

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 952

H.P. 732

House of Representatives, February 20, 2001

An Act to Correct Errors in the Laws Regarding Court Unification.

(EMERGENCY)

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.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4
6 **Whereas,** in Public Law 1999, chapter 731, the 119th
Legislature enacted legislation concerning court unification; and

8 **Whereas,** that legislation inadvertently eliminated the
jurisdiction of a single Justice of the Supreme Judicial Court to
10 sit on the Superior Court; and

12 **Whereas,** it is essential to correct this error immediately;
and

14
16 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
18 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

22 **Sec. 1. 4 MRSA §2-A,** as enacted by PL 1997, c. 683, Pt. E,
24 §1, is amended to read:

26 **§2-A. Justice of the Supreme Judicial Court to sit in Superior
Court, District Court, Administrative Court**

28
30 The Chief Justice of the Supreme Judicial Court may assign a
Justice or Active Retired Justice of the Supreme Judicial Court
to sit in the Superior Court, the District Court or the
32 Administrative Court, and when so directed the justice has
authority and jurisdiction in the Superior Court, the District
34 Court or the Administrative Court as if the justice were a
regular justice or judge of that court. When assigned under this
36 section, the justice may hear all matters and issue all orders,
notices, decrees and judgments that any Justice of the Superior
38 Court or Judge of the District Court or the Administrative Court
is authorized to hear and issue.

40
42 The order of the Chief Justice of the Supreme Judicial Court
directing a Justice or an Active Retired Justice of the Supreme
Judicial Court to sit in the Superior Court, the District Court
44 or the Administrative Court must be filed with the Executive
Clerk of the Supreme Judicial Court, but need not be docketed or
46 otherwise recorded in any case heard by that justice.

48 **Sec. 2. 4 MRSA §2-A,** as amended by PL 1999, c. 547, Pt. B, §1
and affected by §80, is further amended to read:

2 **§2-A. Justice of the Supreme Judicial Court to sit in Superior
3 Court, District Court**

4 The Chief Justice of the Supreme Judicial Court may assign a
5 Justice or Active Retired Justice of the Supreme Judicial Court
6 to sit in the Superior Court or the District Court, and when so
7 directed the justice has authority and jurisdiction in the
8 Superior Court or the District Court as if the justice were a
9 regular justice or judge of that court. When assigned under this
10 section, the justice may hear all matters and issue all orders,
11 notices, decrees and judgments that any Justice of the Superior
12 Court or Judge of the District Court is authorized to hear and
13 issue.

14
15 The order of the Chief Justice of the Supreme Judicial Court
16 directing a Justice or an Active Retired Justice of the Supreme
17 Judicial Court to sit in the Superior Court or the District Court
18 must be filed with the Executive Clerk of the Supreme Judicial
19 Court, but need not be docketed or otherwise recorded in any case
20 heard by that justice.

21 **Sec. 3. Effective date.** That section of this Act that amends
22 the Maine Revised Statutes, Title 4, section 2-A, as amended by
23 Public Law 1999, chapter 547, Part B, section 1 and affected by
24 section 80, takes effect March 15, 2001.

25 **Emergency clause.** In view of the emergency cited in the
26 preamble, this Act takes effect when approved, except as
27 otherwise indicated.
28
29

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31 **SUMMARY**

32
33 **34** Public Law 1999, chapter 731, Part ZZZ, section 3,
35 concerning court unification, repealed and replaced the Maine
36 Revised Statutes, Title 4, section 105, providing for the civil
37 jurisdiction of the Superior Court. That legislation eliminated
38 the jurisdiction of a single Justice of the Supreme Judicial
39 Court to sit in the Superior Court. Title 4, section 2-A
40 presently provides for the Chief Justice of the Supreme Judicial
41 Court to assign a justice or active retired justice to sit in the
42 District Court and the Administrative Court until March 15, 2001,
43 and the District Court effective March 15, 2001. Instead of
44 amending Title 4, section 105 to correct the inadvertent error in
45 the court unification legislation, this bill places in Title 4,
46 section 2-A the authority of the Chief Justice of the Supreme
47 Judicial Court to appoint a single Justice of the Supreme
48 Judicial Court to sit in the Superior Court.