVE PROCEEDINGS IN SUPERIOR AND DISTRICT COURT

28 **Sec. D-25. 5 MRSA §10051**, as amended by PL 1991, c. 824, Pt.
A, §5, is further amended to read:

30 **§10051. Administrative jurisdiction; retained powers of agency**

32 1. **Jurisdiction.** Except as provided in section 10004;
34 Title 8, section 279-B; Title 10, section 8003; Title 20-A,
sections 10712 and 10713; Title 29; Title 32, chapters 105 and
36 114; and Title 35-A, section 3132, the ~~Administrative--Court~~
District Court has exclusive jurisdiction upon complaint of any
38 agency or, if the licensing agency fails or refuses to act within
a reasonable time, upon complaint of the Attorney General, to
40 revoke or suspend licenses issued by the agency and has original
jurisdiction upon complaint of an agency to determine whether
42 renewal or reissuance of a license of that agency may be refused.

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

52

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

9
10 4. **Violations.** The Administrative District Court shall--have
11 has exclusive jurisdiction to hear complaints of the Public
12 Utilities Commission for violations of Title 35-A, section 704.

13 **Sec. D-26. 5 MRSA §18055, sub-§1, ¶C,** as enacted by PL 1985,
14 c. 801, §§5 and 7, is amended to read:

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

18
19 **Sec. D-27. 10 MRSA §8003, sub-§5,** as amended by PL 1991, c.
20 509, §2, is further amended by amending the last paragraph to
21 read:

22
23 Any nonconsensual disciplinary action taken under authority of
24 this subsection may be imposed only after a hearing conforming to
25 the requirements of Title 5, chapter 375, subchapter IV, and
26 shall--be is subject to judicial review ~~exclusively--in--the~~
27 ~~Administrative--Court~~ in accordance with Title 5, chapter 375,
28 subchapter VII,--~~substituting the term--"Administrative Court"--for~~
29 ~~"Superior-Court,"~~ notwithstanding any other provision of law.

30
31 **Sec. D-28. 14 MRSA §1901,** as amended by PL 1975, c. 552, §2,
32 is repealed and the following enacted in its place:

33 §1901. Superior Court; exceptions

34
35 1. Appeals from District Court to Superior Court. Except
36 as provided in subsection 2 or by court rule, an appeal may be
37 taken from the District Court to the Superior Court for the
38 county embracing the division in which the judgment was rendered
39 within 10 days after judgment. Within those 10 days, the
40 appellant must pay to the court the required fees for the appeal
41 and in that case no execution issues and the clerk may enter the
42 appeal in the Appellate Court as a new entry.

43 2. Exceptions. The following requirements apply to appeals
44 from the District Court to the Law Court.

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

2 B. Appeals of decisions involving family matters may be
3 made directly to the Law Court regardless of the court of
4 origin, unless all parties agree to a final appeal to the
5 Superior Court in lieu of an appeal to the Law Court.

6 C. If all parties agree about appeals from civil, nonfamily
7 matters originating in the District Court, a final appeal
8 may be made to the Superior Court in lieu of a 2nd appeal to
9 the Law Court.

10 **Sec. D-29. 14 MRSA §7482**, as amended by PL 1983, c. 678, is
11 further amended to read:

12 **§7482. Definition of a small claim**

13 A "small claim" means a right of action cognizable by a
14 court if the debt or damage does not exceed \$1,400 ~~\$3,000~~
15 exclusive of interest and costs. It shall does not include an
16 action involving the title to real estate.

17 Effective July 1, 1997 and every 4 years after that date,
18 the joint standing committee of the Legislature having
19 jurisdiction over judiciary matters shall review the monetary
20 limit on small claims actions and the Judicial Department shall
21 periodically provide information and comments on the monetary
22 limit on small claims actions to that committee.

23 **Sec. D-30. 15 MRSA §1003, sub-§2**, as enacted by PL 1987, c.
24 758, §20, is amended to read:

25 **2. Court.** "Court" means any Justice of the Supreme Judicial
26 Court ~~or Superior Court~~ or any active-retired-justice Active
27 Retired Justice and any Superior Court Judge or District Court
28 Judge or active-retired-judge, ~~or any Administrative Court Judge~~
29 ~~or active-retired-judge~~ Active Retired Judge when assigned under
30 Title 4, section 157-C ~~or 1158~~.

31 **Sec. D-31. 15 MRSA §5822, sub-§6**, as amended by PL 1987, c.
32 736, §26, is further amended by amending the first paragraph to
33 read:

34 **6. Preliminary process.** Any Justice of the Supreme
35 Judicial Court ~~or Judge of the Superior Court, Judge of the~~
36 District Court ~~or Judge of the Administrative Court~~ or justice of
37 the peace may issue, at the request of the attorney for the
38 State, ex parte, any preliminary order or process as is necessary
39 to seize or secure the property for which forfeiture is or will
40 be sought and to provide for its custody. That order may include
41 an order to a financial institution or to any fiduciary or bailee
42 to require the entity to impound any property in its possession
43 or control and not to release it except upon further order of the
44 court. Process for seizure of the property ~~shall issue~~ issues

2 only upon a showing of probable cause that the property is
3 subject to forfeiture under section 5821. The application for
4 process and the issuance, execution and return of process shall
5 be are subject to applicable state law. Any property subject to
6 forfeiture under this section may be seized upon process, except
7 that seizure without the process may be made when:

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

10 **§2040. Appeal**

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

14 **Sec. D-33. 32 MRSA §10015, last ¶**, as enacted by PL 1989, c.
15 845, §14, is amended to read:

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

27 **Sec. D-34. 32 MRSA §13068, sub-§3**, as enacted by PL 1987, c.
28 395, Pt. A, §212, is amended to read:

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

37 **Sec. D-35. Family Court Project continuation and expansion.** The
38 Family Court Project established under Public Law 1989, chapter
39 891, Part A, section 12 may be continued and expanded into other
40 high volume geographic areas as well as in areas determined
41 appropriate. The Superior and District Courts retain concurrent
42 jurisdiction to ensure access. In those areas in which the
43 Family Court Project exists or into which the project is
44 expanded, it must be structured as the Family Court Division of
45 the District and Superior Courts. The Chief Justice

2 of the Supreme Judicial Court shall designate a primary judge
3 from each trial court to provide the approximate level of
4 judicial resources devoted to the project by the Administrative
5 Court. The Chief Justice of the Supreme Judicial Court shall
6 designate one of these primary judges to direct the project. The
7 designated primary judge shall convene a preliminary planning
8 committee on the development of a nonadversarial administrative
9 forum that includes social services for family matters. The
10 designated primary judge shall report to the Joint Standing
11 Committee on Judiciary by January 15, 1994, and annually
12 thereafter, and shall make a final report concerning the Family
13 Court Project by January 15, 1999.

14 **Sec. D-36. Administrative Court transition provisions.** The
15 following provisions apply to the reassignment of the duties and
16 responsibilities of the Administrative Court as of January 1,
17 1994.

18
19 1. The District Court is the successor in every way to the
20 jurisdiction, powers, duties and functions of the Administrative
21 Court except that appeals of any court, agency or licensing board
22 decision that are heard by the Administrative Court as of
23 December 31, 1993 are transferred to the Superior Court.

24
25 2. Notwithstanding the provisions of the Maine Revised
26 Statutes, Title 5 all accrued expenditures, assets, liabilities,
27 balances or appropriations, allocations, transfers, revenues or
28 other available funds in an account or subdivision of an account
29 of the Administrative Court must be transferred to the proper
30 accounts by the State Court Administrator.

31
32 3. All contracts, agreements and compacts in effect on the
33 effective date of this section in the Administrative Court remain
34 in effect.

35
36 4. The individual holding the position of Administrative
37 Court Judge is transferred into the new Superior Court Judge
38 position created by this Act for the remainder of the term for
39 which that individual was nominated and confirmed as
40 Administrative Court Judge. The individual holding the position
41 of Associate Administrative Court Judge is transferred into the
42 new District Court Judge position created by this Act for the
43 remainder of the term for which that individual was nominated and
44 confirmed as Associate Administrative Court Judge. The
45 individual designated as an Active Retired Administrative Court
46 Judge is designated as an Active Retired District Court Judge for
47 the remainder of the term for which that individual was nominated
48 and confirmed as Active Retired Administrative Court Judge.

49
50 5. The positions of Administrative Court Judge, Associate
51 Administrative Court Judge and Active Retired Administrative

2 Court Judge are abolished. Any position not specifically
transferred under this section also is abolished.

4 6. All records, property and equipment previously belonging
to or allocated for the use of the Administrative Court are
6 transferred to the District Court.

8 7. The dissolution of the Administrative Court does not
affect eligibility in the retirement system of any Administrative
10 Court Judge, Associate Administrative Court Judge, Active Retired
Administrative Court Judge or other Administrative Court
12 personnel.

14 **Sec. D-37. Maine Revised Statutes amended; revision clause;
Superior Court Justices.** Wherever in the Maine Revised Statutes
16 the words "Justice of the Superior Court" or "Superior Court
Justice" appear or reference is made to those words, they are
18 amended to read and mean "Judge of the Superior Court" or
"Superior Court Judge" and the Revisor of Statutes shall
20 implement this revision when updating, publishing or republishing
the statutes.

22 **Sec. D-38. Maine Revised Statutes amended; revision clause;
administrative courts.** Except as expressly amended in this Act,
24 wherever in the Maine Revised Statutes the words "Administrative
Court" and "Administrative Court Judge" and "Associate
26 Administrative Court Judge" appear or reference is made to those
words, they are amended to read and mean "District Court" and
28 "District Court Judge" and the Revisor of Statutes shall
30 implement this revision when updating, publishing or republishing
the statutes.

32 **Sec. D-39. Resident judge and judge-at-large transition clause.**
34 Each District Court Resident Judge serves as a District Court
Judge for the remainder of the term for which that individual was
36 nominated and confirmed as a District Court Resident Judge. Each
District Court Judge-at-Large serves as a District Court Judge
38 for the remainder of the term for which that individual was
nominated and confirmed as a District Court Judge-at-Large.

40 **Sec. D-40. Effective dates.** The sections of this Part enacting,
42 amending or repealing the following elements of the Maine Revised
Statutes are effective January 1, 1994:

- 44
- 46 1. Title 4, section 9-B;
 - 48 2. Title 4, section 101-B;
 - 50 3. Title 4, section 105;
 4. Title 4, section 121;

- 2 5. Title 4, section 152, subsection 9;
- 4 6. Title 4, section 157-C;
- 6 7. Title 4, section 454, first paragraph;
- 8 8. Title 4, section 955-A;
- 10 9. Title 4, chapter 25;
- 12 10. Title 5, section 5304;
- 14 11. Title 5, section 8002, subsection 7, paragraph C;
- 16 12. Title 5, chapter 375, subchapter VI, first two lines;
- 18 13. Title 5, section 10051;
- 20 14. Title 5, section 18055, subsection 1, paragraph C;
- 22 15. Title 10, section 8003, subsection 5, last paragraph;
- 24 16. Title 15, section 1003, subsection 2;
- 26 17. Title 15, section 5822, subsection 6, first paragraph;
- 28 18. Title 22, section 2040;
- 30 19. Title 32, section 10015, last paragraph; and
- 32 20. Title 32, section 13068, subsection 3.

34 PART E

36 **Sec. E-1. 4 MRSA §251** is amended to read:

38 **§251. General jurisdiction**

40 Each judge may take the probate of wills and grant letters
42 testamentary or of administration on the estates of all deceased
44 persons who, at the time of their death ~~deaths, where were~~
46 inhabitants or residents of ~~his--county~~ the counties in that
48 region or who, not being residents of the State, died leaving
50 estate to be administered in ~~his--county~~ the counties in that
52 region; and has jurisdiction of all matters relating to the
settlement of such estates. ~~He~~ The judge may grant leave to
adopt children, change the names of persons, appoint guardians
for minors and others according to law, and has jurisdiction as
to persons under guardianship, and as to whatever else is
conferred on ~~him~~ the Probate Court by law.

2 **Sec. E-2. 4 MRSA §301**, as amended by PL 1989, c. 104, Pt. C,
3 §§8 and 10, is further amended to read:

4 **§301. Terms; elected judges' salaries; fees**

6 Judges of probate are elected or appointed as provided in
7 the Constitution. Only ~~attorneys-at-law~~ attorneys-at-law who are
8 admitted to the general practice of law in this State and
9 ~~resident-therein~~ who are residents of the State may be elected or
10 appointed as judges of probate. ~~Their election is effected and~~
11 ~~determined as is provided respecting county commissioners; and~~
12 ~~they enter upon the discharge of their duties on the first day of~~
13 ~~January following; but, when appointed to fill vacancies, their~~
14 ~~terms commence on their appointment.~~

16 Judges of probate in the several ~~counties~~ regions are
17 entitled to receive annual salaries as set forth in section 301-A
18 or Title 30-A, section 2.

20 The fees to which judges of probate are entitled by law
21 shall in those counties where judges of probate are elected
22 officials must be taxed and collected and paid over by the
23 registers of probate to the county treasurers by the 15th day of
24 every month following the month in which they were collected for
25 the use of their counties with the exception of the fees provided
26 in section 304, which shall fees may be retained by the judge who
27 collects the same them in addition to his that judge's salary.

30 The fees to which judges of probate are entitled by law in
31 those counties for which judges of probate are appointed under
32 section 301-A, subsection 2 must be taxed, collected and paid by
33 the registers of probate to the Treasurer of State by the 15th
34 day of every month following the month in which they are
35 collected. Each register of probate shall pay to the Treasurer
36 of State 90% of the fees collected during the previous month.
37 The remaining 10% must be retained for the county by the register
38 of probate and accounted for to the county treasurer. The
39 Treasurer of State shall credit all revenue received under this
40 section to the General Fund.

42 **Sec. E-3. 4 MRSA §301-A** is enacted to read:

44 **§301-A. Full-time, appointed Probate Court Judges; regions;**
45 **salaries**

46 **1. Full-time Probate Judges.** There is established a
47 Probate Court system for the State with full-time, appointed
48 Probate Court Judges. The Probate Court Judges appointed under
49 this section are members of the Judicial Department and subject
50 to supervision under section 1.

2 This section effectuates the repeal of the Constitution of Maine,
3 Article VI, Section 6 as provided in Resolves 1967, chapter 77.
4 Elected judges of probate whose terms expire on January 1, 1995
5 and January 1, 1997 may complete these terms though Article VI,
6 Section 6 is repealed when this section becomes effective. A
7 vacancy occurring in any of these offices before the expiration
8 of the officeholder's term, whether by death, resignation or
9 otherwise, is filled by the Governor by appointment, and the
10 person serves until the expiration of the term of the
11 officeholder replaced.

12 2. Appointment. Probate Court Judges are appointed as
13 follows.

14
15 A. The Governor, subject to review by the joint standing
16 committee of the Legislature having jurisdiction over
17 judiciary matters and to confirmation by the Legislature,
18 shall appoint 3 judges to the Probate Court. The judges
19 serve from January 1, 1995 to December 31, 1996, one to
20 serve each of the following regions.

21
22 (1) Region 1 consists of Cumberland County and York
23 County.

24
25 (2) Region 2 consists of Kennebec County and
26 Androscoggin County.

27
28 (3) Region 3 consists of Franklin County, Penobscot
29 County and Hancock County.

30
31 B. Beginning on January 1, 1997, and thereafter, the
32 Probate Court Judges appointed under paragraph A shall serve
33 the following regions.

34
35 (1) The judge appointed to serve Region 1 in paragraph
36 A continues to serve Region 1 consisting of Cumberland
37 County and York County.

38
39 (2) The judge appointed to serve Region 2 in paragraph
40 A shall serve a newly described Region 3 consisting of
41 Kennebec County, Knox County, Lincoln County and Waldo
42 County.

43
44 (3) The judge appointed to serve Region 3 in paragraph
45 A shall serve a newly described Region 4 consisting of
46 Aroostook County, Hancock County, Penobscot County and
47 Washington County.

48
49 C. The Governor, subject to review by the joint standing
50 committee of the Legislature having jurisdiction over
judiciary matters and to confirmation by the Legislature,

2 shall appoint to the Probate Court after January 7, 1995,
3 one judge to begin a term in Region 2 on January 1, 1997.

4 (1) The newly described Region 2 consists of
5 Androscoggin County, Franklin County, Oxford County,
6 Piscataquis County, Sagadahoc County and Somerset
7 County.

8
9
10 3. Regions. As of January 1, 1997 the State is divided
11 into 4 probate regions with one Probate Court Judge serving each
12 region as described in subsection 1.

13 A. Region 1 consists of Cumberland County and York County.

14
15 B. Region 2 consists of Androscoggin County, Franklin
16 County, Oxford County, Piscataquis County, Sagadahoc County
17 and Somerset County.

18
19 C. Region 3 consists of Kennebec County, Knox County,
20 Lincoln County and Waldo County.

21
22 D. Region 4 consists of Aroostook County, Hancock County,
23 Penobscot County and Washington County.

24
25 4. Chief Judge. As of January 1, 1997 the Chief Justice of
26 the Supreme Judicial Court shall designate one of the Probate
27 Court Judges as Chief Judge of the Probate Court. The Chief
28 Judge of the Probate Court serves at the pleasure and under the
29 supervision of the Chief Justice of the Supreme Judicial Court
30 and is responsible for the operation of the Probate Court. The
31 Chief Judge of the Probate Court also shall perform additional
32 duties as may be assigned by the Chief Justice of the Supreme
33 Judicial Court.

34
35 The Chief Judge may assign a Probate Court Judge to hold court
36 for a temporary period in a region other than that judge's own
37 region where, in the Chief Judge's sole discretion, the judge is
38 needed.

39
40 5. Salaries. The Probate Court Judges appointed under this
41 section are entitled to receive salaries equal to those of and
42 following the periods for Superior Court Judges established in
43 section 102, subsection 2. The Chief Judge of the Probate Court
44 is entitled to receive a salary equal to 105% of the salary of a
45 Probate Court Judge. Other than for the purposes of this
46 subsection, the term "Probate Court Judge" includes the Chief
47 Judge of the Probate Court.

48
49 6. Assignments. The Probate Court Judges appointed under
50 this section may be assigned by the Chief Justice of the Supreme
51 Judicial Court to sit in the Superior Court or the District Court
52 and, when so directed, the assigned judge has authority and

2 jurisdiction in the Superior Court or the District Court as if
3 the judge were a regular judge of that court. If the Chief
4 Justice of the Supreme Judicial Court so directs, the assigned
5 judge may hear all matters and issue all orders, notices, decrees
6 and judgments that a Judge of the Superior Court or District
7 Court is authorized to hear and issue.

8 The order of the Chief Justice of the Supreme Judicial Court
9 directing a Probate Court Judge to sit in the Superior Court or
10 District Court must be filed with the executive clerk of the
11 Supreme Judicial Court but need not be docketed or otherwise
12 recorded in any case heard by that judge.

14 **Sec. E-4. 4 MRSA §304** is amended to read:

16 **§304. Equity and contested cases; time and place of hearing**

18 Judges Elected judges of probate may hold hearings for
19 matters in equity and contested cases at such time and place in
20 the county as the elected judge of probate may appoint and.
21 Probate Court Judges appointed under section 301-A may hold
22 hearings in equity and contested cases at the time and place the
23 Chief Judge of the Probate Court may appoint. Judges of probate
24 may make all necessary orders and decrees relating thereto, and
25 when hearings are held at other places than those fixed for
26 holding the regular terms of court, the elected judge shall-be is
27 allowed, in addition to his the regular salary, \$5 per day and
28 actual expenses which-shall-be paid by the State unless otherwise
29 provided by law.

30
31 **Sec. E-5. 4 MRSA §306**, as amended by PL 1965, c. 513, §5-A,
32 is further amended to read:

34 **§306. Interchange of judicial duties; expenses**

36 During the sickness, absence from the State or inability of
37 any judge of probate to hold the regular terms of his that court,
38 such terms, at his the judge's request or that of the register of
39 the county, may be held by the judge of any other county. The
40 judges may interchange service or perform each others' duties
41 when they find it necessary or convenient, and in case of a
42 vacancy in the office of a judge, all necessary terms of the
43 ~~probate-court~~ Probate Court for the county may, at the request of
44 the register, be held by the judge of another county until the
45 vacancy is filled. The orders, decrees and decisions of the judge
46 holding such terms have the same force and validity as if made by
47 the judge of the county in which such terms are held.

48
49 When any judge of probate holds court or a hearing in any
50 probate matter, or in equity, in any county other than the one in
51 which he the judge resides, such the judge shall-be is reimbursed
52 by the county in which such the court or hearing is held for his

2 expenses actually and reasonably incurred, upon presentation to
the county commissioners of said the county of a detailed
statement of such expenses.

4 This section is repealed January 1, 1997.

6 **Sec. E-6. 4 MRSA §451**, as amended by PL 1989, c. 891, Pt. A,
8 §8, is further amended to read:

10 **§451. Establishment**

12 A Judicial Council, as established by Title 5, section
14 12004-I, subsection 51, shall make a continuous study of the
organization, rules and methods of procedure and practice of the
16 judicial system of the State, the work accomplished and the
results produced by that system and its various parts. The
18 council must be composed of the Chief Justice of the Supreme
Judicial Court, who shall also serve as chair, the Attorney
General, the Chief Justice Judge of the Superior Court, the Chief
20 Judge of the District Court, the Chief Judge of the Probate Court
after January 1, 1997, the chairs of the joint standing committee
22 of the Legislature having jurisdiction over judiciary matters or
their designees, and the Dean of the University of Maine System
24 School of Law, each to serve ex officio, and an Active or Retired
Justice of the Supreme Judicial Court, one Justice Judge of the
26 Superior Court, one Judge of the District Court, one elected
Judge of a Probate Court until January 1, 1997, one appointed
28 Judge of the Probate Court after January 1, 1995, one clerk of
the judicial courts, 2 members of the bar and 6 members of the
30 public, to be appointed by the Governor. The appointments by the
Governor are for such periods, not exceeding 4 years, as the
32 Governor determines.

34 **Sec. E-7. 18-A MRSA §1-501, first ¶**, as amended by PL 1989, c.
104, Pt. C, §§8 and 10, is further amended to read:

36 Registers of probate are elected ~~or appointed as provided in~~
38 ~~the Constitution by the people of their respective counties by a~~
plurality of the votes at the biennial election on the Tuesday
40 following the first Monday of November and may hold their offices
42 for 4 years, commencing on the first day of January following
their elections. Vacancies occurring in these offices by death,
44 resignation or otherwise may be filled at the November election
following their occurrence. In the meantime, the Governor may
46 fill these vacancies by appointment and the appointed person may
hold that office until the first day of January following the
48 election. Their ~~The~~ election of a register of probate is
50 effected and determined as is provided respecting county
commissioners by Title 30-A, chapter 1, subchapter II, and they
52 enter upon the discharge of their duties on the first day of
January following; but the term of those appointed to fill
vacancies commences immediately. All registers, before acting,

2 shall give bond to the treasurer of their county with sufficient
sureties in the sum of \$2,500, except that this sum shall be is
4 \$10,000 for Cumberland County. Every register, having executed
such bond, shall file it in the office of the clerk of the county
6 commissioners of his that register's county, to be presented to
them at their next meeting for approval. After the bond has been
8 so approved, the clerk shall record it and certify the fact
thereon, and retaining a copy thereof, deliver the original to
10 the register, who shall deliver it to the treasurer of the county
within 10 days after its approval, to be filed in his the
treasurer's office.

12 **Sec. E-8. 18-A MRSA §1-603**, as amended by PL 1981, c. 40, §3,
14 is further amended to read:

16 **§1-603. Registers to account monthly for fees**

18 Registers of probate shall account for each calendar month
under oath to the county treasurers or Treasurer of State, as
20 provided in Title 4, section 301, for all fees received by them
or payable to them by virtue of the office, specifying the items,
22 and shall pay the whole amount for each calendar month to the
treasurers of their respective counties or Treasurer of State, as
24 applicable, not later than the 15th day of the following month.

26 **Sec. E-9. 30-A MRSA §2, sub-§1, ¶¶A to F**, as repealed and
replaced by PL 1991, c. 852, are amended to read:

28 A. Androscoggin County:

30 (1) Commissioners

32 (a) Chair	\$6,346	\$6,346
34 (b) Members	5,432	5,432
36 (2) Treasurer	20,396	20,396
38 (3) Sheriff	27,141	27,141
40 (4) Judge of Probate	12,319	12,319
42 (5) Register of Probate	10,400	10,400
44 (6) Register of Deeds	23,782	23,782

46 B. Hancock County:

48 (1) Commissioners

50 (a) Chair	\$7,802	\$7,802
--------------	---------	---------

52

2	(b) Members	7,281	7,281
4	(2) Treasurer	9,360	4,000
6	(3) Sheriff	32,960	32,960
8	(4) -- Judge of Probate	16,563	16,563
10	(5) Register of Probate	16,404	16,404
12	(6) Register of Deeds	17,604	17,604
14	C. Kennebec County:		
16	(1) Commissioners		
18	(a) Chair	\$7,152	\$7,152
20	(b) Members	6,744	6,744
22	(2) Treasurer	9,177	9,177
24	(3) Sheriff	33,200	33,200
26	(4) -- Judge of Probate	17,000	17,000
28	(5) Register of Probate	22,360	22,360
30	(6) Register of Deeds	23,400	23,400
32	D. Penobscot County:		
34	(1) Commissioners		
36	(a) Chair	\$8,008	\$8,008
38	(b) Members	7,644	7,644
40	(2) Treasurer	3,484	3,484
42	(3) Sheriff	32,457	32,457
44	(4) -- Judge of Probate	21,424	21,424
46	(5) Register of Probate	21,960	21,960
48	(6) Register of Deeds	20,085	20,085
50	E. Piscataquis County:		
52	(1) Commissioners		

2	(a) Chair	\$5,800	\$5,800
4	(b) Members	5,000	5,000
6	(2) Treasurer	6,600	6,600
8	(3) Sheriff	28,000	28,000
10	(4)---Judge-of-Probate	13,825	13,825
12	(5) Register of Probate	16,288	16,288
14	(6) Register of Deeds	18,000	18,000

F. Somerset County:

16	(1) Commissioners		
18	(a) Chair	\$5,302	\$5,302
20	(b) Members	4,560	4,560
22	(2) Treasurer	10,955	10,955
24	(3) Sheriff	31,466	31,466
26	(4)---Judge-of-Probate	17,713	17,713
28	(5) Register of Probate	18,692	18,692
30	(6) Register of Deeds	19,202	19,202

Sec. E-10. 30-A MRSA §2, sub-§1, ¶¶M and N, as repealed and replaced by PL 1991, c. 852, are amended to read:

M. Washington County:

36	(1) Commissioners		
38	(a) Chair	\$5,116	\$5,116
40	(b) Members	4,264	4,264
42	(2) Treasurer	12,500	12,500
44	(3) Sheriff	29,025	29,025
46	(4)---Judge-of-Probate	15,252	15,252
48	(5) Register of Probate	16,800	16,800
50	(6) Register of Deeds	16,800	16,800

2	N. York County:		
4	(1) Commissioners		
6	(a) Chair	\$4,860	\$4,860
8	(b) Members	4,860	4,860
10	(2) Treasurer	5,612	5,612
12	(3) Sheriff	30,500	30,500
14	(4) Judge of Probate	13,500	13,500
16	(5) Register of Probate	21,600	21,600
18	(6) Register of Deeds	21,600	21,600

20
22 **PART F**

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

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

30 There ~~shall be~~ is an Administrative Office of the Courts,
32 directed by a State Court Administrator who ~~shall be~~ is appointed
34 by and ~~serve~~ serves at the pleasure of the Chief Justice of the
36 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 be a person with experience
and skills in leadership, management, planning and administration.

38 **§16. Assistants and employees of State Court Administrator**

40 With the approval of the Chief Justice and within the limits
42 of appropriations made therefor, the State Court Administrator
44 may appoint such assistants and other employees and purchase or
46 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.

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

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

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

6
7 **Sec. F-3. 4 MRSA §17, sub-§1,** as enacted by PL 1975, c. 408,
8 §5-A, is amended to read:

9
10 **1. Continuous survey and study.** Carry on a continuous
11 survey and study of the organization, operation, condition of
12 business, practice and procedure of the Judicial Department and
13 The State Court Administrator shall make recommendations to the
14 Chief Justice to improve administration and management of the
15 court system, including recommendations concerning the number of
16 judges and other judicial personnel required for the efficient
17 administration of justice. ~~---Assist---in---long---and---short---range~~
18 planning;

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

20
21 **1-A. Long-range planning.** Develop and recommend to the
22 Chief Justice long-range plans for the Judicial Department and
23 operations of the courts;

24
25 **Sec. F-5. 4 MRSA §17, sub-§7, ¶C,** as enacted by PL 1975, c.
26 408, §5-A, is amended to read:

27
28 **C.** Prepare budget estimates and submissions of state
29 appropriations necessary for the maintenance and operation
30 of the Judicial Department and make appropriate
31 recommendations with-respect-thereto;

32
33 **Sec. F-6. 4 MRSA §17, sub-§7, ¶¶D and E,** as amended by PL 1983,
34 c. 269, §§3 and 9, are further amended to read:

35
36 **D.** Collect statistical and other data and make reports to
37 the Chief Justice, to the Chief Justice Judge of the
38 Superior Court and to the Chief Judge of the District Court
39 relating to the expenditures of public ~~moneys~~ money for the
40 maintenance and operation of the Judicial Department; and

41
42 **E.** Develop a uniform set of accounting and budgetary
43 accounts, based on generally accepted fiscal and accounting
44 procedures, for the Supreme Judicial Court, for the Superior
45 Court and for the District Court and serve as auditor of the
46 Judicial Department;.

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

48
49 **17. Statement of fiscal effect on judicial system.** When
50 the State Court Administrator prepares statements pertaining to
51 the State Court Administrator prepares statements pertaining to

2 the impact that executive orders and proposed legislation have
3 upon judicial system resources, including the cost to the
4 judicial system, the following requirements apply.

6 A. The State Court Administrator shall furnish the
7 statements to:

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

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

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

20 C. The statement on a particular bill or amendment prepared
21 by the State Court Administrator must be included in the
22 committee report of a bill reported out of committee if the
23 bill, as amended by the committee, has a fiscal impact on
24 the judicial system, as determined by the State Court
25 Administrator.

28 **Sec. F-8. 4 MRSA §24**, as amended by PL 1983, c. 269, §§6 and
29 9, is further amended to read:

30 **§24. Operating budgets**

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

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

50 The Judicial Department operating budget may be submitted to
51 the Legislature as one line item and may include the
52 establishment of capital accounts for the purpose of upgrading

2 facilities and major equipment. Transfers of funds among
3 accounts within the Judicial Department do not require approval
4 by the Executive Department or by the Legislature, but
5 notification of transfers of funds must be given to the joint
6 standing committee of the Legislature having jurisdiction over
7 appropriations and financial affairs within 30 days after the
8 transfer.

9
10 The State Court Administrator, subject to the approval of
11 the Chief Justice, shall prescribe the financial management
12 procedures to be used in all courts of the Judicial Department.

13 **Sec. F-9. 4 MRSA §26**, as enacted by PL 1985, c. 733, §1, is
14 repealed.

15 **Sec. F-10. 5 MRSA §1664, last ¶**, as amended by PL 1989, c. 934,
16 Pt. C, §1, is further amended to read:

17
18 Part 3 shall must embrace complete drafts or summaries of
19 the budget bills, the legislative measures required to give legal
20 sanction to the financial plan when adopted by the Legislature.
21 These bills shall must include General Fund appropriation bills
22 and allocation bills for the following: Highway Fund, Federal
23 Revenue Sharing Fund, Coastal Protection Fund, Maine Nuclear
24 Emergency Planning Fund and for the administrative expenses of
25 the Bureau of Alcoholic Beverages and the State Liquor
26 Commission, authorizing expenditures for each fiscal year of the
27 ensuing biennium and such other bills as may be required to
28 provide the income necessary to finance the budget. Bills
29 setting forth appropriations or allocations for the Legislature
30 and the Judicial Department must include the full budget request
31 as submitted to the Governor by each of those branches of State
32 Government, as well as the Governor's recommendation for each.

33 **Sec. F-11. 5 MRSA Pt. 27** is enacted to read:

34
35 **PART 27**

36
37 **INTERBRANCH COMMUNICATION AND COORDINATION**

38
39 **CHAPTER 555**

40
41 **INTERBRANCH COMMUNICATION AND COORDINATION**

42
43 **§21201. Findings**

44
45 The Legislature finds that difficulties in interactions
46 among the Executive Department, the Legislature and the Judicial
47 Department often arise from the lack of understanding of the
48 functions, structures, needs and perspectives of the 3 separate
49 but coequal branches of government. Increased communication and
50 coordination in daily activities as well as in long-range
51 coordination in daily activities as well as in long-range
52 coordination in daily activities as well as in long-range

2 planning are possible to improve the effectiveness and efficiency
3 of all 3 branches without the imposition of the views or
4 directions of one or 2 branches upon another.

6 **§21202. Interbranch forum**

8 1. Annual interbranch forum. Beginning in February 1994
9 and at least every year thereafter, the Chief Justice of the
10 Supreme Judicial Court, the Governor, the President of the Senate
11 and the Speaker of the House of Representatives shall jointly
12 convene an interbranch forum.

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

20 A. Integrated system of communication;

22 B. Technology plan;

24 C. Long-range planning; and

26 D. Allocation and use of resources.

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

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

34 **PART G**

36 **Sec. G-1. Nonlawyer assistance study.** The Joint Standing
37 Committee on Judiciary shall conduct a study in consultation with
38 the Supreme Judicial Court, which has the inherent power over the
39 practice of law in the courts, to explore the use of nonlawyers
40 to handle certain matters in court.

42 **1. Duties.** The committee shall:

44 **A.** Consider the use of nonlawyers in family law matters and
45 in handling protection from abuse and from harassment as
46 well as any other civil or criminal matters that the
47 committee determines appropriate for inclusion in the study;

48 **B.** Consider and make any necessary recommendations
49 regarding training for nonlawyers providing assistance in
50 court; and

52

2 C. Solicit and receive comments from providers of legal
3 services; providers of assistance and support for
4 participants in the legal process, including those from
5 domestic violence shelters; providers of legal services and
6 assistance to the Tribal Courts of the Passamaquoddy Tribe
7 and the Penobscot Nation; organizations providing legal
8 services or representing providers of legal services; and
9 any other persons the committee determines appropriate.

10 **2. Report and recommendations.** The committee shall report
11 its recommendations to the Second Regular Session of the 116th
12 Legislature and the Executive Director of the Legislative Council
13 no later than January 15, 1994. The report also must include
14 recommendations and any legislation necessary to carry out the
15 recommendations. The report also must include a discussion on
16 the effect of nonlawyer assistance on resources, including but
17 not limited to financial resources of the State and participants
18 in the legal process.

19 **3. Compensation.** The members of the committee are entitled
20 to receive the legislative per diem, as defined in the Maine
21 Revised Statutes, Title 3, section 2 for each day's attendance at
22 committee meetings and are entitled to receive reimbursement for
23 expenses upon application to the Executive Director of the
24 Legislative Council.

25 **4. Costs.** The Legislature absorbs the costs of the study
26 and the report within existing resources.

27 **Sec. G-2. Indigency screening and indigent representation study.**
28 The Joint Standing Committee on Judiciary shall conduct a study
29 in consultation with the Supreme Judicial Court concerning
30 indigency screening and representation for indigent parties.

31 **1. Duties.** The committee shall:

32 **A.** Examine the practices used in the State and elsewhere in
33 indigency screening and in providing legal representation
34 services for the indigent;

35 **B.** Seek information and comments from legal services
36 providers, criminal defense attorneys, prosecutors and the
37 Maine Criminal Justice Commission;

38 **C.** Consider the use of local variations in the utilization
39 of a public defender, contracted services and the court
40 appointment system;

41 **D.** Delineate the existing deficiencies and strengths of
42 current practices in the State;

2 E. Design a program to provide for screening of persons
potentially eligible for services and filing procedures
4 based on indigency. The program must be administered
independently of the Judicial Department;

6 F. Design a program to provide legal representation
services for persons eligible for such services based on
8 their indigency;

10 G. Develop an implementation process and schedule for each
program;

12 H. Develop a funding plan covering each program; and

14 I. Prepare legislation providing for the necessary
16 statutory changes and the funding plan.

18 2. **Compensation.** The members of the committee are entitled
to the legislative per diem, as defined in the Maine Revised
20 Statutes, Title 3, section 2, for each day's attendance at
committee meetings and shall receive reimbursement for expenses
22 upon application to the Executive Director of the Legislative
Council.

24 3. **Costs.** The Legislature absorbs the costs of the study
26 and the report within existing resources.

28 4. **Report.** The committee shall submit a written report,
together with any recommended legislation, to the Second Regular
30 Session of the 116th Legislature and the Executive Director of
the Legislative Council no later than January 15, 1994.

32
34 **STATEMENT OF FACT**

36 This bill contains all but 2 of the legislative
recommendations of the Commission to Study the Future of Maine's
38 Courts, established by Public Law 1989, chapter 891, Part B.
Separate pieces of legislation contain the recommendations
40 amending the Constitution and establishing a temporary commission
to assist in the implementation of the recommendations.

42 Part A addresses access issues and requires language
44 interpreters to be appointed when a personal or property interest
is at stake.

46 Part B addresses the issue of alternative dispute
48 resolution. It adds negotiated rulemaking and alternative means
of dispute resolution to the Maine Administrative Procedure Act.
50 It also establishes the Interim Advisory Committee on Alternative
Dispute Resolution in the Public Sector. The Advisory Committee
52 will provide short-term assistance to state, municipal and other

2 governmental entities in developing plans and policies for
dispute resolution. General Fund money is not authorized to fund
the committee.

4
6 Part C addresses issues identified by the commission as
involved with trial and case management. A new section is
adopted that specifically requires prosecutors to inform victims
8 about the progress of the case. Prosecutors also are required to
inform the court about the victim's involvement in the case.

10
12 Also included in Part C is the requirement that, if the
Constitution is amended to delete the grand jury requirement in
noncapital cases, the Attorney General must monitor the effects
14 of that repeal and report back to the Joint Standing Committee on
Judiciary.

16
18 Part D of the bill addresses issues concerning court
structure. It abolishes the resident judge system of the
District Court, provides for the equalization of District Court
and Superior Court salaries by 1998 and retitles Superior Court
20 justices as judges, so that all trial judges have the same
title. It also expands the Family Court project. The
22 Administrative Court is abolished and the appellate functions are
taken over by the Superior Court, while the District Court will
24 handle all other cases. An administrative docket will be
established in the District Court to maintain the efficiency and
26 effectiveness of the current Administrative Court within the
District Court. The current Administrative Court Judge is
28 transferred to the Superior Court and the Associate
Administrative Court Judge is transferred to the District Court.

30
32 Part D specifically authorizes the Supreme Judicial Court to
establish an Appellate Division within the Superior Court. It
34 also increases the jurisdictional limit in Small Claims Court to
\$3,000.

36
38 Part E of the bill revises the Probate Court system. By
1997, there will be four full-time, regional Probate Court Judges
appointed by the Governor and confirmed by the Senate. Registers
40 of probate will remain elected county officials in each county.

42
44 Part F of this bill addresses court administration issues
and ensures appropriate treatment of the Judicial Department as a
separate branch of government on equal footing with the
Legislature and the Executive Branch. Specifically, this bill
46 increases the qualifications of the State Court Administrator and
requires more management and planning activities on the
48 administrator's part. It also addresses the preparation and
presentation of the Judicial Department budget. Judicial impact
statements are required for appropriate pieces of legislation and
50 executive orders. In addition, Part F establishes an interbranch

forum as a method of ensuring communication and coordination
among the 3 branches of government.

Part G establishes two legislative studies to be undertaken
by the Joint Standing Committee on Judiciary. One explores the
use of nonlawyers in providing assistance to people in court.
The other looks at screening of indigent parties and
representation of those parties determined to be indigent.

The full recommendations of the Commission to Study the
Future of Maine's Courts are contained in the commission's final
report New Dimensions of Justice, February 28, 1993.