

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 559

H.P. 438

House of Representatives, February 6, 2001

**An Act to Provide Uniformity and Consistency in the Appeals from the
Trial Courts to the Law Court.**

Submitted by the Judicial Department pursuant to Joint Rule 204.
Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative LaVERDIERE of Wilton.

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

2 **Sec. 1. 14 MRSA §52, first ¶**, as enacted by PL 1987, c. 646,
4 §1, is amended to read:

6 No dollar amount or figure may be included in the demand in
8 any civil case ~~filed in Superior Court~~, but the prayer shall must
10 be for such damages as are reasonable in the premises. This
12 section shall does not apply to a demand for liquidated damages.

12 **Sec. 2. 14 MRSA §1851, first ¶**, is amended to read:

14 For all purposes for which an exception has heretofore been
16 necessary in civil cases, it is sufficient that a party, at the
18 time the order or ruling of the court is made or sought, makes
20 known to the court the action ~~which he~~ that the party desires the
22 court to take or ~~his~~ the party's objection to the action of the
24 court and ~~his~~ the grounds ~~therefor~~ for the objection. If a party
26 has no opportunity to object to a ruling or order, the absence of
an objection does not thereafter prejudice ~~him~~ that party. In any
civil case any party aggrieved by any judgment, ruling or order
may appeal therefrom to the law court ~~within 30 days or such~~
~~further time as may be granted by the court pursuant to a rule of~~
~~court. The time for taking the appeal and the manner and any~~
~~conditions for the taking of the appeal are as the Supreme~~
~~Judicial Court provides by rule.~~

28 **Sec. 3. 14 MRSA §1901, sub-§1**, as amended by PL 1999, c. 731,
30 Pt. ZZZ, §7 and affected by §42, is further amended to read:

32 **1. Appeals from District Court.** Except as provided in
34 subsection 3 or by court rule, an appeal may be taken from the
36 District Court to the Supreme Judicial Court sitting as the Law
38 Court ~~within 30 days after judgment. Within those 30 days, the~~
~~appellant must pay to the court the required fees for the appeal~~
~~and in that case no execution issues and the clerk may enter the~~
~~appeal in the Law Court as a new entry. The time for taking the~~
~~appeal and the manner and any conditions for the taking of the~~
~~appeal are as the Supreme Judicial Court provides by rule.~~

40 **Sec. 4. 15 MRSA §2115-A, sub-§4**, as amended by PL 1995, c. 47,
42 §2, is further amended to read:

44 **4. Time.** An ~~The time for taking and the manner and any~~
46 ~~conditions for the taking of an~~ appeal taken pursuant to
48 ~~subsection 1, 2, 2-A or 2-B must be taken within 20 days after~~
~~the entry of the order or such further time as may be granted by~~
~~the court pursuant to a rule of court~~ are as the Supreme Judicial
50 Court provides by rule, and an appeal taken pursuant to
subsection 1 must also be taken before the defendant has been

2 placed in jeopardy. An appeal taken pursuant to this subsection
must be diligently prosecuted.

4 **Sec. 5. 30-A MRSA §6111, sub-§5**, as amended by PL 1989, c.
104, Pt. C, §§8 and 10, is further amended to read:

6
8 **5. Appeal to Law Court.** Any party aggrieved by the finding
of the Superior Court may appeal ~~within 30 days~~ to the Supreme
10 Judicial Court. The time for taking the appeal and the manner
and any conditions for the taking of the appeal are as the
12 Supreme Judicial Court provides by rule. The judgment of the
Superior Court is binding upon all parties unless appealed under
14 this subsection.

16 SUMMARY

18 The bill deletes a reference to the Superior Court in the
provision governing ad damnum clauses because most civil actions
20 can now be filed in either the District or Superior Court. The
bill provides greater uniformity and consistency in the appeal
22 process for civil cases by allowing the Supreme Judicial Court to
set the time periods and conditions for direct appeals from the
24 District and Superior Courts to the Law Court. Statutes
regarding appeals by criminal defendants already provide that
26 time periods and manner of appeal are set by rule.