

CHAPTER 1**SUPREME JUDICIAL COURT****SUBCHAPTER 1****CONSTITUTION AND GENERAL JURISDICTION****§1. Constitution of the court; administrative responsibilities of the court and the Chief Justice**

The Supreme Judicial Court, as heretofore established, consists of a Chief Justice and 6 associate justices and such Active Retired Justices as may be appointed and serving on said court, learned in the law and of sobriety of manners. [PL 2009, c. 213, Pt. QQ, §1 (AMD).]

The Chief Justice is the head of the judicial branch of the State. In the event of the Chief Justice's disability for any cause, the senior associate, not under disability, shall perform any and all of the duties of the Chief Justice. [PL 2009, c. 213, Pt. QQ, §1 (AMD).]

The Supreme Judicial Court has general administrative and supervisory authority over the judicial branch and shall make and promulgate rules, regulations and orders governing the administration of the judicial branch. [PL 2009, c. 213, Pt. QQ, §1 (AMD).]

The Chief Justice, as head of the judicial branch, shall prepare the budget for the judicial branch. The Chief Justice may approve financial orders for transfers and revisions of and increases to allotment within the judicial branch in accordance with procedures for financial orders established in the executive branch. The Chief Justice shall provide a copy of each approved financial order to the Department of Administrative and Financial Services, Bureau of the Budget and the Office of Fiscal and Program Review. [PL 2011, c. 655, Pt. W, §1 (AMD).]

The Chief Justice, as the head of the judicial branch, shall, in accordance with the rules, regulations and orders of the Supreme Judicial Court, be responsible for the efficient operation of the judicial branch and for the expeditious dispatch of litigation therein and for the proper conduct of business in all courts. The Chief Justice may require reports from all courts in the State and may issue orders and regulations necessary for the efficient operation of the judicial branch and the prompt and proper administration of justice. [PL 2009, c. 213, Pt. QQ, §1 (AMD).]

SECTION HISTORY

PL 1975, c. 408, §1 (RPR). PL 1975, c. 623, §§3-A (AMD). PL 2009, c. 213, Pt. QQ, §1 (AMD). PL 2011, c. 655, Pt. W, §1 (AMD).

§2. Appointment of additional justices

Whenever the Chief Justice of the Supreme Judicial Court or, in the event of the Chief Justice's disability, any associate justice thereof has reason to believe that any Justice of the Supreme Judicial or Superior Court is totally and permanently disabled by reason of physical or mental incapacity and because thereof is unable to perform the duties of the office, the Chief Justice or associate justice shall cause a commission of 3 competent disinterested members of the medical profession to make due inquiry and examination into the facts and report the results of the inquiry to the Supreme Judicial Court. Upon receiving the report, the Chief Justice or associate justice shall call a meeting of the Supreme Judicial Court and submit to it the report of the medical commission. The court shall, based on the report and other evidence they may consider necessary, if any, determine the facts. If the court finds that the Justice of the Supreme Judicial or Superior Court is permanently and totally disabled by reason of physical or mental incapacity and because of the disability is unable to perform the duties of

the office, the Chief Justice shall certify that fact to the Governor. Upon receipt of a certificate from the court, the Governor shall make due inquiry into the matter and, if the Governor confirms the finding of the court, the Governor shall appoint an additional Justice of the Supreme Judicial or Superior Court, as the case may be. [PL 2019, c. 475, §33 (AMD).]

SECTION HISTORY

PL 1975, c. 771, §16 (AMD). PL 1979, c. 127, §6 (AMD). PL 2019, c. 475, §33 (AMD).

§2-A. Justice of the Supreme Judicial Court to sit in District Court

The Chief Justice of the Supreme Judicial Court may assign a Justice or Active Retired Justice of the Supreme Judicial Court to sit in the Superior Court or the District Court, and when so directed the justice has authority and jurisdiction in the Superior Court or the District Court as if the justice were a regular justice or judge of that court. When assigned under this section, the justice may hear all matters and issue all orders, notices, decrees and judgments that any Justice of the Superior Court or Judge of the District Court is authorized to hear and issue. [PL 2001, c. 69, §1 (AMD).]

The order of the Chief Justice of the Supreme Judicial Court directing a Justice or an Active Retired Justice of the Supreme Judicial Court to sit in the Superior Court or the District Court must be filed with the Executive Clerk of the Supreme Judicial Court, but need not be docketed or otherwise recorded in any case heard by that justice. [PL 2001, c. 69, §1 (AMD).]

SECTION HISTORY

PL 1997, c. 683, §E1 (NEW). PL 1999, c. 547, §B1 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2001, c. 69, §1 (AMD).

§3. When vacancies shall not be filled

No vacancy in the Supreme Judicial or Superior Court caused by the death or expiration of the term of said incapacitated justice shall be filled, if thereby the number of justices qualified and capable of acting would be in excess of that otherwise provided by law as constituting said court.

§4. Salary of justices; expenses

1. Chief justice; salary. The Chief Justice of the Supreme Judicial Court is entitled to receive a salary, for fiscal year 1998-99 and thereafter, of \$111,000, to be paid biweekly. [PL 1997, c. 643, Pt. M, §1 (AMD).]

2. Associate justice; salary. Each Associate Justice of the Supreme Judicial Court shall receive a salary as follows:

A. For fiscal year 1998-99 and thereafter, \$96,000, to be paid biweekly. [PL 1997, c. 643, Pt. M, §2 (RPR).]

B. [PL 1989, c. 596, Pt. C, §§1, 8 (RP).]

C. [PL 1989, c. 501, Pt. O, §§9, 22 (RP).]

D. [PL 1989, c. 501, Pt. O, §§9, 22 (RP).]

E. [PL 1989, c. 501, Pt. O, §§9, 22 (RP).]

[PL 1997, c. 643, Pt. M, §2 (AMD).]

2-A. Cost-of-living adjustment. Effective July 1, 1999 and every July 1st thereafter, the State Court Administrator shall adjust the salaries of the State's chief justices, chief judge, deputy chief judge, associate justices and associate judges by any percentage change in the Consumer Price Index from January 1st to December 31st of the previous year, but only to a maximum increase of 3%. The State Court Administrator shall determine the cost of these adjustments; notify the State Budget Officer and the Director of the Office of Fiscal and Program Review of these costs; and include them in the Judicial Department's budget requests, as necessary. For purposes of this subsection, "Consumer Price Index"

means the Consumer Price Index for Urban Wage Earners and Clerical Workers: United States City Average, All items, 1967=100, as compiled by the United States Department of Labor, Bureau of Labor Statistics or, if the index is revised or superseded, the Consumer Price Index is the index represented by the Bureau of Labor Statistics as reflecting most accurately changes in the purchasing power of the dollar by consumers.

[PL 2013, c. 563, §1 (AMD).]

3. Expenses. Expenses shall be governed as follows.

A. Each justice must be reimbursed by the State, upon presentation to the State Controller of a detailed statement, for those expenses, as established by judicial branch policy, actually and reasonably incurred in attending meetings and the sessions of the court and the Law Court. Reimbursement for mileage must be paid at the rate paid state employees under Title 5, section 8. [PL 2007, c. 539, Pt. JJ, §1 (AMD).]

B. Each justice of the court must be reimbursed by the State, upon presentation to the State Controller of a detailed statement, for clerical assistance, postage, stationery, express and telephone tolls and any other reasonably necessary expenses actually and reasonably incurred by that justice. [RR 2021, c. 1, Pt. B, §1 (COR).]

C. The Chief Justice of the Supreme Judicial Court or the Chief Justice's designee may prescribe regulations for the submission of the required statements through the Chief Justice's office and for the advance approval by the Chief Justice of other reasonably necessary expenses. [PL 2019, c. 475, §34 (AMD).]

[RR 2021, c. 1, Pt. B, §1 (COR).]

4. Exception. The salary provisions of this section shall not apply to justices who have retired prior to December 1, 1984.

[PL 1983, c. 853, Pt. C, §§4, 18 (NEW).]

SECTION HISTORY

PL 1965, c. 412, §5 (AMD). PL 1967, c. 476, §3 (AMD). PL 1969, c. 580, §1 (AMD). P&SL 1971, c. 179, §M1 (AMD). P&SL 1973, c. 209, §5 (AMD). PL 1973, c. 509, §4 (AMD). PL 1975, c. 383, §1 (AMD). PL 1975, c. 408, §§2,3 (AMD). PL 1975, c. 735, §1 (AMD). PL 1977, c. 696, §19 (AMD). PL 1979, c. 127, §§7,8 (AMD). PL 1979, c. 544, §5 (AMD). PL 1979, c. 663, §5 (AMD). PL 1981, c. 486, §1 (AMD). PL 1983, c. 477, Pt. E, Subpt. 1, §1 (AMD). PL 1983, c. 853, §§C4,18 (RPR). PL 1983, c. 863, §§B5,B45 (AMD). PL 1989, c. 501, §§O9,10,22 (AMD). PL 1989, c. 596, §C1 (AMD). PL 1989, c. 596, §§C1,8 (AMD). PL 1989, c. 878, §§D14,15 (AMD). PL 1991, c. 780, §X1 (AMD). PL 1991, c. 824, §§B13,14 (AFF). PL 1993, c. 410, §X1 (AMD). PL 1997, c. 643, §§M1-3 (AMD). PL 2007, c. 539, Pt. JJ, §1 (AMD). PL 2013, c. 563, §1 (AMD). PL 2019, c. 475, §34 (AMD). RR 2021, c. 1, Pt. B, §1 (COR).

§5. Compensation of justices upon retirement

(REPEALED)

SECTION HISTORY

PL 1965, c. 442, §1 (AMD). PL 1967, c. 494, §§1,29 (AMD). PL 1969, c. 466, §1 (AMD). PL 1969, c. 469, §§1,2 (AMD). PL 1971, c. 64, §1 (AMD). PL 1975, c. 701, §§1,2 (AMD). PL 1981, c. 488, §§1,2 (AMD). PL 1983, c. 167, §1 (AMD). PL 1983, c. 853, §§C5,18 (RP).

§6. Active Retired Justices

Any Justice of the Supreme Judicial Court, who has retired from the court under this chapter in effect prior to December 1, 1984, or any Justice of the Supreme Judicial Court who retires or terminates service on the court in accordance with chapter 27, except for a disability retirement, is eligible for appointment as an Active Retired Justice of the Supreme Judicial Court as provided. The Governor

may, subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary and to confirmation by the Legislature, appoint any eligible justice as an Active Retired Justice of the Supreme Judicial Court for a term of 7 years, unless sooner removed, and that justice may be reappointed for a like term. Any justice appointed and designated as an Active Retired Justice of the Supreme Judicial Court constitutes a part of the court from which the Justice retired and has the same jurisdiction and is subject to the same restrictions as before retirement, except that the Active Retired Justice may act only in the cases and matters and hold court only at the terms and times as directed and assigned by the Chief Justice of the Supreme Judicial Court. The Chief Justice is empowered and authorized to assign and designate an Active Retired Justice of the Supreme Judicial Court as to that justice's services and may direct as to which term of the Law Court the Active Retired Justice attends, and order the Active Retired Justice to hear all matters and issue all orders, notices, decrees and judgments in vacation that any Justice of the Supreme Judicial Court is authorized to hear or issue. [PL 2019, c. 475, §35 (AMD).]

SECTION HISTORY

PL 1967, c. 544, §1 (AMD). PL 1969, c. 466, §2 (AMD). PL 1975, c. 771, §17 (AMD). PL 1983, c. 853, §§C6,18 (AMD). PL 2019, c. 475, §35 (AMD).

§6-A. Active Retired Justice of Supreme Judicial Court to sit in Superior Court

An Active Retired Justice of the Supreme Judicial Court may be assigned by the Chief Justice of the Supreme Judicial Court to sit in the Superior Court in any county, and when so directed the Active Retired Justice has authority and jurisdiction in that county as if the Active Retired Justice were a regular Justice of the Superior Court; and, whenever the Chief Justice of the Supreme Judicial Court so directs, the Active Retired Justice may hear all matters and issue all orders, notices, decrees and judgments that any Justice of the Superior Court is authorized to hear and issue. [PL 2019, c. 475, §36 (AMD).]

The order of the Chief Justice of the Supreme Judicial Court directing an Active Retired Justice of the Supreme Judicial Court to sit in the Superior Court must be filed with the Executive Clerk of the Supreme Judicial Court, but need not be docketed or otherwise recorded in any case heard by the Active Retired Justice. [PL 2019, c. 475, §36 (AMD).]

SECTION HISTORY

PL 1979, c. 12, §1 (NEW). PL 2019, c. 475, §36 (AMD).

§6-B. Per diem compensation for Active Retired Justices of the Supreme Judicial Court

Any Active Retired Justice of the Supreme Judicial Court who performs judicial service at the direction and assignment of the Chief Justice of the Supreme Judicial Court must be compensated for those services at the rate of \$350 per day or \$200 per 1/2 day, as long as the total compensation received under this section by an Active Retired Justice of the Supreme Judicial Court in any calendar year does not exceed 75% of the annual salary of an Associate Justice of the Supreme Judicial Court set pursuant to section 4. An Active Retired Justice of the Supreme Judicial Court who receives compensation under this section does not accrue additional creditable service for benefit calculation purposes and is not entitled to any other employee benefit, including health, dental or life insurance. [PL 2017, c. 284, Pt. XXXX, §1 (AMD).]

SECTION HISTORY

PL 1979, c. 692, §1 (NEW). PL 1983, c. 416, §1 (AMD). PL 1989, c. 501, §§O11,22 (AMD). PL 1989, c. 596, §C8 (AMD). PL 1991, c. 824, §§B13,14 (AFF). PL 2003, c. 290, §1 (AMD). PL 2017, c. 284, Pt. XXXX, §1 (AMD).

§7. General jurisdiction; control of records

The Supreme Judicial Court may exercise its jurisdiction according to the common law not inconsistent with the Constitution or any statute, and may punish contempts against its authority by fine and imprisonment, or either, and administer oaths. It has general superintendence of all inferior courts for the prevention and correction of errors and abuses where the law does not expressly provide a remedy and has control of all records and documents in the custody of its clerks. Whenever justice or the public good requires, it may order the expunging from the records and papers on file in any case which has gone to judgment of any name or other part thereof unnecessary to the purpose and effect of said judgment. It may issue all writs and processes, not within the exclusive jurisdiction of the Superior Court, necessary for the furtherance of justice or the execution of the laws in the name of the State under the seal of said court, attested by any justice not a party or interested in the suit and signed by the clerk.

§8. Power to prescribe general rules

The Supreme Judicial Court has the power to prescribe, by general rules, for the Probate, District and Superior Courts of Maine, the forms of process, writs, pleadings and motions and the practice and procedure in civil actions at law. Said rules may neither abridge, enlarge nor modify the substantive rights of any litigant. They take effect on such date not less than 6 months after their promulgation as the Supreme Judicial Court may fix. After their promulgation the Supreme Judicial Court may repeal, amend, modify or add to them from time to time with or without a waiting period. After the effective date of said rules as promulgated or amended, all laws in conflict therewith are of no further force or effect. [PL 1999, c. 547, §2 (AMD); PL 1999, c. 547, §80 (AFF).]

The Supreme Judicial Court may at any time write the general rules prescribed by it for cases in equity and those in actions at law so as to secure one form of civil action and procedure for both. In such union of rules the right of trial by jury as at common law and declared by the Constitution of the United States and amendments thereto and by the Constitution of the State of Maine and amendments thereto shall be preserved to the parties inviolate. Such united rules shall not take effect until 6 months after their promulgation and thereafter all laws and rules in conflict therewith shall be of no further force or effect. [PL 1977, c. 694, §1 (AMD).]

SECTION HISTORY

PL 1977, c. 694, §1 (AMD). PL 1983, c. 653 (AMD). PL 1999, c. 547, §B2 (AMD). PL 1999, c. 547, §B80 (AFF).

§8-A. Rules on courts records and unclaimed property

The Supreme Judicial Court may prescribe, repeal, add to, amend or modify rules or orders: [PL 1981, c. 241 (NEW).]

1. Records. To establish retention and disposition schedules for the fiscal, managerial and court records of all the judicial courts of the State, and to authorize the disposition of such records as have no archival, historical or judicial value to the State to warrant permanent preservation, and to authorize the transfer to the Maine State Archives of such records, upon any reasonable terms and conditions as the State Archivist and the Supreme Judicial Court may agree, to be kept in accordance with the Archives and Records Management Law; and [PL 1981, c. 241 (NEW).]

2. Unclaimed property. To provide, after reasonable notice to interested parties or their attorneys, for the transfer to the Treasurer of State for disposition as unclaimed property in the manner provided by Title 33, chapter 45 of property in the possession or custody of the courts of this State as a result of civil or criminal litigation. [PL 2019, c. 498, §1 (AMD).]

SECTION HISTORY

PL 1981, c. 241 (NEW). PL 2003, c. 20, §§T1,2 (AMD). PL 2019, c. 498, §1 (AMD).

§8-B. Rules governing nondisclosure of certain identifying information

1. Nondisclosure of certain identifying information. The Supreme Judicial Court may prescribe, repeal, add to, amend or modify rules or orders providing for a procedure in all courts through which a party is given the right to request that certain identifying information not be disclosed.

[PL 2007, c. 351, §1 (NEW).]

2. No contact order; allegation or pleading. Rules and orders developed pursuant to subsection 1 may allow:

A. A party or participant to notify the court in any case of the existence of any court orders in effect at the time of the proceeding that prohibit contact between the parties and participants; and [PL 2007, c. 351, §1 (NEW).]

B. A party or participant to allege in an affidavit or a pleading under oath that the health, safety or liberty of the person would be jeopardized by disclosure of information pertaining to the person's current or intended address or location. [PL 2007, c. 351, §1 (NEW).]

[PL 2007, c. 351, §1 (NEW).]

3. Evidence; records. Rules and orders under this section may address the sealing, disclosure and redaction of evidence and records, including circumstances in which the information to be treated as confidential is a material fact necessary to the proceeding.

[PL 2007, c. 351, §1 (NEW).]

SECTION HISTORY

PL 2007, c. 351, §1 (NEW).

§8-C. Rules concerning electronic records and filing

1. Rules and orders; processes and procedures. Notwithstanding any other provision of law, the Supreme Judicial Court may adopt rules and issue orders to permit or require the use of electronic forms, filings, records, e-mail and electronic signatures whenever paper forms, filings, records, written notice, postal mail and written signatures are required for judicial, legal or any other court-related process under the Maine Revised Statutes.

The Supreme Judicial Court, by rule, may determine any other processes or procedures appropriate to ensure adequate preservation, disposition, integrity, security, appropriate accessibility and confidentiality of the electronic records. After the effective date of the rules as adopted or amended, all laws in conflict with the rules are of no further effect.

[PL 2021, c. 343, §1 (AMD).]

2. Electronic signatures. An electronic signature may be accepted as a substitute for and, if accepted, has the same force and effect as the use of a manual signature. The Supreme Judicial Court shall determine the type of electronic signature required, the manner and format in which the signature is affixed to the electronic record and the criteria that must be met by a party, including attorneys, filing a document.

[PL 2015, c. 78, §1 (NEW).]

SECTION HISTORY

PL 2015, c. 78, §1 (NEW). PL 2021, c. 343, §1 (AMD).

§9. Power to prescribe rules in criminal cases

The Supreme Judicial Court shall have the power and authority to prescribe, repeal, add to, amend or modify rules of pleading, practice and procedure with respect to any and all proceedings through

final judgment, review and post-conviction remedy in criminal cases before justices of the peace, District Courts, Superior Courts and the Supreme Judicial Court. [PL 1987, c. 736, §1 (AMD).]

Such rules shall take effect on such date not less than 6 months after their promulgation as the Supreme Judicial Court may set. After their promulgation the Supreme Judicial Court may repeal, amend, modify or add to such rules from time to time without a waiting period. After the effective date of said rules as promulgated or amended, all laws in conflict therewith shall be of no further force or effect.

SECTION HISTORY

PL 1987, c. 736, §1 (AMD).

§9-A. Power to prescribe rules of evidence

The Supreme Judicial Court shall have the power and authority to prescribe, repeal, add to, amend or modify rules of evidence with respect to any and all civil actions or other proceedings, and any and all proceedings in criminal cases before justices of the peace, District Courts, probate courts, Superior Courts and the Supreme Judicial Court. [PL 1987, c. 736, §2 (AMD).]

Such rules shall take effect on such date not less than 6 months after their promulgation as the Supreme Judicial Court may set. After their promulgation, the Supreme Judicial Court may repeal, amend, modify or add to such rules from time to time without a waiting period. After the effective date of said rules as promulgated or amended, all laws in conflict therewith shall be of no further force or effect. Any statute incorporated specifically or in general terms in a rule shall remain in effect. [PL 1977, c. 564, §12 (AMD).]

SECTION HISTORY

PL 1973, c. 675 (NEW). PL 1977, c. 564, §12 (AMD). PL 1987, c. 736, §2 (AMD).

§9-B. Committee on judicial responsibility and disability

The Supreme Judicial Court has the power and authority to prescribe, repeal, add to, amend or modify rules relating to a committee to receive complaints, make investigations and make recommendations to the Supreme Judicial Court in regard to discipline, disability, retirement or removal of justices of the Supreme Judicial Court and the Superior Court and judges of the District Court and the probate courts. [PL 1999, c. 547, Pt. B, §3 (AMD); PL 1999, c. 547, Pt. B, §80 (AFF).]

SECTION HISTORY

PL 1977, c. 638 (NEW). PL 1979, c. 490, §1 (AMD). PL 1991, c. 885, §E2 (AMD). PL 1991, c. 885, §E47 (AFF). PL 1999, c. 547, §B3 (AMD). PL 1999, c. 547, §B80 (AFF).

§9-C. Court records accessible by the public only at the courthouse

For civil cases brought pursuant to Title 14, section 6001 or 7481, the following court records are accessible by the public only at a courthouse: [PL 2021, c. 644, §1 (NEW).]

1. Resolution by agreement of the parties. Court records that are part of a court case in which the parties agree that the records should be accessible by the public only at the courthouse; [PL 2021, c. 644, §1 (NEW).]

2. Dismissed or resolved in favor of the defendant. Court records that are part of a court case that is dismissed or resolved in favor of a defendant; and [PL 2021, c. 644, §1 (NEW).]

3. Older than 3 years. Court records that are part of a court case more than 3 years after a judgment has been entered. [PL 2021, c. 644, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 644, §1 (NEW).

§10. Facsimile signature of clerk

A facsimile of the signature of the clerk of the Supreme Judicial Court imprinted by or at the clerk's direction upon any writ, summons, subpoena, order or notice or order of attachment, except executions and criminal process, has the same validity as the clerk's written signature. [RR 2021, c. 1, Pt. B, §2 (COR).]

SECTION HISTORY

RR 2021, c. 1, Pt. B, §2 (COR).

§10-A. Annual training; domestic violence and child abuse issues

The Chief Justice of the Supreme Judicial Court shall establish annual training and education designed to inform Justices of the Supreme Judicial Court on domestic violence and child abuse, neglect and maltreatment issues. [PL 2021, c. 723, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 723, §1 (NEW).

SUBCHAPTER 1-A**ADMINISTRATIVE ASSISTANT TO THE CHIEF JUSTICE****§11. Appointment; salary**

(REPEALED)

SECTION HISTORY

PL 1969, c. 467, §1 (NEW). P&SL 1973, c. 207, §11 (AMD). PL 1975, c. 408, §4 (AMD). PL 1979, c. 13, §1 (RP).

§12. Salary

(REPEALED)

SECTION HISTORY

PL 1969, c. 467, §1 (NEW). PL 1971, c. 531, §3 (RP).

§13. Office space and clerical help

(REPEALED)

SECTION HISTORY

PL 1969, c. 467, §1 (NEW). PL 1979, c. 13, §2 (RP).

§14. Duties of administrative assistant assigned by Chief Justice

(REPEALED)

SECTION HISTORY

PL 1969, c. 467, §1 (NEW). PL 1975, c. 408, §5 (RPR). PL 1979, c. 13, §3 (RP).

SUBCHAPTER 1-B

ADMINISTRATIVE OFFICE OF THE COURTS

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

There is an Administrative Office of the Courts, directed by a State Court Administrator who is appointed by and serves at the pleasure of the Chief Justice of the Supreme Judicial Court. The State Court Administrator shall devote full time to 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. [PL 1993, c. 675, Pt. C, §1 (AMD).]

SECTION HISTORY

PL 1975, c. 408, §§5-A (NEW). PL 1993, c. 675, §C1 (AMD).

§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 assistants and other employees and purchase or lease equipment, services and facilities needed for the performance of the duties of the administrator. All administrative personnel in the Judicial Department are supervised by the State Court Administrator. [PL 1993, c. 675, Pt. C, §1 (AMD).]

These personnel must have qualifications as prescribed by the Supreme Judicial Court. [PL 1993, c. 675, Pt. C, §1 (AMD).]

SECTION HISTORY

PL 1975, c. 408, §§5-A (NEW). PL 1993, c. 675, §C1 (AMD).

§17. Duties of State Court Administrator

The State Court Administrator, 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: [PL 1993, c. 675, Pt. C, §2 (AMD).]

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. 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; [PL 1993, c. 675, Pt. C, §3 (AMD).]

1-A. Long-range planning. Develop and recommend to the Chief Justice long-range plans for the Judicial Department and operations of the courts; [PL 1993, c. 675, Pt. C, §4 (NEW).]

2. Examine the status of dockets. Examine the status of dockets of all courts so as to determine cases and other judicial business that have been unduly delayed. From such reports, the administrator shall indicate which courts are in need of additional judicial personnel and make recommendations to the Chief Justice, to the Chief Justice of the Superior Court and to the Chief Judge of the District Court concerning the assignment or reassignment of personnel to courts that are in need of such personnel. The administrator shall also carry out the directives of the Chief Justice as to the assignment of personnel in these instances; [PL 1983, c. 269, §§1, 9 (AMD).]

3. Investigate complaints. Investigate complaints with respect to the operation of the courts and relating to court and judicial security. Notwithstanding any other provision of law, complaints and investigative files that relate to court and judicial security are confidential. Nothing in this section precludes dissemination of such information to another criminal justice agency;

[PL 2007, c. 597, §2 (AMD).]

4. Examine statistical systems. Examine the statistical systems of the courts and make recommendations for a uniform system of judicial statistics. The administrator shall also collect and analyze statistical and other data relating to the business of the courts;

[PL 1975, c. 408, §5-A (NEW).]

5. Prescribe uniform administrative and business methods, etc. Prescribe uniform administrative and business methods, systems, forms, docketing and records to be used in the Supreme Judicial Court, in the Superior Court and in the District Court;

[PL 1983, c. 269, §§2, 9 (AMD).]

6. Implement standards and policies set by the Chief Justice. Implement standards and policies set by the Chief Justice regarding hours of court, the assignment of term parts and justices;

[PL 1977, c. 544, §3 (AMD).]

7. Act as supervisor of fiscal unit. Act as supervisor of the fiscal unit of the Administrative Office of the Courts and in so doing ensure that the fiscal unit:

A. Maintains fiscal controls and accounts of funds appropriated for the Judicial Department; [PL 1995, c. 560, Pt. I, §1 (AMD).]

B. Prepares all requisitions for the payment of state money appropriated for the maintenance and operation of the Judicial Department; [PL 1995, c. 560, Pt. I, §1 (AMD).]

C. Prepares budget estimates and submissions of state appropriations necessary for the maintenance and operation of the Judicial Department and makes appropriate recommendations; [PL 1995, c. 560, Pt. I, §1 (AMD).]

D. Collects statistical and other data and makes 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 money for the maintenance and operation of the Judicial Department; [PL 1997, c. 24, Pt. II, §1 (AMD).]

E. Develops and implements 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 [PL 1997, c. 24, Pt. II, §1 (AMD).]

F. Periodically studies the feasibility of continuing any agreement with the State Tax Assessor by which the Department of Administrative and Financial Services, Bureau of Revenue Services performs revenue-collecting services for the Judicial Department and, if it is determined that this would be in the best interests of the State, continues such an agreement. [RR 2011, c. 1, §2 (COR).]

[RR 2011, c. 1, §2 (COR).]

8. Examine arrangements for use and maintenance of court facilities. Examine the arrangements for the use and maintenance of court facilities and supervise the purchase, distribution, exchange and transfer of judicial equipment and supplies thereof;

[PL 1975, c. 408, §5-A (NEW).]

9. Act as secretary. Act as secretary to the Judicial Conference;

[PL 1975, c. 408, §5-A (NEW).]

10. Submit an annual report. Submit an annual report to the Chief Justice, Legislature and Governor of the activities and accomplishments of the office for the preceding calendar year;

[PL 1975, c. 408, §5-A (NEW).]

11. Maintain liaison. Maintain liaison with the executive and the legislative branches and other public and private agencies whose activities impact the Judicial Department;

[PL 1975, c. 408, §5-A (NEW).]

12. Prepare and plan clerical offices. Prepare and plan for the organization and operation of clerical offices serving the Superior Court and the District Court;

[PL 1983, c. 269, §§4, 9 (AMD).]

13. Implement preservice and inservice educational and training programs. Develop and implement preservice and inservice educational and training programs for nonjudicial personnel of the Judicial Department;

[PL 1987, c. 137, §1 (AMD).]

14. Perform duties and attend other matters. Perform other duties and attend to other matters consistent with the powers delegated to the State Court Administrator by the Chief Justice and the Supreme Judicial Court;

[PL 1991, c. 622, Pt. L, §4 (AMD).]

15. Provide for court security. Plan and implement arrangements for safe and secure court premises to ensure the orderly conduct of judicial proceedings.

A. The State Court Administrator may contract for the services of qualified individuals as needed on a per diem basis to perform court security-related functions and services.

(1) For the purposes of this subsection, "qualified individuals" means municipal law enforcement officers, deputy sheriffs and other individuals who are certified pursuant to Title 25, section 2804-B or 2804-C and have successfully completed additional training in court security provided by the Maine Criminal Justice Academy or equivalent training.

(2) When under contract pursuant to this paragraph and then only for the assignment specifically contracted for, qualified individuals have the same duties and powers throughout the counties of the State as sheriffs have in their respective counties.

(3) Qualified municipal law enforcement officers and deputy sheriffs performing contractual services pursuant to this paragraph continue to be employees of the municipalities and counties in which they are employed.

(4) Qualified individuals other than municipal law enforcement officers or deputy sheriffs performing contractual services pursuant to this paragraph may not be considered employees of the State for any purpose, except that they must be 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 reasonable per diem fees plus reimbursement of actual, necessary and reasonable expenses incurred in the performance of their duties, consistent with policies established by the State Court Administrator. [PL 2011, c. 380, Pt. TT, §1 (AMD).]

B. The State Court Administrator may employ other qualified individuals to perform court security-related functions and services as court security officers.

(1) Court security officers employed under this paragraph must be certified pursuant to Title 25, section 2803-A, subsection 8-B.

(2) When on assignment for court security functions, court security officers have the same powers and duties throughout the counties of the State as sheriffs have in their respective counties.

(3) Court security officers employed under this paragraph are state employees for all purposes. [PL 2003, c. 400, §1 (NEW).]

C. Notwithstanding any other provision of law, the plans, arrangements and files involving court security matters are confidential. Nothing in this section precludes dissemination of that information to another criminal justice agency; [PL 2003, c. 400, §1 (NEW).]

[PL 2011, c. 380, Pt. TT, §1 (AMD).]

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;

[PL 2021, c. 684, §1 (AMD).]

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. The State Court Administrator, in preparing such impact statements, shall make inquiry of the Chief Justice of the Superior Court, the Chief Judge of the District Court, a statewide association of prosecuting attorneys, a statewide association of criminal defense attorneys, a statewide association of trial attorneys and any other parties, as appropriate, in order to provide the most accurate estimate of the judicial branch impact of such legislation, by fiscal year.

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. [PL 1993, c. 675, Pt. C, §9 (NEW).]

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. [PL 1993, c. 675, Pt. C, §9 (NEW).]

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; and [PL 2021, c. 684, §2 (AMD).]

[PL 2021, c. 684, §2 (AMD).]

18. Statewide electronic warrant system. Establish a secure system for the application, issuance and return of arrest warrants and search warrants that is electronic and that provides access to authorized users statewide.

A. For the purposes of this subsection, "electronic signature" means an electronic sound, symbol or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document, including but not limited to an electronic representation of an actual handwritten signature that is captured at the time of signature by the person or is digitally reproduced from a previously saved signature. [PL 2021, c. 684, §3 (NEW).]

B. The statewide electronic warrant system established pursuant to this subsection must:

(1) Provide for personal appearance and authorization by means of telecommunication or electronic communication;

(2) Provide for secure access for authorized users, at varying levels of authorization, and guard the integrity of an application and all information and documents related to the application;

(3) Provide for submission of information and evidence to support the application in electronic form;

- (4) Require a showing of probable cause based on oath or affirmation. An oath or affirmation may be provided in electronic format;
- (5) Provide for use of an electronic signature by the applicant;
- (6) Provide a method for the issuing official to disapprove, approve or approve with modifications the application, the means for using an electronic signature by the issuing official and a mechanism for electronic issuance;
- (7) Provide a mechanism for the applicant to obtain the issued arrest warrant or search warrant and a mechanism for return by the applicant when the warrant has been executed or, if the warrant was not served within the time period stated in the warrant, a mechanism to return the warrant unserved; and
- (8) Provide a mechanism for the retention of all information submitted to or communicated by or within the system. [PL 2021, c. 684, §3 (NEW).]

[PL 2021, c. 684, §3 (NEW).]

SECTION HISTORY

PL 1975, c. 408, §§5-A (NEW). PL 1977, c. 544, §§1-6 (AMD). PL 1983, c. 269, §§1-4,9 (AMD). PL 1987, c. 137, §§1-3 (AMD). PL 1987, c. 776, §§1,2 (AMD). PL 1989, c. 324 (AMD). PL 1991, c. 570, §1 (AMD). PL 1991, c. 622, §§L4-6 (AMD). PL 1991, c. 885, §E3 (AMD). PL 1991, c. 885, §E47 (AFF). PL 1993, c. 675, §§C2-9 (AMD). PL 1995, c. 560, §I1 (AMD). PL 1997, c. 24, §§II1,2 (AMD). PL 2003, c. 400, §1 (AMD). PL 2007, c. 240, Pt. YYY, §1 (AMD). PL 2007, c. 597, §2 (AMD). PL 2011, c. 380, Pt. TT, §1 (AMD). RR 2011, c. 1, §2 (COR). PL 2021, c. 684, §§1-3 (AMD).

§17-A. Publications and technology

1. Informational publications and record searches. The State Court Administrator may establish a fee schedule to cover the cost of printing and distribution of publications and forms, the procedures for the sale of these publications and forms and record searches performed by Judicial Department employees.

[PL 2017, c. 284, Pt. YYYY, §1 (AMD).]

2. Fund; fees deposited. All fees collected under this section from the sale of publications or forms must be deposited in a fund for use by the State Court Administrator to fund publications, forms and information technology. Twenty percent of fees collected for record searches under subsection 1 must be deposited in the fund, and 80% of fees collected for such record searches must be deposited in the General Fund.

[PL 2017, c. 284, Pt. YYYY, §1 (AMD).]

3. Fees and surcharges for electronic filing. The Supreme Judicial Court may by court rules or administrative orders raise or establish fees for online case searches performed by Judicial Department employees and electronic document delivery and case filings and surcharges on fines to support the operating costs of maintaining an electronic filing and court information management system. All revenues collected under this subsection must be deposited in a fund to be used for those operating costs, including, but not limited to, costs of electronic filing, imaging and hardware, software maintenance fees and hardware maintenance fees and personnel costs.

[PL 2017, c. 284, Pt. YYYY, §1 (NEW).]

SECTION HISTORY

PL 1993, c. 172, §1 (NEW). PL 2013, c. 159, §1 (AMD). PL 2013, c. 502, Pt. V, §1 (AMD). PL 2017, c. 284, Pt. YYYY, §1 (AMD).

§17-B. Funds from the Federal Government and private sources

The State Court Administrator may accept, use, expend and dispose of, on behalf of the State, funds, equipment, supplies, materials and property from any agency of the United States or from any private foundation or other private source. [PL 1997, c. 11, §1 (NEW).]

REVISOR'S NOTE: §17-B. Subleasing (As enacted by PL 1997, c. 362, §1 is REALLOCATED TO TITLE 4, SECTION 17-C)

SECTION HISTORY

RR 1997, c. 1, §1 (RAL). PL 1997, c. 11, §1 (NEW). PL 1997, c. 362, §1 (NEW).

§17-C. Subleasing

(REALLOCATED FROM TITLE 4, SECTION 17-B)

Notwithstanding any other provision of law, the Judicial Department may sublease real property that it holds in the Town of York as tenant to any other government agency for a period of 5 years or less. [RR 1997, c. 1, §1 (RAL).]

SECTION HISTORY

RR 1997, c. 1, §1 (RAL).

§17-D. Fees for training, security and other expenses

The State Court Administrator may establish fees on lawyers, guardians ad litem, interpreters, mediators and other professionals who routinely participate in court proceedings to cover the costs of training, orientation, continuing education, background investigations, entry screening and security provided to these professionals. The State Court Administrator also may establish fees on 3rd parties to cover the costs of the use of court facilities for purposes not related to court functions by those 3rd parties. All fees collected under this section must be deposited in a nonlapsing Other Special Revenue Funds account to be used for these purposes only. This account may receive money from grants, gifts, bequests and donations. [PL 2015, c. 238, §1 (NEW).]

SECTION HISTORY

PL 2015, c. 238, §1 (NEW).

§18. Court Mediation Service

(REPEALED)

SECTION HISTORY

PL 1985, c. 396, §1 (NEW). PL 1985, c. 562 (AMD). PL 1985, c. 750, §1 (AMD). PL 1985, c. 814, §K (AMD). PL 1987, c. 518 (AMD). PL 1989, c. 617, §1 (AMD). PL 1989, c. 702, §E1 (AMD). PL 1995, c. 123, §§1,2 (AMD). PL 1995, c. 537, §2 (AMD). PL 1995, c. 560, §I2 (RP). PL 1995, c. 694, §D1 (AMD). PL 1995, c. 694, §E2 (AFF). PL 1997, c. 393, §§A3,4 (AMD).

§18-A. Maine Civil Legal Services Fund established

1. Creation of fund. The Maine Civil Legal Services Fund, referred to in this section as the "fund," is established as a nonlapsing fund to support civil legal services to persons who otherwise are not able to pay for these services.

A. Money in the fund not needed to meet current obligations must be deposited with the Treasurer of State to the credit of the fund and may be invested as provided by law. Interest on these investments must be credited to the fund. [PL 1991, c. 503 (NEW).]

B. Except as provided in paragraph C, money in the fund must be disbursed to legal services providers to support the provision of free civil legal services to low-income or needy people or the needy elderly in this State. Money disbursed from the fund may not be used by a recipient to support lobbying as defined in Title 3, section 312-A, subsection 9 unless the recipient is

responding to a request by a Legislator or a member of the Executive Department. Only the following legal services providers may receive disbursement to provide free civil legal services:

- (1) Nonprofit organizations whose missions include the provision of statewide free civil legal services and who have at least 5 years of experience providing free civil legal services;
- (2) Legal aid clinics of accredited law schools operating exclusively in Maine; and
- (3) Programs whose primary mission is to coordinate pro bono legal services on a statewide basis for low-income people in this State. [PL 2019, c. 509, §1 (AMD).]

C. In the first year the Judicial Department may draw from the fund any programming, printing and distribution costs that are necessary to implement surcharges on fines, penalties or forfeitures as provided in subsection 3-A. [PL 1997, c. 173, §2 (NEW).]

[PL 2019, c. 509, §1 (AMD).]

2. Administration. The Supreme Judicial Court, or a person or organization designated by the court, is the administrator and shall administer the fund. The administrator shall disburse funds according to determinations made by the commission established in subsection 6. The administrator shall report at least annually to the Legislature on the previous year's income and expenditures.

[PL 1997, c. 173, §3 (AMD).]

3. Contribution.

[PL 1997, c. 173, §4 (RP).]

3-A. Funding. Funding for the fund may be provided by the following methods.

A. For all fees collected by the Judicial Department after October 1, 2019, 9% must be deposited in the fund. This paragraph does not apply to fees dedicated under section 17-A or section 18-B, subsection 8 or to surcharges imposed pursuant to paragraph C. [PL 2019, c. 509, §2 (AMD).]

B. A surcharge of \$10 must be imposed by a court on each civil fine, penalty or forfeiture imposed by the court and deposited in the fund. [PL 2005, c. 361, §3 (AMD).]

C. A surcharge of \$127 must be imposed by a court on the fee for commencement of each debt collection action or money judgment disclosure action when the action is brought by a debt buyer, as defined by Title 32, section 11002, subsection 5-A, or a debt collector, as defined by Title 32, section 11002, subsection 6. The surcharge must be deposited in the fund and is not a recoverable cost under Title 14, section 1502-B. [PL 2021, c. 329, §1 (AMD).]

[PL 2021, c. 329, §1 (AMD).]

4. Other funds. The fund may receive money from any source, including grants, gifts, bequests and donations. Funds appropriated and money received for the benefit of the fund must be deposited to the fund.

[PL 1991, c. 503 (NEW).]

5. Allocation.

[PL 1997, c. 173, §6 (RP).]

6. Distribution of funds. The Supreme Judicial Court shall appoint the Civil Legal Services Fund Commission, consisting of 3 persons knowledgeable about the problems of ensuring access to justice in this State, to determine how to distribute the funds in accordance with subsection 1 in a manner that will most efficiently and effectively maintain and enhance access to justice in this State. The commission shall review the allocation at least every 4 years or on the request of any member of the commission and shall make adjustments to the allocation when appropriate. Funds must be distributed at least quarterly with the first distribution occurring no later than January 2, 1998. The commission shall compile information on the types of cases handled by recipient organizations and shall report this information and its allocation decisions to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than February 1, 1999.

[PL 1997, c. 173, §7 (NEW).]

SECTION HISTORY

PL 1991, c. 503 (NEW). PL 1997, c. 173, §§1-7 (AMD). PL 2005, c. 361, §§1-3 (AMD). PL 2019, c. 509, §§1-3 (AMD). PL 2021, c. 329, §1 (AMD).

§18-B. Court Alternative Dispute Resolution Service

1. Court Alternative Dispute Resolution Service. There is established within the Administrative Office of the Courts a Court Alternative Dispute Resolution Service to provide alternative dispute resolution, referred to in this section as "ADR," services in the courts throughout the State.

[PL 1995, c. 560, Pt. I, §3 (NEW).]

2. ADR providers. The Judicial Department, through the State Court Administrator or the administrator's designee, shall contract for the services of qualified persons or organizations to serve as providers of ADR services to parties. The ADR providers are not employees of the State for any purpose. The ADR providers are entitled to 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 Administrative Office of the Courts.

[PL 1995, c. 560, Pt. I, §3 (NEW).]

3. Immunity from civil liability. A person serving as an ADR provider under contract with the Judicial Department or as the Director of the Court Alternative Dispute Resolution Service is immune from any civil liability, as are employees of governmental entities, under the Maine Tort Claims Act, for acts performed within the scope of the provider's or the director's duties.

[PL 1995, c. 560, Pt. I, §3 (NEW).]

4. Staff. With the advice and approval of the Court Alternative Dispute Resolution Service Committee, the State Court Administrator shall employ or contract with a person to serve as the Director of the Court Alternative Dispute Resolution Service. The State Court Administrator shall provide other necessary staff and clerical assistance to the Court Alternative Dispute Resolution Service, within the limits of funds available.

[PL 1995, c. 560, Pt. I, §3 (NEW).]

5. Facilities. The State Court Administrator shall provide a principal office for the Court Alternative Dispute Resolution Service and shall arrange for facilities throughout the State as necessary and adequate for the conduct of ADR sessions, within the limits of funds available.

[PL 1995, c. 560, Pt. I, §3 (NEW).]

6. Court Alternative Dispute Resolution Service Committee. The Court Alternative Dispute Resolution Service Committee, or "committee," is established to set policy for and monitor the Court Alternative Dispute Resolution Service. The committee consists of:

- A. The Chief Justice of the Supreme Judicial Court or a designee; [PL 1995, c. 560, Pt. I, §3 (NEW).]
- B. The Chief Justice of the Superior Court or a designee; [PL 1995, c. 560, Pt. I, §3 (NEW).]
- C. The Chief Judge of the District Court or a designee; [PL 1995, c. 560, Pt. I, §3 (NEW).]
- D. The State Court Administrator or a designee; [PL 1995, c. 560, Pt. I, §3 (NEW).]
- E. A Justice of the Superior Court, who is appointed by and serves at the pleasure of the Chief Justice of the Supreme Judicial Court; [PL 1995, c. 560, Pt. I, §3 (NEW).]
- F. A Judge of the District Court, who is appointed by and serves at the pleasure of the Chief Justice of the Supreme Judicial Court; and [PL 1995, c. 560, Pt. I, §3 (NEW).]

G. Any additional members appointed by the Chief Justice of the Supreme Judicial Court that the Chief Justice considers necessary to the committee's operation. [PL 1995, c. 560, Pt. I, §3 (NEW).]

[PL 1995, c. 560, Pt. I, §3 (NEW).]

7. Authority and fees. The Judicial Department is authorized to refer cases to the Court Alternative Dispute Resolution Service for mediation and, when a court refers case types or individual cases to the Court Alternative Dispute Resolution Service for mediation, the court shall assess the parties a fee to be apportioned equally among the parties, unless the court otherwise directs. The fee must be deposited in the dedicated account created in subsection 8.

A party may file an in forma pauperis application for waiver of fee. If the court finds that the party does not have sufficient funds to pay the fee, it shall order the fee waived.

[PL 2021, c. 676, Pt. A, §1 (RPR).]

8. Court Alternative Dispute Resolution Service Fund. The Court Alternative Dispute Resolution Service Fund is established as a nonlapsing, dedicated fund within the Administrative Office of the Courts. Fees collected for ADR services provided pursuant to this section must be deposited in the fund.

Except as otherwise provided in this section, the Administrative Office of the Courts shall use 100% of the resources in the funds from nondesignated cases to cover the costs of providing ADR services as required under this section. All funds from cases handled by the Court Alternative Dispute Resolution Service pursuant to Title 38, section 347-A, subsection 4, paragraph E must be used for the costs of providing ADR services as required under this section.

[PL 1997, c. 643, Pt. EE, §1 (AMD).]

9. Rules. The Supreme Judicial Court shall adopt rules to govern the referral of cases to the Court Alternative Dispute Resolution Service.

[PL 1995, c. 560, Pt. I, §3 (NEW).]

10. Land use mediation. The land use mediation program is a program within the Court Alternative Dispute Resolution Service.

A. The Director of the Court Alternative Dispute Resolution Service shall administer the land use mediation program established in Title 5, chapter 314, subchapter II. [PL 1997, c. 393, Pt. A, §5 (NEW).]

B. A land use mediation fund is established as a nonlapsing, dedicated fund within the Administrative Office of the Courts. Fees collected for mediation services pursuant to Title 5, chapter 314, subchapter II must be deposited in the fund. The Administrative Office of the Courts shall use the resources in the fund to cover the costs of providing mediation services as required under Title 5, chapter 314, subchapter II. [PL 1997, c. 393, Pt. A, §5 (NEW).]

[PL 2001, c. 184, §2 (AMD).]

11. Mediation of disputes involving natural gas pipelines. The natural gas pipeline dispute resolution program is a program within the Court Alternative Dispute Resolution Service.

A. The Director of the Court Alternative Dispute Resolution Service shall administer the natural gas pipeline dispute resolution program established in Title 5, chapter 314, subchapter III. [PL 1999, c. 346, §1 (NEW).]

B. A natural gas pipeline dispute resolution fund is established as a nonlapsing, dedicated fund within the Administrative Office of the Courts. Fees collected for mediation services pursuant to Title 5, chapter 314, subchapter III must be deposited in the fund. The Administrative Office of the Courts shall use the resources in the fund to cover the costs of providing mediation services as required under Title 5, chapter 314, subchapter III. [PL 1999, c. 346, §1 (NEW).]

[PL 1999, c. 346, §1 (NEW).]

12. Mediation involving mortgage foreclosures on owner-occupied residential property. The foreclosure mediation program is a program within the Supreme Judicial Court to provide mediation in the courts throughout the State pursuant to Title 14, section 6321-A.

A. The Supreme Judicial Court, or a person or organization designated by the court, shall administer the foreclosure mediation program. [PL 2009, c. 402, §1 (NEW).]

B. A foreclosure mediation program fund is established as a nonlapsing, dedicated fund within the Administrative Office of the Courts. Fees collected to support mediation services pursuant to Title 14, section 6321-A, subsection 3 must be deposited in the fund. The Administrative Office of the Courts shall use the resources in the fund to cover the costs of providing mediation services as required under Title 14, section 6321-A. [PL 2009, c. 402, §1 (NEW).]

[PL 2009, c. 402, §1 (NEW).]

SECTION HISTORY

PL 1995, c. 560, §13 (NEW). PL 1997, c. 393, §A5 (AMD). PL 1997, c. 643, §EE1 (AMD). PL 1999, c. 346, §1 (AMD). PL 2001, c. 184, §2 (AMD). PL 2009, c. 402, §1 (AMD). PL 2021, c. 245, Pt. G, §1 (AMD). PL 2021, c. 329, §2 (AMD). PL 2021, c. 676, Pt. A, §1 (AMD).

SUBCHAPTER 1-C

JUDICIAL REGIONS: ASSIGNMENT OF JUSTICES AND JUDGES

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

The Chief Justice of the Supreme Judicial Court 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 may counties be divided for the creation of judicial regions. [PL 1983, c. 688, §1 (AMD).]

SECTION HISTORY

PL 1975, c. 408, §6 (NEW). PL 1983, c. 269, §§5,9 (AMD). PL 1983, c. 688, §1 (AMD).

§20. Provide for collection of fines and fees from money collected

The Chief Justice of the Supreme Judicial Court shall plan and implement arrangements for the collection of overdue fines and fees due the state courts, the costs of which may be paid from money collected. These arrangements may include but are not limited to: Employing special project clerks, assistants and other staff; contracting with state agencies; contracting for special or private debt collection services; purchasing necessary equipment; and compensating state, county and municipal law enforcement agencies for services provided. [PL 2011, c. 131, §1 (AMD).]

The Chief Justice of the Supreme Judicial Court may implement arrangements for the use of fines and fees collected under Title 29-A, section 2121 to pay the costs of processing traffic violations under that section and handling the fines or fees. These arrangements may include employing an assistant clerk. [PL 2019, c. 486, §1 (NEW).]

SECTION HISTORY

PL 1989, c. 875, Pt. E, §3 (NEW). PL 2011, c. 131, §1 (AMD). PL 2019, c. 486, §1 (AMD).

SUBCHAPTER 1-D

COURT PERSONNEL AND FINANCES

§22. State responsibility for court finances

Beginning with the fiscal year commencing July 1, 1976, the Legislature shall appropriate funds for the expenses of the Judicial Department. [PL 1975, c. 408, §7 (NEW).]

SECTION HISTORY

PL 1975, c. 408, §7 (NEW).

§23. Court personnel and compensation

The Supreme Judicial Court shall prescribe by rule a personnel classification plan for all courts in the Judicial Department. [PL 1975, c. 408, §7 (NEW).]

SECTION HISTORY

PL 1975, c. 408, §7 (NEW).

§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. The administrator may be assisted in this task by the Chief Justice of the Superior Court and the Chief Judge of the District Court. [PL 1993, c. 675, Pt. C, §10 (AMD).]

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 must be transmitted to the State Budget Officer on or before September 1st of the 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 recommendations the Governor considers proper. [PL 1993, c. 675, Pt. C, §10 (AMD).]

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. [PL 1975, c. 408, §7 (NEW).]

SECTION HISTORY

PL 1975, c. 408, §7 (NEW). PL 1979, c. 127, §9 (AMD). PL 1983, c. 269, §§6,9 (AMD). PL 1993, c. 675, §C10 (AMD).

§25. Reimbursement of counties for salaries and expenses of court and jury officers

The Judicial Department shall compensate each county for those reasonable costs related to salaries and expenses as agreed upon between the Judicial Department and the respective county. The compensation may be only for the number of court security officers requested to serve the court either in that county or another by the Judicial Department. [PL 1991, c. 570, §2 (AMD).]

The Judicial Department shall include sufficient funds for this compensation within its operating budget. [PL 1991, c. 570, §2 (AMD).]

SECTION HISTORY

PL 1977, c. 705, §1 (NEW). PL 1989, c. 722, §1 (AMD). PL 1991, c. 570, §2 (AMD).

§26. Use of Executive Department agencies

Unless otherwise prohibited by law, the Judicial Department shall use the services of and be included in any systems established and maintained by the bureaus within the Department of Administrative and Financial Services and is subject to the same rules that apply to the Executive Department unless specifically exempted. [PL 1997, c. 24, Pt. II, §3 (AMD).]

SECTION HISTORY

PL 1985, c. 733, §1 (NEW). PL 1997, c. 24, §113 (AMD).

§27. Funds collected by Bureau of Revenue Services

1. Generally. The State Court Administrator shall enter into an agreement with the State Tax Assessor by which the Department of Administrative and Financial Services, Bureau of Revenue Services may collect on the Judicial Department's behalf fees, fines, costs and penalties, the imposition of which is provided for by this Title. Any such agreement must specify which categories of fees, fines, forfeitures, costs and penalties are to be collected by the Bureau of Revenue Services.

[PL 1997, c. 24, Pt. II, §4 (NEW); PL 1997, c. 526, §14 (AMD).]

2. Notice and demand; remedies provided by Title 36. The State Tax Assessor shall provide notice substantially equivalent to that set forth in Title 36, section 171. Once notice and a demand for payment have been provided, the State Tax Assessor may proceed to collect the amount due by any collection method authorized by Title 36.

[PL 1997, c. 24, Pt. II, §4 (NEW).]

3. Deposited in General Fund. Funds collected on behalf of the Judicial Department by the State Tax Assessor must be deposited in the proper fund in State Government, except that, for the 1998-1999 biennium, the State Tax Assessor may retain sufficient funds to cover the administrative expenses incurred in collection. After the 1998-1999 biennium, the Judicial Department shall budget sufficient funds to pay the Department of Administrative and Financial Services, Bureau of Revenue Services, Bureau of Revenue Services Fund, Internal Services Fund account on a cost-reimbursement basis for services provided.

[PL 1997, c. 643, Pt. F, §1 (AMD).]

SECTION HISTORY

PL 1997, c. 24, §114 (NEW). PL 1997, c. 526, §14 (AMD). PL 1997, c. 643, §F1 (AMD).

§28. Additional fee revenue dedicated

The judicial branch may credit 6%, up to a maximum of \$800,000 per fiscal year, of fee revenue collected pursuant to administrative orders of the court to a nonlapsing Other Special Revenue Funds account to support the capital expenses of the judicial branch. If the fee revenue from the judicial branch is less than the amount budgeted as undedicated fee revenue for the General Fund, the amount credited to the Other Special Revenue Funds account during the fiscal year must be reduced by a percentage equal to the percentage by which General Fund undedicated fee revenue is under budget.

[PL 2023, c. 412, Pt. KKK, §1 (AMD).]

SECTION HISTORY

PL 2009, c. 213, Pt. QQ, §2 (NEW). PL 2011, c. 380, Pt. HHH, §1 (AMD). PL 2023, c. 412, Pt. KKK, §1 (AMD).

SUBCHAPTER 1-E

COLLECTIVE BARGAINING

§31. Purpose

It is declared to be the public policy of the State and it is the purpose of this subchapter to promote the continued improvement of the relationship between the Judicial Department and its employees by providing a uniform basis for recognizing the right of judicial employees to join labor organizations of their own choosing and to be represented by these organizations in matters concerning their employment relations with the Judicial Department. [PL 1983, c. 412, §1 (NEW).]

SECTION HISTORY

PL 1983, c. 412, §1 (NEW).

§32. Procedures; advisory committee

1. Collective bargaining. The Supreme Judicial Court may propose appropriate procedures for defining and implementing the collective bargaining rights of Judicial Department employees, including, without limitation, definition of employees and appropriate subjects of collective bargaining, determination of appropriate bargaining units, certification and election of a bargaining agent, appeals process, impasse resolution procedure and enforcement mechanisms.

[PL 1983, c. 412, §1 (NEW).]

2. Advisory committee. The Supreme Judicial Court shall designate an advisory committee to recommend procedures. The committee shall include representatives of public sector management and public sector bargaining agents. Opportunity shall be provided for the expression of views of Judicial Department employees.

[PL 1983, c. 412, §1 (NEW).]

SECTION HISTORY

PL 1983, c. 412, §1 (NEW).

SUBCHAPTER 1-F

COURT UNIFICATION OVERSIGHT COMMITTEE

§41. Court Unification Oversight Committee

(REPEALED)

SECTION HISTORY

PL 1999, c. 731, §ZZZ1 (NEW). PL 1999, c. 731, §ZZZ42 (AFF). PL 2007, c. 466, Pt. C, §1 (RP).

SUBCHAPTER 2

LAW COURT

§51. Constitution of court; concurrence required

When sitting as a Law Court to determine questions of law arising in any civil or criminal action or proceeding, the Supreme Judicial Court must be composed as provided by rules adopted by that court and shall hear and determine such questions by the concurrence of a majority of the justices sitting and qualified to act. [PL 2007, c. 518, §1 (AMD).]

SECTION HISTORY

PL 1969, c. 354 (RPR). PL 2007, c. 518, §1 (AMD).

§52. Justice not to sit in review of case tried before that justice

A justice may not sit in the law court upon the hearing of any cause tried before that justice or take any part in the decision of that cause. [RR 2021, c. 1, Pt. B, §3 (COR).]

SECTION HISTORY

RR 2021, c. 1, Pt. B, §3 (COR).

§53. Sessions

For the purpose of appellate review by the Supreme Judicial Court sitting as a law court, the State shall constitute one district. The number of sessions of the law court in each year and the method of determining the time and place thereof shall be in accordance with rules promulgated by the Supreme Judicial Court. [PL 1969, c. 354 (RPR).]

SECTION HISTORY

PL 1969, c. 354 (RPR).

§54. Clerks; duties; compensation; expenses of county

The Chief Justice of the Supreme Judicial Court shall appoint a clerk of the law court to serve at the Chief Justice's pleasure and shall, from time to time, designate one or more of the clerks of court or some competent person or persons to act as additional clerks of the law court. The clerk of the law court is entitled to receive such salary as the Chief Justice determines and shall devote full time to the clerk's duties. The clerk of the law court shall also act as reporter of decisions. The Chief Justice or in the Chief Justice's absence the senior justice present shall allow to the county in which any law term is held such expense as may be incurred on account of such law term, which must be paid by the State. The dockets of the law court must be made from time to time and kept as the court may direct. [PL 2019, c. 475, §37 (AMD).]

SECTION HISTORY

PL 1965, c. 392, §1 (AMD). PL 1967, c. 220 (AMD). PL 1969, c. 467, §§2,3 (AMD). PL 1975, c. 408, §8 (AMD). PL 2019, c. 475, §37 (AMD).

§55. Preservation of briefs

The clerk of the Supreme Judicial Court shall preserve 2 complete sets of briefs in all cases decided in the Supreme Judicial Court sitting as the Law Court. The clerk shall provide complete sets of the briefs to the law library of Cumberland County and to the Law and Legislative Reference Library, either by delivering a physical set to each library or by delivering or providing access to an electronic copy of the briefs. All expenses incurred in preparation and delivery of these briefs must be paid by the State from the appropriation for expenses of the Supreme Judicial Court. [PL 2017, c. 223, §1 (AMD).]

SECTION HISTORY

PL 1977, c. 114, §1 (RPR). PL 1979, c. 13, §§3-A,3-B (AMD). PL 1983, c. 164 (AMD). PL 2017, c. 223, §1 (AMD).

§56. Messenger in Cumberland County

(REPEALED)

SECTION HISTORY

PL 1969, c. 188 (RP).

§57. Jurisdiction; disposition of cases; technical errors in pleading and procedure

The following cases only come before the court as a court of law: Cases on appeal from the District Court, the Superior Court or a single Justice of the Supreme Judicial Court or from the probate courts; questions of law arising on reports of cases, including 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; agreed statement of facts; cases 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 habeas corpus, mandamus and certiorari and questions of state law certified by the federal courts. They must be marked "law" on the docket of the county or

district where they are pending, and there continued until their determination is certified by the Clerk of the Law Court to the clerk of courts of the county and the court shall immediately after the decision of the question submitted to it make such order, direction, judgment or decree as is fit and proper for the disposal of the case, and cause a rescript in all civil actions, briefly stating the points therein decided, to be filed therein, which rescript must be certified by the Clerk of the Law Court to the clerk of courts of the county or district where the action is pending and to the Reporter of Decisions. If no further opinion is written out, the reporter shall publish in the next volume of reports thereafter issued the case, together with such rescript, if the reporter deems the same of sufficient importance for publication. [PL 1999, c. 731, Pt. ZZZ, §2 (AMD); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]

When the issues of law presented in any case before the Law Court can be clearly understood, they must be decided, and a case may not be dismissed by the Law Court for technical errors in pleading alone or for want of proper procedure if the record of the case presents the merits of the controversy between the parties. Whenever, in the opinion of the Law Court, the ends of justice require, it may remand any case to the court below or to any justice or judge thereof for the correction of any errors in pleading or procedure. In remanding said case, the Law Court may set the time within which said correction must be made and said case reentered in the Law Court. [PL 1999, c. 731, Pt. ZZZ, §2 (AMD); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]

When it appears to the Supreme Court of the United States, or to any court of appeals or district court of the United States, that there is involved in any proceeding before it one or more questions of law of this State, which may be determinative of the cause, and there are no clear controlling precedents in the decisions of the Supreme Judicial Court, such federal court may certify any such questions of law of this State to the Supreme Judicial Court for instructions concerning such questions of state law, which certificate the Supreme Judicial Court sitting as the Law Court may, by written opinion, answer. [PL 1999, c. 731, Pt. ZZZ, §2 (AMD); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]

SECTION HISTORY

PL 1965, c. 158, §§1,2 (AMD). PL 1965, c. 356, §1 (AMD). PL 1965, c. 513, §2 (AMD). PL 1967, c. 544, §2 (AMD). PL 1979, c. 540, §2 (AMD). PL 1999, c. 731, §ZZZ2 (AMD). PL 1999, c. 731, §ZZZ42 (AFF).

§58. Courthouse Security Fund

1. Creation of fund. The Courthouse Security Fund, referred to in this section as "the fund," is created under the jurisdiction and control of the Supreme Judicial Court. [PL 2005, c. 113, §1 (NEW).]

2. Source of fund. The fund consists of all money appropriated or allocated for inclusion in the fund, from whatever source, and any other resources available to the fund. [PL 2005, c. 113, §1 (NEW).]

3. Application of fund. Money in the fund may be used to improve security and improve public safety at court facilities under the control of the State or a subdivision of the State. Money in the fund not needed to meet the requirements of this subsection may accrue interest and be invested in a manner permitted by law. [PL 2005, c. 113, §1 (NEW).]

4. Revolving fund. The fund is a nonlapsing, revolving fund. [PL 2005, c. 113, §1 (NEW).]

SECTION HISTORY

PL 2005, c. 113, §1 (NEW).

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