

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND ELEVENTH LEGISLATURE

**SECOND SPECIAL SESSION**

November 18, 1983

AND AT THE

**SECOND REGULAR SESSION**

January 4, 1984 to April 25, 1984

AND AT THE

**THIRD SPECIAL SESSION**

September 4, 1984 to September 11, 1984

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1986

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND ELEVENTH LEGISLATURE  
JANUARY 4, 1984 TO APRIL 25, 1984

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## CHAPTER 688

S.P. 812 - L.D. 2162

AN ACT to Replace References to Regional  
Presiding Justice with Chief Justice of the  
Superior Court.

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

Sec. 1. 4 MRSA §19, as amended by PL 1983, c. 269, §5, is further amended to read:

§19. Creation of judicial regions; regional court centers and regional presiding justices; duties

The Chief Justice of the Supreme Judicial Court ~~shall~~ may by order divide the State into judicial regions for administrative and venue purposes, each judicial region to contain one or more counties, but in no event ~~shall~~ may counties be divided for the creation of judicial regions.

Sec. 2. 4 MRSA §101, as amended by PL 1973, c. 599, §1, is further amended to read:

§101. Constitution of court

The Superior Court, as heretofore established, shall consist of 14 justices and such Active Retired Justices as may be appointed and serving on ~~said~~ the court, learned in the law and of sobriety of manners. The Chief Justice of the ~~Supreme Judicial~~ Superior Court shall assign the Justices of the Superior Court to ~~hold the trial terms~~ preside at various locations of said the court. Whenever ~~in the opinion of the Chief Justice of the Supreme Judicial Court~~ it becomes necessary, he the Chief Justice of the Supreme Judicial Court may designate a Justice of the Supreme Judicial Court or any Active Retired Justice of the Supreme Judicial Court ~~or of the Superior Court~~ to hold a term of ~~said Superior Court, or~~ The Chief Justice of the Superior Court may, when necessary, assign an Active Retired Justice of the Superior Court to hold a term of Superior Court. The Chief Justice of the Superior Court may designate any of such justices or a Justice of the Superior Court and the Chief Justice of the Supreme Judicial Court may designate any Justice of the Supreme Judicial Court to hold one or more sessions thereof, separate from the session presided over by the justice holding the regular trial term.

Sec. 3. 4 MRSA §110, as amended by PL 1983, c. 530, §1, is further amended to read:

§110. Trial terms

The Chief Justice of the Supreme Judicial Court shall assign the Justices of the Superior Court to each of the judicial regions as the caseload requires.

The Chief Justice of the Superior Court shall establish the times and places for holding court within each region, shall schedule the business to be conducted and shall specify when the grand jury shall be summoned. A grand jury may be specially summoned at any time by order of a Justice of the Superior Court.

Sec. 4. 4 MRSA §111 is amended to read:

§111. Simultaneous and special sessions

Two or more simultaneous sessions of the Superior Court may be held in the same county, or special sessions thereof may be held in any county, whenever the Chief Justice of the ~~Supreme Judicial~~ Superior Court determines that public convenience so requires. The business may be so divided as to secure its speedy and convenient disposal. Special sessions of the Superior Court for the transaction of civil or criminal business or both may be held in any county at any time whenever the Chief Justice of the ~~Supreme Judicial~~ Superior Court determines that public convenience and necessity so require.

Sec. 5. 14 MRSA §508, as amended by PL 1981, c. 558, is repealed and the following enacted in its place:

§508. Transfer of venue

A presiding Justice of the Superior Court may, in the interests of justice and to secure the speedy trial of an action, or for other good cause, transfer any civil action or proceeding from the Superior Court in one county to another county. Transfer may be by consent of all parties to any civil action or proceeding, provided that the prior approval of the Chief Justice of the Superior Court is obtained.

Sec. 6. 14 MRSA §1103 is amended to read:

§1103. Petition for assignment of another justice

Within 10 days after the service of a complaint or other application in which equitable relief is sought, the defendant, prior to the filing of his answer, may petition in writing for good cause shown to the Chief Justice of the ~~Supreme Judicial~~ Superior Court for the assignment of a justice to preside on the matter other than the justice to whom the original complaint or application was presented. Upon the receipt of that petition the Chief Justice of the Superior Court may assign another justice to hear the matter. When the Chief Justice of the Superior Court is presiding on the matter, a petition for the assignment of a justice, other than the Chief Justice of the Superior Court, shall be made to the Chief Justice of the Supreme Judicial Court. Upon the receipt of such that petition the Chief Justice of the Supreme Judicial Court may assign another justice to hear the matter.

Sec. 7. 14 MRSA §1216, 2nd ¶, as enacted by PL 1981, c. 705, Pt. G, §7, is amended to read:

The terms of the grand jury in any county shall be set by the Chief Justice of the Superior Court with a maximum of 12 months' service required. When the number of grand jurors is reduced by death or otherwise, additional grand jurors may be selected and summoned under the direction of the court at any time.

Sec. 8. 14 MRSA §5541, as amended by PL 1981, c. 456, Pt. A, §55, is further amended to read:

§5541. Bail commissioners appointed by the court

The District Court Judge resident in each district, with the concurrence of the Chief Justice of the Superior Court ~~regional presiding justice for the judicial region including that district or his designee~~, may appoint one or more residents of the district as bail commissioners. Bail commissioners appointed by a District Court Judge or Superior Court Justice shall continue in office at the pleasure of that judge and ~~that regional presiding justice~~ the Chief Justice of the Superior Court or his designee. Bail commissioners shall have the powers of notaries public to administer oaths or affirmations in carrying out their duties.

Sec. 9. 15 MRSA §2129, sub-§2, as repealed and replaced by PL 1981, c. 238, §5, is amended to read:

2. Assignment of case. On receipt of a copy of the petition, the Chief Justice shall assign the case to any Justice of the Supreme Judicial Court or to a ~~Regional Presiding Justice~~ the Chief Justice of the Superior Court, who may in turn assign the case to another Superior Court Justice.

Effective July 25, 1984.

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## CHAPTER 689

H.P. 1604 - L.D. 2129

AN ACT to Amend the Provisions for Clam Regulation in the Unorganized Territories.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, certain unorganized townships have developed clam conservation ordinances that require prompt approval; and

Whereas, the existing requirement for approval at referendum is unclear and may require unnecessary expense; and

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 immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

12 MRSA §6671, sub-§6, ¶C, as enacted by PL 1983, c. 283, is repealed and the following enacted in its place:

C. An unorganized township in which at least 10 residents have petitioned the county commissioners to adopt a clam conservation ordinance and in which the county commissioners have held a public hearing with at least 7 days prior notice. The hearing shall be held in the unorganized township. The county commissioners shall act as the