

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-THIRD LEGISLATURE

Senate Document

No. 392

S. P. 665

In Senate, Apr. 14, 1927.

Reported by Senator Oakes from Committee on Judiciary
and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

S T A T E O F M A I N E

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

AN ACT Relating to the Trial and Law Terms of the Supreme
Judicial Court and to Amend Section Ninety-eight of Chap-
ter Eighty-two of the Revised Statutes Relating to the
Exchange of Justices of the Superior Court.

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

Section 1. Section fifty-one of chapter eighty-two of the
2 revised statutes is hereby amended so as to read as follows:

'Sect. 51. For the trial of civil actions and persons ac-
2 cused of offenses and for the transaction of all business,
3 except cases named in section forty-six, the trial terms of
4 the supreme judicial court shall be held annually by one
5 justice at the following places and times, and the justices

6 shall so hold said terms under the direction of the chief
7 justice, that their services shall be divided to each county
8 as equally as may be.

'Androscoggin: At Auburn on the third Tuesday of Jan-
2 uary, third Tuesday of April, and the third Tuesday of
3 September.

'Aroostook: At Houlton on the third Tuesday of April
2 and the second Tuesday of November for civil and crimi-
3 nal business, and at Caribou on the first Tuesday of Feb-
4 ruary and September for civil business only.

'Cumberland: At Portland on the second Tuesday of Jan-
2 uary, April, and October for civil business.

'Franklin: At Farmington, on the first Tuesday of Feb-
2 ruary, third Tuesday of May, and the second Tuesday of
3 September; the May term shall be held without a grand
4 jury and with but one traverse jury, unless a justice of
5 said court shall otherwise specially order, in which case the
6 clerk shall send venires for the requisite number of traverse
7 jurors, and shall summon the grand jury of the preceding
8 term, as the terms of said order may require. All recog-
9 nizances from municipal courts and trial justices in which
10 parties are held to await the action of the grand jury, made
11 returnable to said May term, shall, when no grand jury is
12 in attendance, be continued to and have day in the next
13 term of the court held in said county.

'Hancock: At Ellsworth on the second Tuesday of May
2 and second Tuesday of October.

'Kennebec: At Augusta on the fourth Tuesday of March
2 and second Tuesday of October for civil business.

'Knox: At Rockland, on the second Tuesday of January,
2 first Tuesday of April, and the second Tuesday of Septem-
3 ber.

'Lincoln: At Wiscasset on the first Tuesday of May and
fourth Tuesday of October.

'Oxford: At Paris, on the second Tuesdays of February
2 and October, and at Rumford Falls, in the town of Rum-
3 ford, on the second Tuesday of May.

'Penobscot: At Bangor on the first Tuesday of April and
2 October for civil business only.

'Piscataquis: At Dover on the third Tuesdays of March
2 and September.

'Sagadahoc: At Bath on the fourth Tuesday of January,
2 and the second Tuesdays of May and October.

'Somerset: At Skowhegan on the second Tuesday of Janu-
2 ary, first Tuesday of April, and second Tuesday of Sep-
3 tember.

'Waldo: At Belfast on the first Tuesday of January, third
2 Tuesday of April, and second Tuesday of September.

'Washington: At Machias, on the fourth Tuesday of
2 January and the second Tuesday of October, and at Calais
3 on the first Tuesday of May.

'York: At Saco, on the first Tuesday of January, and at
2 Alfred on the first Tuesday of May and the third Tuesday
3 of September.'

Sect. 2. Section forty-three of chapter eighty-two is
2 hereby amended so as to read as follows:

'For the purposes of the law court, the state shall consti-
2 tute one district. The sessions of the court as a law court
3 shall be holden at Augusta on the first Tuesday of Decem-
4 ber; at Portland on the first Tuesday of March; at Bangor
5 on the first Tuesday of June; and at Portland on the fourth
6 Tuesday of June in each year. Meetings of the justices
7 shall also be held at such other times and places as the chief
8 justice shall appoint for the consideration and determinat̄ion
9 of all cases and questions before submitted and undeter-
10 mined. Such meetings shall be held at least twice in each
11 year.'

Sect. 3. Section ninety-eight of chapter eighty-two of the
2 revised statutes, as amended by chapter one hundred fifty-
3 four of the public laws of nineteen hundred and twenty-
4 three, is hereby amended by striking out said section and
5 inserting in place thereof the following:

'Sect. 98. Whenever a justice of a superior court, by rea-
2 son of illness, death or other cause, is prevented from hold-
3 ing 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 the
8 supreme judicial court by order of the chief justice, shall
9 hold the superior court in such county or assist the resident

10 justice of such county by holding a session of such court
11 separate from the one presided over by such resident justice
12 during the same term, and whenever it is deemed advan-
13 tageous or expedient, the chief justice may assign any jus-
14 tice of either of the superior courts or any active retired
15 justice of either of said courts to hold the court of any
16 other justice for an entire term or any part thereof or hold
17 a session of the same term in conjunction with the justice
18 of said court. And during a vacancy in the office of justice
19 of any of the superior courts, all writs issued from the
20 office of the clerk thereof, shall bear teste of any one of the
21 justices of the supreme judicial court. Whenever the jus-
22 tice of any of the superior courts is disqualified by interest,
23 relationship or other lawful cause from trying any cause
24 pending in his said court, said case shall thereupon be
25 transferred to the docket of the supreme judicial court for
26 the county, and be disposed of in said court according to
27 law. Whenever a justice of a superior court holds court
28 in any county other than his own, he shall be reimbursed
29 by the state for his expenses actually and reasonably in-
30 curred in holding such court upon presentation to the state
31 auditor of a detailed statement of such expenses. Any
32 justice holding court under the provisions of this act may
33 appoint a special stenographer whenever he deems it neces-
34 sary to report the proceedings thereof, who shall be an
35 officer of the court and be sworn to a faithful discharge of
36 his duty, and shall perform all the duties prescribed by sec-

tion one hundred and sixty-seven of chapter eighty-seven of the revised statutes and acts amendatory thereof and additional thereto. Such stenographer shall receive for such services from the county in which such court is held such amount as is approved by such justice, and shall also receive his expenses from said county in which such court is held, upon presentation to the county of a detailed statement of such expenses actually and reasonably incurred, approved by such justice.'

Sect. 4. The chief justice of the supreme judicial court may once each year call together the several justices of the superior courts at such place as he may appoint for conference as to the conduct and dispatch of judicial business in their several courts and interchange of views in matters of practice in said courts. The several judges of said court shall be entitled to their actual cash disbursements for expenses incurred in attending such conference.

Sect. 5. The provisions of sections one and two of this act shall be effective only as to terms of the supreme judicial court held after September one, nineteen hundred twenty-eight and all processes shall be made returnable accordingly.