

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 250

H.P. 189

House of Representatives, January 18, 2005

### **An Act To Make Technical Corrections to Maine's Appellate Jurisdiction Laws Concerning Involuntary Hospitalization**

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Reference to the Committee on Judiciary suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative SHERMAN of Hodgdon.  
Cosponsored by Representatives: AUSTIN of Gray, CARR of Lincoln, COLLINS of Wells,  
CRESSEY of Cornish, DUPREY of Hampden, McKENNEY of Cumberland, RECTOR of  
Thomaston, ROBINSON of Raymond.

2  
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 4 MRSA §105, sub-§3,** as enacted by PL 1999, c. 731,  
Pt. ZZZ, §3 and affected by §42, is amended to read:

6 **3. Appellate jurisdiction.** The Superior Court shall hear  
appeals as follows:

8  
9 A. Administrative appeals brought pursuant to Title 5,  
10 chapter 375, subchapter VII 7 and the Maine Rules of Civil  
Procedure, Rules 80B and 80C; and

12  
13 B. Appeals from the District Court:

14 (1) Brought pursuant to Title 14, section 6008;

16 (2) Brought pursuant to Title 14, chapter 738; and

18 (3) As provided in Title 15, section 1+; and

20 (4) Brought pursuant to Title 34-B, section 3864,  
22 subsection 11.

24 **Sec. 2. 14 MRSA §1901, sub-§3,** as enacted by PL 1999, c. 731,  
Pt. ZZZ, §7 and affected by §42, is amended to read:

26  
27 **3. Exceptions.** An appeal from the District Court is to the  
28 Superior Court in the case of:

30 A. An appeal in a forcible entry and detainer case,  
pursuant to section 6008 and the Maine Rules of Civil  
32 Procedure, Rule 80D(f); and

34 B. An appeal in a small claims case brought pursuant to  
chapter 738 and the Maine Rules of Civil Procedure, Rule  
36 80L+; and

38 C. An appeal of an involuntary hospitalization brought  
40 pursuant to Title 34-B, section 3864, subsection 11.

42 **SUMMARY**

44 This bill makes technical corrections to the law governing  
appellate jurisdiction of the state courts. It clarifies that  
46 the Superior Court has jurisdiction over appeals from the  
District Court in involuntary hospitalization cases in accordance  
48 with the Maine Revised Statutes, Title 34-B, section 3864,  
subsection 11.