



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 951

S.P. 297

In Senate, March 8, 2011

Resolve, Establishing the Commission To Study Priorities and Timing of Judicial Proceedings in State Courts

(EMERGENCY)

Reference to the Committee on Judiciary suggested and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR. Secretary of the Senate

Presented by Senator HASTINGS of Oxford. Cosponsored by Representative NASS of Acton and Senators: BLISS of Cumberland, HILL of York, HOBBINS of York.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not 2 become effective until 90 days after adjournment unless enacted as emergencies; and Whereas, this legislation establishes the Commission To Study Priorities and 3 4 Timing of Judicial Proceedings in State Courts; and 5 Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next 6 7 legislative session; and 8 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 9 10 immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it 11 12 Sec. 1. Commission To Study Priorities and Timing of Judicial Proceedings in State Courts established. Resolved: That the Commission To 13 Study Priorities and Timing of Judicial Proceedings in State Courts, referred to in this 14 resolve as "the commission," is established; and be it further 15 Sec. 2. Commission membership. Resolved: That the commission consists of 16 17 13 members appointed as follows: 18 1. Two members of the Senate appointed by the President of the Senate, including a member from each of the 2 parties holding the largest number of seats in the Legislature; 19 20 2. Four members of the House of Representatives appointed by the Speaker of the House, including members from each of the 2 parties holding the largest number of seats 21 22 in the Legislature; 23 3. Two members appointed by the Chief Justice of the Supreme Judicial Court; 24 4. One member appointed by the Attorney General; 25 5. One representative of the Maine State Bar Association nominated by the Maine State Bar Association; 26 27 6. One representative of the Maine Prosecutors Association nominated by the Maine 28 Prosecutors Association; 29 7. One representative of the Maine Trial Lawyers Association nominated by the 30 Maine Trial Lawyers Association; and 31 8. One representative of Pine Tree Legal Assistance nominated by Pine Tree Legal Assistance; and be it further 32 33 Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate 34 chair and the first-named House of Representatives member is the House chair of the 35 commission; and be it further

Sec. 4. Appointments; convening of commission. Resolved: That all 1 2 appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative 3 Council once all appointments have been completed. After appointment of all members, 4 5 the chairs shall call and convene the first meeting of the commission. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been 6 7 made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business: and be it further 8

9 Sec. 5. Duties. Resolved: That the commission shall study the priority and 10 timing of judicial proceedings in state courts including, but not limited to, judicial 11 proceedings that require priority treatment pursuant to statute; and be it further

12 Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide 13 necessary staffing services to the commission; and be it further

14 Sec. 7. Report. Resolved: That, no later than December 7, 2011, the commission 15 shall submit a report that includes its findings and recommendations, including suggested 16 legislation, to the Joint Standing Committee on Judiciary. The Joint Standing Committee 17 on Judiciary is authorized to introduce a bill related to the subject matter of the report to 18 the Second Regular Session of the 125th Legislature.

Emergency clause. In view of the emergency cited in the preamble, this
legislation takes effect when approved.

SUMMARY

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22 This resolve establishes the Commission To Study Priorities and Timing of Judicial 23 Proceedings in State Courts. The commission is directed to study the priority and timing 24 of judicial proceedings in state courts, including, but not limited to, judicial proceedings 25 that require priority treatment pursuant to statute. No later than December 7, 2011, the commission shall submit a report that includes its findings and recommendations, 26 including suggested legislation, to the Joint Standing Committee on Judiciary. The Joint 27 Standing Committee on Judiciary is authorized to introduce a bill related to the subject 28 29 matter of the report to the Second Regular Session of the 125th Legislature.