

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 1371

S.P. 441

In Senate, May 3, 1993

**An Act to Implement the Recommendations of the Special Commission
on Governmental Restructuring Pertaining to the Judicial Branch.**

(AFTER DEADLINE)

Submitted by the Judicial Department and approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 24 and 27.

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CONLEY of Cumberland.
Cosponsored by Representative: LIPMAN of Augusta.

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

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

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

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

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

20 With the approval of the Chief Justice and within the limits
22 of appropriations made ~~therefor~~, the State Court Administrator
24 may appoint such assistants and other employees and purchase or
26 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.

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

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

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

38 Sec. 3. 4 MRSA §17, sub-§1, as enacted by PL 1975, c. 408,
40 §5-A, is amended to read:

42 1. **Continuous survey and study.** Carry on a continuous
44 survey and study of the organization, operation, condition of
46 business, practice and procedure of the Judicial Department and
48 The State Court Administrator shall make recommendations to the
Chief Justice to improve administration and management of the
court system, including recommendations concerning the number of
judges and other judicial personnel required for the efficient
administration of justice,--Assist--in--long--and--short--range
planning;

2 The bill places all administrative personnel in the Judicial
3 Department under the supervision of the State Court Administrator
4 and requires the State Court Administrator to make
5 recommendations to the Chief Justice of the Supreme Judicial
6 Court for the improvement of the administration and management of
7 the court system. The State Court Administrator is also required
8 to develop and recommend to the Chief Justice a long-range plan
9 for the Judicial Department and the operation of the courts.

10 The bill also requires the Governor, when preparing budget
11 bills for submission to the Legislature, to include the full
12 budget requests made by the Judicial Department as well as the
13 Governor's budget recommendations for the Judicial Department.

14 The bill repeals the Maine Revised Statutes, Title 4,
15 section 26, which requires the Judicial Department to use
16 executive branch central office services, such as expenditure
17 controls, to permit the Judicial Department to maintain control
18 over its own expenditures.