

MAINE STATE LEGISLATURE

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R 257

L.D. 2563

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MINORITY JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
SECOND REGULAR SESSION

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COMMITTEE AMENDMENT "B" to H.P. 1829, L.D. 2563, Bill, "An Act to Implement the Recommendations of the Court Unification Task Force"

24

Amend the bill by inserting after the enacting clause and before section 1 the following:

26

'Sec. 1. 4 MRSA c. 1, sub-c. I-F is enacted to read:

28

SUBCHAPTER I-F

30

COURT UNIFICATION OVERSIGHT COMMITTEE

32

§41. Court Unification Oversight Committee

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38

The Court Unification Oversight Committee is established to supervise and monitor all the parts of the unification program recommended by the court unification task force pursuant to Resolve 1997, chapter 107.

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42

1. Membership. The Chief Justice of the Supreme Judicial Court may appoint judges, clerks, attorneys and members of the public to serve as members of the Court Unification Oversight Committee.

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46

2. Ongoing goals. The Court Unification Oversight Committee shall identify from time to time additional ongoing goals for unifying the District Court and Superior Court.

48

3. Workload. The Court Unification Oversight Committee shall monitor the workload of judges and clerks, paying

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2 particular attention to the workload in the District Court
3 clerks' offices.

4 4. Annual report. The Court Unification Oversight
5 Committee shall report by January 15, 2001 and annually
6 thereafter to the Supreme Judicial Court and the joint standing
7 committee of the Legislature having jurisdiction over judiciary
8 matters on:

10 A. The implementation of the recommendations of the court
11 unification task force;

12 B. The identification and implementation of additional
13 ongoing goals;

16 C. The degree to which the implementation of each of the
17 court unification task force's recommendations has achieved
18 the intended purpose of better service to the public;

20 D. How the implementation has affected the workload of the
21 courts, including the effects on the clerks' offices; and

22 E. Any other information the committee determines
23 appropriate.'

26 Further amend the bill by striking out all of sections 3 and
27 4 and inserting in their place the following:

28 'Sec. 3. 4 MRSA §152, as amended by PL 1999, c. 547, Pt. A,
29 §1 and Pt. B, §§5 and 6 and affected by §80, is further amended
30 to read:

31 **§152. District Court; civil jurisdiction**

32 The District Court shall--have has jurisdiction² in the
33 following civil matters:

34 1. **Jurisdiction exercised by trial justices and municipal**
35 **courts.** The civil jurisdiction exercised by all trial justices
36 and municipal courts in the State on September 16, 1961;

37 2. **Civil actions for money damages.** Original jurisdiction,
38 concurrent with that of the Superior Court, of all civil actions
39 when no equitable relief is demanded ~~and the damages claimed do~~
40 ~~not exceed \$30,000,~~ except those actions for which exclusive
41 jurisdiction is vested in the Superior Court by statute;

42 3. **Civil actions to enforce liens.** Original jurisdiction,
43 concurrent with the Superior Court, of all civil actions to
44 enforce liens under Title 10, chapter 603 and under Title 35
45

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COMMITTEE AMENDMENT "b" to H.P. 1829, L.D. 2563

2 35-A, section 316 706, and the court shall determine the amount
pursuant to Title 10, section 3258;

4 **4. Exclusive jurisdiction.** Original jurisdiction, not
6 concurrent with that of the Superior Court, of mental health
commitment hearings under Title 34 34-B, chapter 229 3,
8 subchapter IV, mental retardation certification hearings under
Title 34 34-B, chapter 229 5, habitual truancy actions under
10 Title 20-A, chapters 119 and 211 under which equitable relief may
be granted and small claims actions under Title 14, chapter 738;
and

12
14 **5. Other actions.** Original jurisdiction, concurrent with
that of the Superior Court, of the following types of actions,
and in these actions the District Court may grant equitable
16 relief:

18 ~~A. Actions for divorce, annulment of marriage or judicial~~
~~separation and proceedings under Title 19-A;~~

20 B. Actions to quiet title to real estate under Title 14,
22 sections 6651 to 6658;

24 C. Actions to quiet title to real estate under Title 36,
section 946;

26 D. Actions for breach of implied warranty and covenant of
28 habitability under Title 14, section 6021;

30 E. Actions to foreclose mortgages under Title 14, chapter
713, subchapter VI;

32 F. Actions for restitution under Title 5, section 213;

34 G. Actions for illegal evictions under Title 14, section
36 6014;

38 H. Actions for the foreclosure of mortgages of real and
40 personal property and for redemption of estates mortgaged;

42 I. Actions to compel the specific performance of written
contracts and to cancel and compel the discharge of written
44 contracts, whether under seal or otherwise, when full
performance or payment has been made to the contracting
46 party;

48 J. Actions for relief in cases of fraud, duress, unjust
enrichment, trust, accident or mistake;

50 K. Actions concerning nuisance and waste;

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2 L. Actions concerning partnership, and between partners or
4 part owners of vessels and of other real and personal
6 property to adjust all matters of the partnership and
8 between the part owners, compel contribution, make final
decrees and enforce their decrees by proper process in cases
where all interested persons within the jurisdiction of the
court are made parties;

10 ~~M. Actions to hear and determine property matters between~~
12 ~~spouses as provided in Title 19-A, section 806 and to make~~
14 ~~all necessary orders and decrees relating to these matters,~~
~~to issue all necessary process to enforce the orders and~~
~~decrees and to cause all the orders and decrees to be~~
~~enforced;~~

16 N. Civil actions for redelivery of goods or chattels taken
18 or detained from the owner and secreted or withheld so that
20 the goods or chattels cannot be replevied, and in civil
22 actions by creditors to reach and apply in payment of a debt
24 any property, right, title or interest, legal or equitable,
of a debtor or debtors, which cannot be attached on writ or
taken on execution in a civil action, and any property or
interest conveyed in fraud of creditors;

- 26 O. Actions in which the pleading demands a judgment:
- 28 (1) To exclude a person from a vested or contingent
30 interest in or lien upon specific property within the
State;
 - 32 (2) That a vested or contingent interest in or lien
34 upon specific property within the State be enforced;
 - 36 (2-A) That real property be partitioned by sale; or
 - 38 (3) Otherwise affecting title to any real property;

40 P. Actions to compel the compliance with court orders
42 including the right to appoint persons to sign instruments
as provided for in the Maine Rules of Civil Procedure;

44 Q. Actions in which the equitable relief is sought through
46 an equitable defense, a counterclaim, a cross-claim or other
responsive pleading or reply permitted by the Maine Rules of
Civil Procedure; and

48 R. Actions to enforce access to health care under Title 22,
50 section 1715.

COMMITTEE AMENDMENT

Nothing in this subsection may be construed to affect the right of any party to remove an action to the Superior Court in accordance with the Maine Rules of Civil Procedure.

6-A. Environmental laws. Original jurisdiction, concurrent with that of the Superior Court, to grant equitable relief and impose penalties in proceedings involving alleged violations of a local environmental ordinance or regulation or a state environmental law or rule, including, but not limited to, the following:

A. The laws pertaining to the Maine Land Use Regulation Commission, Title 12, chapter 206-A;

B. The minimum lot size law, Title 12, sections 4807 to 4807-G;

C. Shoreland zoning ordinances enacted under Title 30-A, section 3001, and in accordance with Title 38, sections 435 to 446 and section 449;

D. The plumbing and subsurface waste water disposal rules adopted by the Department of Human Services under Title 22, section 42;

E. Laws pertaining to public water supplies, Title 22, sections 2642, 2647 and 2648 chapter 601, subchapter IV;

F. Local ordinances enacted under Title 22, section 2642, and in accordance with Title 30-A, section 3001;

G. Local land use ordinances enacted under Title 30-A, section 3001;

H. Local building codes adopted pursuant to Title 30-A, section 3001, and in accordance with Title 30-A, chapter 185, subchapter I;

I. Automobile junkyards, Title 30-A, chapter 183, subchapter I;

J. Regulation and inspection of plumbing, Title 30-A, chapter 185, subchapter III;

K. Malfunctioning domestic waste water disposal units, Title 30-A, section 3428;

L. The subdivision law, Title 30-A, chapter 187, subchapter IV; local subdivision ordinances enacted under Title 30-A,

2 section 3001; and subdivision regulations adopted under
Title 30-A, section 4403;

4 M. Local zoning ordinances enacted under Title 30-A,
6 section 3001, and in accordance with Title 30-A, section
4352;

8 N. All laws administered by the Department of Environmental
10 Protection, Title 38, chapters 2 to 16;

12 O. Local ordinances regarding air pollution control enacted
pursuant to Title 38, section 597; and

14 P. The laws pertaining to harbors in Title 38, chapter 1,
16 subchapter I; local harbor ordinances adopted in accordance
with Title 38, section 7 and regulations adopted by
18 municipal officers pursuant to Title 38, section 2-2

20 **8. Consent to minor's abortion.** Original jurisdiction,
concurrent with that of the Probate Court, to grant equitable
22 relief in proceedings brought under Title 22, section 1597-A;

24 **9. Licensing jurisdiction.** Except as provided in Title 5,
section 10004; Title 8, section 279-B; Title 10, section 8003,
26 subsection 5; Title 20-A, sections 10712 and 10713; Title 29-A;
Title 32, chapters 105 and 114; and Title 35-A, section 3132,
28 exclusive jurisdiction upon complaint of an agency or, if the
licensing agency fails or refuses to act within a reasonable
30 time, upon complaint of the Attorney General to revoke or suspend
licenses issued by the agency. The District Court has original
32 jurisdiction upon complaint of a licensing agency to determine
whether renewal or reissuance of a license of that agency may be
34 refused. The District Court has original concurrent jurisdiction
to grant equitable relief in proceedings initiated by an agency
36 or the Department of the Attorney General alleging any violation
of a license or licensing laws or rules.

38 Notwithstanding any other provisions of law, a licensing agency
40 may not reinstate or otherwise affect a license suspended,
revoked or modified by the District Court pursuant to a complaint
42 filed by the Attorney General without the approval of the
Attorney General; and

44 **10. Appellate jurisdiction.** Exclusive jurisdiction to
46 review disciplinary decisions of occupational licensing boards
and commissions taken pursuant to Title 10, section 8003. Title
48 5, chapter 375, subchapter VII governs this procedure as far as
applicable, substituting "District Court" for "Superior Court";

A.S.

2 11. Actions for divorce, separation or annulment. Original
4 jurisdiction, concurrent with the Superior Court, of actions for
6 divorce, annulment of marriage or judicial separation and
8 proceedings under Title 19-A, except as otherwise specifically
10 provided.

12 Actions for divorce, annulment or separation pending in the
14 Superior Court may be transferred, upon agreement of the parties,
16 from the Superior Court to the District Court in accordance with
18 rules adopted by the Supreme Judicial Court. An action so
20 transferred remains in the District Court, which has exclusive
22 jurisdiction thereafter, subject to the rights of appeal to the
24 Law Court as to matters of law;

26 12. Property matters between spouses. Original
28 jurisdiction, concurrent with the Superior Court, of actions to
30 hear and determine property matters between spouses as provided
32 in Title 19-A, section 806 and to make all necessary orders and
34 decrees relating to these matters, to issue all necessary process
36 to enforce the orders and decrees and to cause all the orders and
38 decrees to be enforced. This subsection does not apply to or
40 affect actions initiated in the Superior Court before the
42 effective date of this subsection;

44 13. Desertion and nonsupport. Jurisdiction over complaints
46 for desertion and nonsupport or nonsupport of dependents in the
48 district where either the spouse, the dependent or the respondent
50 resides; and

14. Civil violations. Jurisdiction over all civil
violations, as provided in Title 17-A, section 9, and traffic
infractions.

~~Actions--for--divorce,--annulment--or--separation--may--be~~
~~remanded,--upon--agreement--of--the--parties,--from--the--Superior--Court~~
~~to--the--District--Court--in--accordance--with--rules--promulgated--by--the~~
~~Supreme--Judicial--Court.--An--action--so--remanded--shall--remain--in--the~~
~~District--Court,--which--shall--have--exclusive--jurisdiction~~
~~thereafter,--subject--to--the--rights--of--appeal--to--the--Superior--Court~~
~~as--to--matters--of--law.~~

~~The--District--Court--possesses--the--criminal--jurisdiction~~
~~exercised--by--all--trial--justices--and--municipal--courts--in--the--State~~
~~on--September--16,--1961,--except--as--provided--in--Title--29--A,--section~~
~~2602.~~

~~The--District--Court--shall--also--possess,--concurrent--with--the~~
~~Superior--Court,--original--jurisdiction--to--receive--pleas--of--guilty~~
~~in--criminal--cases--in--which--the--maximum--term--of--imprisonment--to~~
~~which--the--defendant--may--be--sentenced--upon--conviction--of--that~~

COMMITTEE AMENDMENT

~~crime-is-one-year-or-more-in-which-the-defendant-has-in-writing
waived--the-defendant's-right-to-indictment-by-grand-jury-and-the
defendant's-right-to-appearance-and-trial-in-the-Superior-Court
and-has-indicated-the-defendant's-intention-to-enter-a-plea-of
guilty--to--the--charges--pending--against--the--defendant.--When
exercising-such-jurisdiction--the-District-Court-shall-possess
all-of-the-powers-of-the-Superior-Court.--That-jurisdiction-shall
be-exercised-in-the-manner-which-the-Supreme-Judicial-Court-shall
by-rule-provide.--Any-person-sentenced-under-this-section-shall-be
entitled-to-the-rights-provided-by-Title-15,-chapter-306.'~~

Further amend the bill by striking out all of section 6.

Further amend the bill by striking out all of section 19 and inserting in its place the following:

'Sec. 19. 15 MRSA §2115-A, sub-§2-A, as enacted by PL 1987, c. 234, §1, is repealed and the following enacted in its place:

2-A. Appeal from adverse decision of the Superior Court sitting as an appellate court relative to an aggrieved defendant's appeal from the denial of a Rule 35 motion in District Court. If a defendant's appeal to the Superior Court sitting as an appellate court relative to a motion for correction or reduction of a sentence brought in District Court under Rule 35 of the Maine Rules of Criminal Procedure is granted in whole or in part, an appeal may be taken by the State from the adverse decision of the Superior Court to the Law Court.'

Further amend the bill by striking out all of sections 22 and 23.

Further amend the bill by striking out all of sections 28 to 39 and section 41.

Further amend the bill by inserting after section 42 the following:

'Sec. 43. Court Unification Oversight Committee; initial assessments and recommendations. The Court Unification Oversight Committee shall report by January 15, 2001 to the Supreme Judicial Court and the joint standing committee of the Legislature having jurisdiction over judiciary matters with assessments of and recommendations concerning the following:

1. Abbreviated and expedited appeal. Reporting progress on implementing an abbreviated and expedited appeal from the District Court to the Law Court in appropriate cases;

2. Shared docket. Operation of the shared docket; and

2 **3. Workload.** Workload of the District Court and Superior
4 Court clerks, judges and justices.

6 This section takes effect 90 days after adjournment of the
8 Second Regular Session of the 119th Legislature.

8 **Sec. 44. Appropriation.** The following funds are appropriated
10 from the General Fund to carry out the purposes of this Act.

2000-01

12 **JUDICIAL DEPARTMENT**

14 **Courts - Supreme, Superior,**
16 **District and Administrative**

18	Positions - Legislative Count	(9,000)
	Personal Services	\$380,705
20	All Other	58,167

22 Provides funds for 5 Law Clerk positions,
24 one Staff Attorney position and 3 Judicial
26 Secretary positions and related expenses to
implement the recommendations of the court
unification task force.

28 **JUDICIAL DEPARTMENT**
30 **TOTAL**

\$438,872

32 **Sec. 45. Effective date.** This Act takes effect January 1, 2001,
except that:

34 1. That section of this Act that amends the Maine Revised
36 Statutes, Title 4, section 152, subsections 9 and 10 takes effect
March 15, 2001;

38 2. That section of this Act that enacts the Maine Revised
40 Statutes, Title 4, chapter 1, subchapter 1-F takes effect 90 days
42 after adjournment of the Second Regular Session of the 119th
Legislature;

44 3. That section of this Act that charges the Court
46 Unification Oversight Committee with making initial assessments
and recommendations takes effect 90 days after adjournment of the
Second Regular Session of the 119th Legislature; and

RMS

2 4. That section of this Act that appropriates funds from
the General Fund takes effect 90 days after adjournment of the
Second Regular Session of the 119th Legislature.

4
6 Further amend the bill by relettering or renumbering any
nonconsecutive Part letter or section number to read
consecutively.

8
10 Further amend the bill by inserting at the end before the
summary the following:

12
14 **FISCAL NOTE**

2000-01

16
18 **APPROPRIATIONS/ALLOCATIONS**

20 General Fund \$438,872

22 This bill includes a General Fund appropriation of \$438,872
in fiscal year 2000-01 for the Judicial Department for 5 Law
24 Clerk positions, one Staff Attorney position and 3 Judicial
Secretary positions and related expenses to implement the
26 recommendations of the court unification task force. The
estimated future General Fund appropriations required to fund the
28 full year costs will be approximately \$440,000 annually beginning
in fiscal year 2001-02.'

30
32 **SUMMARY**

34 This amendment is the minority report of the Joint Standing
Committee on Judiciary. As does the majority report, this makes
36 technical changes concerning the wording of the District Court's
civil jurisdiction, authorizes an appeal from the Superior Court
38 to the Law Court for a specific set of facts, makes corrections
consistent with Public Law 1999, chapter 547 and establishes the
40 Court Unification Oversight Committee. The Court Unification
Oversight Committee is charged with overseeing the implementation
42 of the recommendations of the court unification task force. It
is also required to review and report on specific issues annually
44 to the joint standing committee of the Legislature having
jurisdiction over judiciary matters. In the first annual report,
46 the Court Unification Oversight Committee must make assessments
and recommendations on workload, an abbreviated and expedited
48 appeal process from the District Court to the Law Court and the
shared docket.

COMMITTEE AMENDMENT "b" to H.P. 1829, L.D. 2563

2 This amendment differs from the majority report in that it
does not eliminate the family law jurisdiction of the Superior
Court.

4
6 The provisions concerning the Court Unification Oversight
Committee and the appropriation section take effect 90 days after
adjournment of the Second Regular Session of the 119th
8 Legislature.

10 Additional changes are made to the section amending the
Maine Revised Statutes, Title 4, section 152, and an effective
12 date provision is added to reflect enactment of Public Law 1999,
chapter 547.

14
16 The rest of the changes in the bill, as amended, take effect
January 1, 2001.

18 This amendment also adds a fiscal note.