

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-FIRST LEGISLATURE

HOUSE

NO. 472

House of Representatives, March 26, 1923.

Reported by Mr. Oakes from Committee on Legal Affairs
and ordered printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-THREE

AN ACT to Amend Section Ninety-eight of Chapter Eighty-
two of the Revised Statutes, as Amended by Chapter Thirty-
nine of the Public Laws of Nineteen Hundred Twenty-one,
Relating to the Exchange of Justices of Superior Courts.

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

Section ninety-eight of chapter eighty-two of the revised
2 statutes as amended by chapter thirty-nine of the public
3 laws of nineteen hundred twenty-one is hereby further
4 amended by inserting after the word "court" in the second
5 line the words 'or when in the opinion of the chief justice
6 of the supreme judicial court it is necessary to expedite the
7 business in said superior court,' and by adding after the

8 words "supreme judicial court" in the third line the words
9 'or any active retired justice of the superior court or of
10 the supreme judicial court,' and by adding after the word
11 "hold" in the fourth line the words 'the superior court in
12 such county or assist the resident justice of such county
13 by holding a session of such court separate from the one
14 presided over by such resident justice during,' and by
15 adding after the word "same" in said fourth line the word
16 'term,' and by adding at the end of said section the follow-
17 ing: 'Whenever a justice of a superior court holds court
18 in any county other than his own, he shall be reimbursed
19 by the state for his expenses actually and reasonably in-
20 curred in holding such court upon presentation to the state
21 auditor of a detailed statement of such expenses. Any
22 justice holding court under the provisions of this act may
23 appoint a special stenographer whenever he deems it neces-
24 sary to report the proceedings thereof, who shall be an
25 officer of the court and be sworn to a faithful discharge
26 of his duty, and shall perform all the duties prescribed by
27 section one hundred sixty-seven of chapter eighty-seven of
28 the revised statutes and acts amendatory thereof and addi-
29 tional thereto. Such stenographer shall receive for such
30 services from the county in which such court is held such
31 amount as is approved by such justice, and shall also re-
32 ceive his expenses from said county in which such court
33 is held, upon presentation to the county of a detailed state-
34 ment of such expenses actually and reasonably incurred,

35 approved by such justice,' so that said section as amended
36 shall read as follows:

'Sect. 98. Whenever a justice of a superior court, by
2 reason of illness, death or other cause, is prevented from
3 holding his court or when in the opinion of the chief justice
4 of the supreme judicial court it is necessary to expedite
5 the business in said superior court any other justice of a
6 superior court.or any justice of the supreme judicial court
7 or any active retired justice of the superior court or of
8 the supreme judicial court by order of the chief justice,
9 shall hold the superior court in such county or assist the
10 resident justice of such county by holding a session of such
11 court separate from the one presided over by such resident
12 justice during the same term, or whenever it is deemed
13 advantageous or expedient any justice of a superior court
14 may by mutual agreement hold the court of any other
15 justice for an entire term or any part thereof. And during
16 a vacancy in the office of justice of any of the superior
17 courts, all writs issued from the office of the clerk thereof,
18 shall bear teste of any one of the justices of the supreme
19 judicial court. Whenever the justice of any of the su-
20 perior courts is disqualified by interest, relationship or
21 other lawful cause from trying any case pending in his
22 said court, said case shall thereupon be transferred to the
23 docket of the supreme judicial court for the county, and
24 be disposed of in said court according to law. Whenever
25 a justice of a superior court holds court in any county

26 other than his own, he shall be reimbursed by the state for
27 his expenses actually and reasonably incurred in holding
28 such court upon presentation to the state auditor of a de-
29 tailed statement of such expenses. Any justice holding
30 court under the provisions of this act may appoint a
31 special stenographer whenever he deems it necessary to
32 report the proceedings thereof, who shall be an officer of
33 the court and be sworn to a faithful discharge of his duty,
34 and shall perform all the duties prescribed by section one
35 hundred sixty-seven of chapter eighty-seven of the revised
36 statutes and acts amendatory thereof and additional thereto.
37 Such stenographer shall receive for such services from the
38 county in which such court is held such amount as is ap-
39 proved by such justice, and shall also receive his expenses
40 from said county in which such court is held, upon presen-
41 tation to the county of a detailed statement of such expenses
42 actually and reasonably incurred, approved by such justice.'