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SECOND REGULAR SESSION-2012

Legislative Document

No. 1606

H.P. 1215

House of Representatives, December 20, 2011

An Act To Provide Magistrates To Assist the Court in Handling Small Claims and Landlord-tenant Cases

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 16, 2011. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

HEATHER J.R. PRIEST Clerk

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Presented by Representative PRIEST of Brunswick. Cosponsored by Senator GERZOFSKY of Cumberland and

Representatives: CAIN of Orono, CAREY of Lewiston, CUSHING of Hampden, MALONEY of Augusta, MARTIN of Eagle Lake, TREAT of Hallowell, Senators: HASTINGS of Oxford,

WOODBURY of Cumberland.

1 Emergency preamble. Whereas, acts and resolves of the Legislature do not 2 become effective until 90 days after adjournment unless enacted as emergencies; and 3 Whereas, this legislation needs to take effect before the expiration of the 90-day 4 period in order to ensure the efficient administration of justice in small claims and 5 landlord-tenant cases; and 6 Whereas, in the judgment of the Legislature, these facts create an emergency within 7 the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, 8 therefore. 10 Be it enacted by the People of the State of Maine as follows: 11 **Sec. 1. 4 MRSA §164-C** is enacted to read: 12 §164-C. Magistrates for landlord-tenant and small claims cases 13 1. Chief Judge may appoint. The Chief Judge of the District Court may appoint no more than 4 magistrates to hear and dispose of cases filed under Title 14, chapters 709, 14 710, 710-A and 738. Notwithstanding section 183, subsection 1, paragraph D, and as an 15 alternative to appointing magistrates under this subsection, the Chief Judge may assign 16 17 family law magistrates to hear and dispose of cases filed under Title 14, chapters 709, 710, 710-A and 738 if the work performed by the family law magistrates on cases filed 18 under these chapters does not exceed the work that would be performed by 4 magistrates 19 devoted solely to work on cases filed under these chapters. 20 21 2. Chief Justice may increase filing fees. The Chief Justice of the Supreme Judicial Court may increase filing fees on cases filed under Title 14, chapters 709, 710, 710-A and 22 738 to pay for the cost of magistrates appointed under subsection 1. 23 24 Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved. 25 26 SUMMARY 27 This bill authorizes the Chief Judge of the District Court to appoint no more than 4 magistrates to hear and dispose of landlord-tenant cases and small claims cases. 28 29 Alternatively, it allows the Chief Judge to assign family law magistrates to hear and 30 dispose of these kinds of cases. It authorizes the Chief Justice of the Supreme Judicial 31 Court to increase filing fees for these kinds of cases to pay for the cost of magistrates 32 appointed by the Chief Judge.