

## STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND THIRTEEN

## H.P. 603 - L.D. 852

**An Act To Amend Certain Provisions of Law Affecting the Judicial Branch**

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

**Sec. 1. 4 MRSA §17-A**, as enacted by PL 1993, c. 172, §1, is amended to read:

**§17-A. Publications and technology**

**1. Informational publications.** The State Court Administrator may establish a fee schedule to cover the cost of printing and distribution of publications and forms and the procedures for the sale of these publications and forms.

**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 ~~replace and update publications and forms and to fund new publications, forms and information technology.~~

**Sec. 2. 4 MRSA §153, first ¶**, as amended by PL 2005, c. 397, Pt. C, §4 and affected by §8, is further amended to read:

The State is divided into 28 judicial divisions, named and defined as follows, and with places for holding court in those divisions as follows:

**Sec. 3. 4 MRSA §153, sub-§19** is repealed.

**Sec. 4. 4 MRSA §153, sub-§19-A** is enacted to read:

**19-A. Northern and Central Penobscot.** Northern and Central Penobscot consists of the municipalities and unorganized territory of Hopkins Academy Grant Township, Long A Township, Medway, TA R7 WELS, Burlington, Edinburg, Lakeville, Lagrange, Lowell, Passadumkeag, Twombly, Pukakon Township and all municipalities and unorganized territory in Penobscot County lying to the north of these. The District Court for Northern and Central Penobscot must be held at Millinocket and Lincoln. The Chief Judge shall determine the level of service at each location.

**Sec. 5. 4 MRSA §153, sub-§20** is repealed.

**Sec. 6. 4 MRSA §183, sub-§1, ¶H** is enacted to read:

H. The Chief Judge of the District Court may employ a retired family law magistrate to serve on a per diem basis as an active retired family law magistrate. An active retired family law magistrate employed pursuant to this paragraph has the same jurisdiction and is subject to the same restrictions as before retirement. An active retired family law magistrate serves at the direction of the Chief Judge of the District Court and is compensated at the per diem rate of \$250 per day or \$150 per half-day, as long as the total of the per diem compensation and the active retired family law magistrate's state retirement pension received in any calendar year does not exceed the annual salary of a family law magistrate. Active retired family law magistrates are entitled to receive reimbursement for any expenses actually and reasonably incurred in the performance of their duties.

**Sec. 7. 4 MRSA §183, sub-§3**, as amended by PL 2005, c. 384, §1, is further amended to read:

**3. Reports.** The State Court Administrator shall keep statistical records relating to the cases handled by the Family Division and report this information to the Supreme Judicial Court annually and to the joint standing committee of the Legislature having jurisdiction over judiciary matters by ~~January~~ February 15th of each odd-numbered calendar year.

A. The State Court Administrator shall evaluate the functioning of the family law magistrates in providing a system of justice that is responsive to the needs of families and the support of their children in light of the jurisdiction given to the family law magistrates under this section. The State Court Administrator shall report to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than January 15, 1999 with recommendations, if any, for changing the duties provided in subsection 1, paragraph D.

B. The State Court Administrator shall report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 15, 1999 explaining the justification for the particular geographic assignments of the family law magistrates.

**Sec. 8. 4 MRSA §423, first ¶**, as enacted by PL 1999, c. 780, §1, is amended to read:

The Judicial Department shall report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by ~~January 15, 2002 and February 15th~~ annually ~~hereafter~~ on the establishment and operation of alcohol and drug treatment programs in the courts. The report must cover at least the following:

**Sec. 9. 4 MRSA §454, 2nd ¶**, as amended by PL 1997, c. 134, §6, is further amended to read:

~~The~~ When sufficient funding is allocated by the Legislature, the institute shall meet at least once every 3 years, at the call of the Chief Justice of the Supreme Judicial Court, for a 2-day period to discuss recommendations for changes in the sentencing authority and policies of the State's criminal and juvenile courts, in response to current law enforcement problems and the available alternatives for criminal and juvenile rehabilitation within the State's correctional system. Inasmuch as possible the deliberations of the institute must be open to the general public.

**Sec. 10. 4 MRSA §1802, sub-§1-A** is enacted to read:

**1-A. Appellate counsel.** "Appellate counsel" means an attorney who is entitled to payment under Title 15, section 2115-A, subsection 8 or 9.

**Sec. 11. 4 MRSA §1804, sub-§3, ¶I,** as enacted by PL 2009, c. 419, §2, is amended to read:

I. Approve and submit a biennial budget request to the Department of Administrative and Financial Services, Bureau of the Budget, including supplemental budget requests as necessary; ~~and~~

**Sec. 12. 4 MRSA §1804, sub-§3, ¶J,** as repealed and replaced by PL 2011, c. 141, §1, is amended to read:

J. Develop an administrative review and appeal process for attorneys who are aggrieved by a decision of the executive director, or the executive director's designee, determining:

- (1) Whether an attorney meets the minimum eligibility requirements to receive assignments or to receive assignments in specialized case types pursuant to any commission rule setting forth eligibility requirements;
- (2) Whether an attorney previously found eligible is no longer eligible to receive assignments or to receive assignments in specialized case types pursuant to any commission rule setting forth eligibility requirements; and
- (3) Whether to grant or withhold a waiver of the eligibility requirements set forth in any commission rule.

All decisions of the commission, including decisions on appeals under subparagraphs (1), (2) and (3), constitute final agency action. All decisions of the executive director, or the executive director's designee, other than decisions appealable under subparagraphs (1), (2) and (3), constitute final agency action; ~~and~~

**Sec. 13. 4 MRSA §1804, sub-§3, ¶K** is enacted to read:

K. Pay appellate counsel.

**Sec. 14. 15 MRSA §2115-A, sub-§8,** as amended by PL 1979, c. 663, §110, is further amended to read:

**8. Fees and costs.** The Law Court shall allow ~~reasonable~~ counsel fees and costs for the defense of appeals under this section, to be paid by the Maine Commission on

Indigent Legal Services under Title 4, section 1801. The compensation paid by the commission may not exceed the rates established by the commission for the payment of counsel providing indigent legal services.

**Sec. 15. 15 MRSA §2115-A, sub-§9**, as enacted by PL 1987, c. 461, is amended to read:

**9. Appeals to Federal Court; fees and costs.** The Law Court shall allow ~~reasonable attorneys~~ attorney's fees for court appointed counsel when the State appeals a judgment to any Federal Court or to the United States Supreme Court on certiorari. Any fees allowed pursuant to this subsection ~~shall~~ must be paid out of the accounts of the ~~Judicial Department~~ Maine Commission on Indigent Legal Services under Title 4, section 1801. The compensation paid by the commission may not exceed the rates established by the commission for the payment of counsel providing indigent legal services.