

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**SECOND REGULAR SESSION**

**January 5, 1994 to April 14, 1994**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 14, 1994**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1993**

the person has served the period of suspension ordered by the court.

See title page for effective date.

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## CHAPTER 675

H.P. 1008 - L.D. 1354

### An Act to Implement the Recommendations of the Commission to Study the Future of Maine's Courts

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

#### PART A

Sec. A-1. 5 MRSA §51 is enacted to read:

##### §51. Interpreters; payment

When personal or property interest of a person who does not speak English is the subject of a proceeding before an agency or a court, the presiding officer of the proceeding shall either appoint a qualified interpreter or utilize a professional telephone-based interpretation service. Payment by the State for an interpreter in civil matters is within the discretion of the agency or court to the extent that payment by the State is not already required by law.

Sec. A-2. 5 MRSA §3360-L is enacted to read:

##### §3360-L. Information

The Attorney General shall develop a fact sheet for victims with information about the victim advocate and victim compensation programs and shall make copies available to all prosecutors' offices and law enforcement agencies who shall provide that fact sheet for distribution to all victims of crimes and their families.

Sec. A-3. 15 MRSA Pt. 8 is enacted to read:

#### PART 8

### VICTIMS' RIGHTS

#### CHAPTER 520

### VICTIM INVOLVEMENT

#### §6101. Victim involvement in criminal proceedings

1. Notice to victims. Whenever practicable, prosecutors shall make a good faith effort to inform the victims and families of victims of crimes of do-

mestic violence and sexual assault and crimes in which the victim or the victim's family suffered serious physical trauma or serious financial loss of:

A. The victim advocate and victim compensation programs;

B. The victim's right to be advised of the existence of a negotiated plea agreement before that agreement is submitted to the court pursuant to section 812;

C. The time and place of the trial, if one is to be held;

D. The victim's right to make a statement or submit a written statement at the time of sentencing pursuant to Title 17-A, section 1257, upon conviction of the person committing the crime; and

E. The final disposition of the charges against that defendant.

2. Notice to court. Whenever practicable, the prosecutor shall make a good faith effort to inform the court about the following:

A. If there is a plea agreement, the victim's or the victim's family's position on the plea agreement; and

B. If there is no plea agreement, the victim's or the victim's family's position on sentencing.

#### PART B

Sec. B-1. 4 MRSA §153, sub-§3, as amended by PL 1991, c. 121, Pt. B, §1 and affected by §18, is further amended to read:

3. Western Aroostook. Western Aroostook consists of the municipalities and unorganized territory known as Hamlin Plt., Cyr Plt., T17 R3, T17 R4, T16 R5, T15 R6, Winterville Plt., T15 R8, T15 R9, T14 R10, T14 R11, T14 R12, T14 R13, T14 R14, T14 R15, T14 R16, and all municipalities and unorganized territory in Aroostook County lying to the west and north of these. The District Court for Western Aroostook must be held at Madawaska, Fort Kent and Van Buren. The ~~presiding judge~~ Chief Judge shall determine the level of service at each location.

Sec. B-2. 4 MRSA §153, sub-§11, as amended by PL 1969, c. 458, is further amended to read:

11. Central Hancock. Central Hancock consists of the entire County of Hancock, except Bar Harbor, Mount Desert, Cranberry Isles, Southwest Harbor, Trenton, Swan's Island, Long Island Planta-

tion and Tremont. The District Court for Central Hancock ~~shall~~ must be held at Ellsworth, except that one session per week may be held at Bucksport at the discretion of the ~~presiding judge~~ Chief Judge.

**Sec. B-3. 4 MRSA §157, sub-§1, ¶A**, as amended by PL 1989, c. 501, Pt. P, §2, is further amended to read:

A. The Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary and to confirmation by the Legislature, shall appoint to the District Court ~~9 judges at large and 16~~ 25 judges. At least one judge ~~shall~~ must be appointed ~~in~~ from each district who ~~shall be~~ is a resident of the district, except that in District 3 there ~~shall~~ must be 2 judges appointed who ~~shall be~~ are residents of the district; in District 6 there ~~shall~~ must be 2 judges appointed who ~~shall be~~ are residents of the district; and in District 9 there ~~shall~~ must be 2 judges appointed who ~~shall be~~ are residents of the district. Each District Court Judge ~~shall have~~ has a term of office of 7 years.

To be eligible for appointment as a District Judge, a person ~~shall~~ must be a member of the bar of the State. The term "District Judge" ~~shall include~~ includes the Chief Judge, ~~and~~ Deputy Chief Judge, ~~the judges appointed from the districts and the judges at large.~~

**Sec. B-4. 4 MRSA §157, sub-§1, ¶B**, as amended by PL 1985, c. 506, Pt. B, §1, is further amended to read:

B. The Chief Justice of the Supreme Judicial Court shall designate one of the judges as Chief Judge. The Chief Judge, with the ~~advice and consent~~ approval of the Chief Justice of the Supreme Judicial Court, shall designate one of the District Court Judges as Deputy Chief Judge who ~~shall have~~ has all the duties, powers and responsibilities of the Chief Judge when the Chief Judge is unable to perform them because of illness, absence or disability.

**Sec. B-5. 4 MRSA §164, sub-§1-A**, as amended by PL 1987, c. 758, §2, is further amended to read:

**1-A. Appoint bail commissioners.** Appoint bail commissioners pursuant to Title 15, section 1023, for any district ~~when the resident judge for that district, because of illness, absence or disability, is unable to appoint;~~

**Sec. B-6. 4 MRSA §164, sub-§2**, as amended by PL 1977, c. 544, §7, is further amended to read:

**2. Assign judges.** Assign judges ~~at large~~ to hold court in any division where, in ~~his sole~~ the judgment of the Chief Judge, they are needed;

**Sec. B-7. 4 MRSA §164, sub-§5**, as amended by PL 1977, c. 544, §8, is repealed.

**Sec. B-8. 4 MRSA §164, sub-§10** is amended to read:

**10. Courtroom facilities.** Make necessary arrangements for proper courtroom facilities for all branches of the District Court pursuant to section 162; establish ~~his own~~ headquarters with appropriate facilities for the Chief Judge; and establish quarters and facilities for ~~the all District Court~~ judges at large;

**Sec. B-9. 4 MRSA §173, sub-§4**, as amended by PL 1991, c. 780, Pt. X, §2, is further amended by amending the 3rd and 4th paragraphs to read:

The court shall pay any municipality a flat fee of \$10 for each day or part of a day that a municipal law enforcement officer, designated by the municipality as its court officer, is required to be physically present in a District Court in order to adequately handle that municipality's caseload. In addition, the court shall pay any municipality a flat fee of \$10 per day for every day or part of a day, but no more than \$10 for any one day, the municipality loses the services of one or more law enforcement officers because the officer or officers are performing some act authorized or required by ~~a~~ the Maine ~~Rule~~ Rules of Criminal Procedure or are witnesses in a criminal or traffic infraction case within the jurisdiction of the District Court. A municipality is ~~deemed~~ considered to have lost the services of a law enforcement officer when the officer, who normally performs duties of patrolling or maintaining order, is physically unable to perform those duties of patrolling and maintaining order for the municipality.

The sheriffs of the several counties shall designate and furnish deputy sheriffs to serve as bailiffs in each division of the District Court within their counties, if so requested by the Chief Judge. A deputy sheriff designated as bailiff must be approved by the ~~resident judge~~ Chief Judge and may not serve as a court officer for any law enforcement agency.

**Sec. B-10. 14 MRSA §1901**, as amended by PL 1993, c. 338, §1, is repealed and the following enacted in its place:

**§1901. Superior Court; exceptions**

**1. Appeals from District Court to Superior Court.** Except as provided in subsection 2 or by court rule, an appeal may be taken from the District Court to the Superior Court for the county embracing the

division in which the judgment was rendered within 30 days after judgment. Within those 30 days, the appellant must pay to the court the required fees for the appeal and in that case no execution issues and the clerk may enter the appeal in the Superior Court as a new entry.

**2. Exceptions.** The following requirements apply to appeals from the District Court.

A. A party must appeal from a District Court judgment in an action of foreclosure and sale directly to the Supreme Judicial Court within 30 days of the judgment.

B. If all parties agree, a final appeal from civil matters, including family matters, originating in the District Court may be made to the Superior Court in lieu of a 2nd appeal to the Supreme Judicial Court.

**Sec. B-11. 15 MRSA §603**, as enacted by PL 1991, c. 402, §2, is amended to read:

### §603. Warrant repository

The district attorney of each court district shall designate, with the approval of the ~~resident~~ Chief Judge of the District Court Judge, at least one law enforcement agency that is responsible for the maintenance, administration and retention of attested copies of arrest warrants issued by the courts. If a court district encompasses more than one prosecutorial district, the respective district attorneys shall attempt to agree on the designation of an arrest warrant repository. If the district attorney of a court district fails to designate an arrest warrant repository or the district attorneys are unable to agree to the designation of an arrest warrant repository for a court district, the Attorney General shall make the designation for that court district. The district attorney or attorneys shall notify the District Court and the Superior Court of the location of the arrest warrant repository for arrest warrants in the jurisdiction covered by those courts. All attested copies of arrest warrants issued by the District Court and the Superior Court must be directed to the arrest warrant repository designated for those courts except as otherwise provided by this chapter or by the standards adopted by rule of the Attorney General pursuant to this chapter. The district attorney of each court district shall designate, with the approval of the resident District Court Judge, at least one law enforcement agency that is responsible for the maintenance, administration and retention of attested copies of arrest warrants issued by the courts. If a court district encompasses more than one prosecutorial district, the respective district attorneys shall attempt to agree on the designation of an arrest warrant repository. If the district attorney of a court district fails to designate an arrest warrant

repository or the district attorneys are unable to agree to the designation of an arrest warrant repository for a court district, the Attorney General shall make the designation for that court district. The district attorney or attorneys shall notify the District Court and the Superior Court of the location of the arrest warrant repository for arrest warrants in the jurisdiction covered by those courts. All attested copies of arrest warrants issued by the District Court and the Superior Court must be directed to the arrest warrant repository designated for those courts except as otherwise provided by this chapter or by the standards adopted by rule of the Attorney General pursuant to this chapter.

**Sec. B-12. 15 MRSA §1023, sub-§2**, as enacted by PL 1987, c. 758, §20, is amended to read:

**2. Appointment.** ~~The District Court Judge resident in each district, with the concurrence of the Chief Judge of the District Court, may appoint one or more residents of the each district as bail commissioners. A bail commissioner shall serve~~ reserves at the pleasure of the ~~District Court Judge resident in the district or the~~ Chief Judge of the District Court, but no term for which a bail commissioner is appointed may exceed 5 years. ~~The District Court Judge or the Chief Judge of the District Court shall require bail commissioners to complete the necessary training requirements set out in this section. Bail commissioners have the powers of notaries public to administer oaths or affirmations in carrying out their duties.~~

**Sec. B-13. 15 MRSA §3203-A, sub-§6**, as enacted by PL 1985, c. 439, §9, is amended to read:

**6. Availability of judges.** The Chief Judge of the District Court shall provide that a Juvenile Court Judge, ~~not necessarily a judge of the division where a juvenile is being held,~~ is available to preside at the detention hearing, described in subsection 5, on all days except Saturdays, Sundays and legal holidays.

**Sec. B-14. PL 1993, c. 401, §5** is amended to read:

**Sec. 5. Family court project continuation and expansion.** The family court project established pursuant to Public Law 1989, chapter 891, Part A, section 12 may be continued and expanded into other geographic areas with large numbers of family law cases as well as in other areas determined appropriate. The current jurisdiction of the Superior Court, District Court and Administrative Court is not altered to ensure access. In those areas in which the family court project exists or into which the project is expanded, it must be structured as the Family Court Division of the District Court, Superior Court and Administrative Court. The Chief Justice of the Supreme Judicial Court shall designate one judge or justice from the Superior Court, District Court or

Administrative Court to direct the project. The Chief Justice or the designated judge or justice shall convene a preliminary planning committee on the development of a nonadversarial administrative forum that includes social services for family matters. The designated judge or justice shall report to the Joint Standing Committee on Judiciary by January 15, ~~1994~~ 1995, and annually thereafter, and shall make a final report concerning the family court project by January 15, 1999.

**Sec. B-15. Salaries and titles of District Court Judges and Superior Court Justices.** The Supreme Judicial Court shall develop a plan to equalize the salaries of District Court Judges and Superior Court Justices. The plan must provide for equal salaries by July 1, 1998, but the salaries of Superior Court Justices may not be frozen and cost-of-living adjustments may not be delayed for the purpose of equalizing salaries. The Supreme Judicial Court shall also develop a plan to provide by July 1, 1998 appropriate titles for District Court Judges and Superior Court Justices. The Supreme Judicial Court shall present the 2 plans to the Joint Standing Committee on Judiciary by January 31, 1995. The presentation must include comments and considerations, fiscal information and draft legislation regarding the implementation and completion of the equalization of salaries and titles.

**Sec. B-16. Resident judge and Judge-at-Large; transition clause.** Each District Court Resident Judge serves as a District Court Judge for the remainder of the term for which that individual was nominated and confirmed as a District Court Resident Judge. Each District Court Judge-at-Large serves as a District Court Judge for the remainder of the term for which that individual was nominated and confirmed as a District Court Judge-at-Large.

### PART C

**Sec. C-1. 4 MRSA §§15 and 16**, as enacted by PL 1975, c. 408, §5-A, are amended to read:

**§15. Administrative Office of the Courts; appointment of State Court Administrator**

There ~~shall be~~ is an Administrative Office of the Courts, directed by a State Court Administrator who ~~shall be~~ is appointed by and ~~serve~~ serves at the pleasure of the Chief Justice of the Supreme Judicial Court. ~~Said administrator~~ The State Court Administrator shall devote full time to ~~his~~ the official duties of this position to the exclusion of any profession for profit. The State Court Administrator must have experience and skills in leadership, management, planning and administration.

**§16. Assistants and employees of State Court Administrator**

With the approval of the Chief Justice and within the limits of appropriations made therefor, the State Court Administrator may appoint ~~such~~ assistants and other employees and purchase or lease ~~such~~ equipment, services and facilities ~~as may be~~ needed for the performance of the duties of ~~said~~ the administrator. All administrative personnel in the Judicial Department are supervised by the State Court Administrator.

These personnel ~~shall~~ must have qualifications as prescribed by the Supreme Judicial Court.

**Sec. C-2. 4 MRSA §17, first ¶**, as enacted by PL 1975, c. 408, §5-A, is amended to read:

The State Court Administrator ~~under~~ subject to the supervision and direction of the Chief Justice of the Supreme Judicial Court, is responsible for administration and management of the court system. The State Court Administrator shall:

**Sec. C-3. 4 MRSA §17, sub-§1**, as enacted by PL 1975, c. 408, §5-A, is amended to read:

**1. Continuous survey and study.** Carry on a continuous survey and study of the organization, operation, condition of business, practice and procedure of the Judicial Department ~~and~~ The State Court Administrator shall make recommendations to the Chief Justice to improve administration and management of the court system, including recommendations concerning the number of judges and other judicial personnel required for the efficient administration of justice. ~~Assist in long and short range planning;~~

**Sec. C-4. 4 MRSA §17, sub-§1-A** is enacted to read:

**1-A. Long-range planning.** Develop and recommend to the Chief Justice long-range plans for the Judicial Department and operations of the courts;

**Sec. C-5. 4 MRSA §17, sub-§7, ¶C**, as enacted by PL 1975, c. 408, §5-A, is amended to read:

C. Prepare budget estimates and submissions of state appropriations necessary for the maintenance and operation of the Judicial Department and make appropriate recommendations ~~with respect thereto;~~

**Sec. C-6. 4 MRSA §17, sub-§7, ¶¶D and E**, as amended by PL 1983, c. 269, §§3 and 9, are further amended to read:

D. Collect statistical and other data and make reports to the Chief Justice, to the Chief Justice of the Superior Court and to the Chief Judge of the District Court relating to the expenditures of public ~~moneys~~ money for the maintenance and operation of the Judicial Department; and

E. Develop a uniform set of accounting and budgetary accounts, based on generally accepted fiscal and accounting procedures, for the Supreme Judicial Court, for the Superior Court and for the District Court and serve as auditor of the Judicial Department;

**Sec. C-7. 4 MRSA §17, sub-§15**, as amended by PL 1991, c. 885, Pt. E, §3 and affected by §47, is further amended to read:

**15. Provide for court security.** Plan and implement arrangements for safe and secure court premises to ensure the orderly conduct of judicial proceedings. This includes the authority to contract for the services of qualified deputy sheriffs and other qualified individuals as needed on a per diem basis to perform court security-related functions and services. "Qualified deputy sheriffs and other qualified individuals" means those individuals who hold valid certification as law enforcement officers, as defined by the Maine Criminal Justice Academy, pursuant to Title 25, chapter 341, to include successful completion of such additional training in court security as provided by the academy or equivalent training. When under ~~such that~~ contract and then only for the assignment specifically contracted for, the qualified deputy sheriffs or other qualified individuals have the same duties and powers throughout the counties of the State as sheriffs have in their respective counties. Qualified deputy sheriffs performing these contractual services continue to be employees of the counties in which they are deputized. Other qualified individuals performing ~~such these~~ contractual services may not be considered employees of the State for any purpose, ~~provided that as long as~~ the other qualified individuals are treated as employees of the State for purposes of the Maine Tort Claims Act and the Maine Workers' Compensation Act of 1992. They must be paid a reasonable per diem fee plus reimbursement of their actual, necessary and reasonable expenses incurred in the performance of their duties, consistent with policies established by the State Court Administrator. Notwithstanding any other provision of law, ~~such the~~ plans, arrangements and files involving court security matters are confidential. Nothing in this section precludes dissemination of ~~such that~~ information to another criminal justice agency.

In addition to the foregoing authority, the State Court Administrator may employ other qualified individuals to perform court security-related functions and services. These employees must have a valid certifica-

tion as law enforcement officers, as defined by Title 25, chapter 341, including successful completion of additional training in court security as provided by the Maine Criminal Justice Academy or equivalent training and, when on assignment for court security functions, have the same powers and duties throughout the counties of the State as sheriffs have in their respective counties. These individuals are state employees for all purposes; ~~and~~

**Sec. C-8. 4 MRSA §17, sub-§16**, as enacted by PL 1991, c. 622, Pt. L, §6, is amended to read:

**16. Report on out-of-state travel.** Submit to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a quarterly report on out-of-state travel activity of the Judicial Department. The report must be submitted within 15 days after the end of each quarter and must include, for each individual who has been authorized to travel, the destination, purpose and cost by funding source of each trip; and

**Sec. C-9. 4 MRSA §17, sub-§17** is enacted to read:

**17. Statement of fiscal effect on judicial system.** Apply the following requirements when the State Court Administrator prepares statements pertaining to the impact that executive orders and proposed legislation have upon judicial system resources, including the cost or savings to the judicial system.

A. The State Court Administrator shall furnish the statements to the legislative staff office designated to collect and assemble fiscal information for use of legislative committees under Title 3, section 163-A, subsection 10 and to:

(1) The Governor for judicial impact statements on executive orders; and

(2) The appropriate committee of the Legislature for the information of its members for proposed legislation.

B. The statement on a particular executive order prepared by the State Court Administrator must be included in the executive order if the executive order has a fiscal impact on the judicial system, as determined by the State Court Administrator.

C. The statement on proposed legislation prepared by the State Court Administrator must be considered in the preparation of the fiscal note included in a committee amendment or other amendment if the legislation or amendment has a fiscal impact on the judicial system, as determined by the State Court Administrator.

**Sec. C-10. 4 MRSA §24**, as amended by PL 1983, c. 269, §6 and 9, is further amended to read:

**§24. Operating budgets**

The State Court Administrator shall, subject to the approval of the Chief Justice, prepare biennially a consolidated operating budget for all courts in the State to be known as the Judicial Department operating budget. ~~He shall~~ The administrator may be assisted in this task by the Chief Justice of the Superior Court and the Chief Judge of the District Court.

The State Court Administrator shall prepare the consolidated court budget according to procedures prescribed by the State Budget Officer. Budget requests and other additional information as requested ~~shall~~ must be transmitted to the State Budget Officer on or before September 1st of the ~~even-numbered~~ even-numbered years. The Governor shall include in the budget submission the judicial budget without revision, in accordance with Title 5, section 1664, but with ~~such~~ recommendations as he may deem the Governor considers proper.

The State Court Administrator, subject to the approval of the Chief Justice, shall prescribe the financial management procedures to be used in all courts of the Judicial Department.

**Sec. C-11. 5 MRSA §1664, last ¶** is enacted to read:

If the Governor submits legislation setting forth appropriations or allocations for the Judicial Department that differ from the full budget request submitted by the Judicial Department under Title 4, section 24, the Governor shall simultaneously submit a report to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and judiciary matters explaining why the Governor's budget legislation differs from the Judicial Department's budget submission.

**Sec. C-12. 5 MRSA Pt. 27** is enacted to read:

**PART 27**  
**INTERBRANCH COMMUNICATION**  
**AND COORDINATION**  
**CHAPTER 555**  
**INTERBRANCH COMMUNICATION**  
**AND COORDINATION**

**§21201. Findings**

The Legislature finds that difficulties in interactions among the Executive Department, the Legislature and the Judicial Department often arise from the lack of understanding of the functions, structures, needs and perspectives of the 3 separate but coequal branches of government. Increased communication and coordination in daily activities as well as in long-range planning are possible to improve the effectiveness and efficiency of all 3 branches without the imposition of the views or directions of one or 2 branches upon another.

**§21202. Interbranch forum**

**1. Annual interbranch forum.** Beginning in February 1995 and at least every year thereafter, the Chief Justice of the Supreme Judicial Court, the Governor, the President of the Senate and the Speaker of the House of Representatives shall jointly convene an interbranch forum.

**2. Purpose of forum.** The purpose of the interbranch forum is to provide for discussions among the top policymakers from each branch of government to address the need for cooperation and coordination at all levels. Topics to be discussed may include, but are not limited to:

- A. An integrated system of communication;
- B. A technology plan;
- C. Long-range planning; and
- D. The allocation and use of resources.

**3. More frequent forums.** Representatives of the 3 branches may convene a forum as often as they determine it is appropriate.

**4. Expenses.** Each branch absorbs the expenses for convening and holding interbranch forums within the general operating budgets for each department.

See title page for effective date.

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**CHAPTER 676**  
**H.P. 1096 - L.D. 1483**  
**An Act Regarding Cable Television**

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

**Sec. 1. 30-A MRSA §3010, sub-§1, ¶A**, as enacted by PL 1989, c. 352, is amended to read: