

MAINE STATE LEGISLATURE

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Senate Filing No. 3.

COMMITTEE AMENDMENT "A" to S.P. 528, L.D. 1435,

Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws."

Amend said Bill by adding after section 7, a new section to read as follows:

'Sec. 7-A. Effective date. Section 7 shall become effective April 1, 1960.

Further amend said Bill in section 42 by striking out the underlined words "the tentative list" in the 9th and 10th lines.

Further amend said Bill in section 42 by striking out the underlined words "in July" in the 11th line.

Further amend said Bill by striking out all of sections 13,14, 15, 16, 33 and 72.

Further amend said Bill in section 45 by striking out the underlined word "and" between the underlined words "Governor" and "Council" in the 9th line and inserting the underlined words 'with the advice and consent of the'

Further amend said Bill by adding after section 72, a new section to read as follows:

"Sec. 72-A. R.S., c. 103, &15, amended. The first sentence of section 15 of Chapter 103 of the Revised Statutes, as amended by section 69 of chapter 317 of the public laws of 1959, is further amended to read as follows:

'The following cases only come before the court as a court of law: Cases on appeal from the Superior Court or a single justice of the Supreme Judicial Court; criminal cases in

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which there are motions for new trials upon evidence reported by the justice; questions of law arising on reports of cases, including, in civil cases, interlocutory orders or rulings of such importance as to require, in the opinion of the justice, review by the law court before any further proceedings in the action; bills of exceptions in criminal cases; agreed statement of facts; cases, civil or criminal, presenting a question of law; all questions arising in cases in which equitable relief is sought; motions to dissolve injunctions issued after notice and hearing or continued after a hearing; questions arising on writs of habeas corpus, mandamus and certiorari.

Further amend said Bill by adding after section 73, the following sections:

"Sec. 73-A. R.S., c. 106, Par.5, amended. The last sentence of section 5 of chapter 106 of the Revised Statutes, as repealed and replaced by section 74 of chapter 317 of the public laws of 1959, is amended to read as follows:

'A single Justice of the Supreme Judicial Court also shall have and exercise jurisdiction, and have and exercise all of the powers, duties and authority necessary for exercising the same jurisdiction as the Superior Court, to hear and determine,, with his consent, any issue in a civil action in the Superior Court as to which the parties have no right to trial by jury or in which the right to trial by jury has been waived, except actions for divorce or annulment.'

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Sec. 73-B. R.S., c. 106, par.14, amended. The last sentence of section 14 of chapter 106 of the Revised Statutes, as enacted by section 76 of chapter 317 of the public laws of 1959, is amended to read as follows: 'In any civil case a-defendant any party aggrieved by any judgment, ruling or order may appeal therefrom to the law court within 30 days or such further time as may be granted by the court pursuant to a rule of court.'

Sec. 73'C. R.S., c. 107, par.23, repealed. Section 23 of chapter 107 of the Revised Statutes, as amended by chapter 306 and as repealed by section 86 of chapter 317, both of the public laws of 1959, is repealed.

Sec. 73-D. R.s., c. 107, par 37-A, additional. Chapter 107 of the Revised Statutes, as amended, is further amended by adding thereto a new section, to be numbered 37-A, to read as follows:

'Sec. 37-A. Interlocutory appeals. Any party may appeal to the law court from an interlocutory order granting or denying a preliminary injunction in a case involving or growing out of a labor dispute, but such preliminary injunction shall not be stayed by the taking of such appeal. Any such appeal shall be heard at the first term of the law court commencing not less than 14 days after the appellant has filed the record on appeal with the clerk of the Superior Court and furnished the required copies of his brief to the clerk of the law court. Copies of the briefs of other parties shall be furnished to the clerk of the law court not more than 10 days after the appellant's brief has been filed. The law court

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shall affirm, modify or set aside the order with the greatest possible expedition and shall give such proceedings precedence over all other matters except older matters of the same character.'

Sec. 73-E. R.S., c. 114, par.5, amended. Section 5 of chapter 114 of the Revised Statutes, as amended by section 209 of chapter 317 of the public laws of 1959, is further amended by adding at the end thereof, the following paragraph:

'When trustee process is used in connection with a counterclaim arising out of the transaction or occurrence that is the subject matter of the opposing party's claim, the alleged trustee may be summoned to appear in the county in which the action is pending, even though he does not reside or maintain a usual place of business in that county.'

Further amend said Bill by renumbering the sections of said Bill to read consecutively.

Reported by the Committee on Judiciary.

Reproduced at the request of the Senate.

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1/26/60