

**Commission to Study Priorities
and Timing of Judicial Proceedings**

Preliminary Recommendations from 10/12/11 Meeting

	B	C	D	E	F	G	J	K	S
1	Title	Section	Subject	CASE CATEGOR Y	Court*	Deadline	specific time	terminology	Cmsn. Prelim. Rcmdtns.
2	1	409(2)	Appeal from Actions Taken Illegally in Exec. Session	CIVIL APPEAL TO SUP.	SUP	Appeals are privileged in respect to their assignment for trial over all other actions except writs of habeas corpus and actions brought by the State against individuals.		privileged	Modify with uniform language? More discussion required.
3	1	409(1)	Appeal from Denial of FOAA Requests	CIVIL APPEAL TO SUP.	SUP	Appeals are privileged in respect to their assignment for trial over all other actions except writs of habeas corpus and actions brought by the State against individuals.		privileged	Modify with uniform language? More discussion required.
4	8	230	Fireworks	CIVIL APPEAL TO SUP.	SUP	The court shall immediately, after notice and hearing, affirm or reverse the commissioner's decision. (NOTE: Still in effect after 1/1/12; not repealed as part of "consumer firework" changes in PL 2011, c.416)		immediately, after notice and hearing	Eliminate.
5	10	1020-A(7)(D)	Waste Motor Oil Disposal Site Eligibility	CIVIL APPEAL TO SUP.	KEN SUP	A party may appeal a final agency action by the DEP regarding eligibility for waste motor oil revenue funds to the Kennebec County Superior Court. The court shall issue its decision within 45 days of the date of filing of the appeal.	45 days - must issue decision from filing appeal		Eliminate.
6	22	1559(3)	Tobacco License Suspension	CIVIL APPEAL TO SUP.	SUP	The Superior Court shall fix a time and place for an immediate hearing [of an appeal from the decision of the District Court regarding forfeiture or fine, revocation or suspension of license, or refusal to issue a license] and notify the District Court of the hearing.		immediate hearing	Eliminate.
7	38	1022	Appeal from Decision for License to Build Wharves and Fish Weirs	CIVIL APPEAL TO SUP.	SUP	Any person aggrieved by a decision by municipal officers related to a license to build a wharf or fish weir may appeal to the Superior Court, which must communicate its decision to the applicant and the municipal officers within 10 days after the date of the hearing.	decision within 10 days of hearing		Eliminate.
8	28-A	2221-A(4)(D)	Illegal Manufacture, Transport, Sale of Alcohol	CIVIL APPEAL TO SUP.	SUP	The court shall promptly, but not less than 2 weeks after notice, hold a hearing on the petition [to order forfeiture of liquor and property used in illegal manufacture, transportation, and sale of liquor].	not less than 2 weeks	promptly	Modify with uniform language?

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9	28-A	805(3)	Appeal of Revocation or Suspension of Liquor License Decision	CIVIL APPEAL TO SUP.	SUP	The Superior Court shall fix a time and place for an immediate hearing of an appeal from the District Court regarding revocation or suspension of a liquor license.		immediate hearing	Eliminate.
10	7	3952(4-B)	Animals (Dangerous Dogs)	ANIMALS/ CIV/CRIM	DIS/SUP	The court shall hear and determine the motion as expeditiously as possible.		as expeditiously as possible	Modify with uniform language? More discussion required.
11	17	1021(4)(C)	Inhumane Treatment of Animals	ANIMALS/ CIV/CRIM	DIS/SUP	The court shall hear and determine the motion [for dissolution or modification of the ex parte order] as expeditiously as justice requires.		as expeditiously as justice requires	Modify with uniform language? More discussion required.
12	17	1021(5-A)	Possession of Animals	ANIMALS CIV/CRIM	DIS/SUP	The court shall set a hearing date within 21 days of the date that the animal was seized to determine whether the animal should be seized permanently or disposed of humanely.	within 21 days		Modify with uniform language? More discussion required.
13	17	1027(2)	Seizure or Impoundment of Animals	ANIMALS/ CIV/CRIM	DIS/SUP	Upon petition by a person claiming interest in an animal seized or impounded related to animal cruelty or animal fighting, the court shall hold a hearing within 10 days of receipt of the petition.	within 10 days		Modify with uniform language? More discussion required.
14	26	1289(7)	Me. Labor Relations Bd. Decision Concerning Judicial Employees	CIVIL/LAB OR RELATIONS	K, SJC	Upon the filing of the 80C complaint for review of a decision of the MLRB, the court shall set the complaint down for hearing at the earliest possible time and shall cause all interested parties and the board to be notified. . . . A hearing must be held not less than 7 days after notice thereof. An appeal to the Law Court of a decision or order of the MLRB regarding prohibited acts of public employer or judicial employer must be expedited in the same manner as interlocutory appeals (see section 6)	not less than 7 days after notice	earliest possible time; appeal expedited as in interlocutory appeals	Modify with uniform language.

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15	26	979-H	Rulemaking/ Decisions of the Me. Labor Relations Bd. Concerning State Employees	CIVIL/LAB OR RELATION S	KEN SUP	A party seeking review of an MLRB decision concerning a prohibited act by a public employer or a state of legislative employee may file a complaint in the Superior Court of Kennebec County, which shall set the complaint for hearing at the earliest possible time, not less than 7 days after notice thereof.	not less than 7 days after notice	earliest possible time	Modify with uniform language.
16	26	1029(7)	Me. Labor Relations Bd. Decision Concerning Univ. of Me. Employees	CIVIL/LAB OR RELATION S	KEN SUP/SU PS	Upon the filing of the 80C complaint for review of a decision of the MLRB, the court shall set the complaint down for hearing at the earliest possible time and shall cause all interested parties and the board to be notified. . . . After hearing, which must be held not less than 7 days after notice of the hearing, the court may enforce, modify, enforce as so modified, or set aside in whole or in part the decision of the board	not less than 7 days after notice	earliest possible time	Modify with uniform language.
17	26	968(5)(F)	Rulemaking/ Decisions of the Me. Labor Relations Bd. Concerning Municipal Employees	CIVIL/LAB OR RELATION S	SUP	Upon the filing of the 80C complaint for review of a decision of the MLRB, the court shall set the complaint down for hearing at the earliest possible time and shall cause all interested parties and the board to be notified. . . . After hearing, which must be held not less than 7 days after notice thereof, the court may enforce, modify, enforce as so modified or set aside in whole or in part the decision of the board	not less than 7 days after notice	earliest possible time	Modify with uniform language.
18	26	1329	Me. Labor Relations Bd. Decision Concerning Agricultural Employees	CIVIL/LAB OR RELATION S	SUP	Upon the filing of the 80C complaint for review of a decision of the MLRB, the court shall set the complaint down for hearing at the earliest possible time and shall cause all interested parties and the board to be notified. . . . A hearing must be held not less than 7 days after notice thereof.	not less than 7 days after notice	earliest possible time	Modify with uniform language.
19	4	184(6)	Public Health License Suspension	CIVIL/ADM IN	DIST	Upon issuance of an order revoking or suspending a license under this section, the District Court shall promptly schedule an expedited hearing on the agency's complaint.		promptly schedule an expedited hearing	Modify with uniform language.
20	22	1558(3)	Retail Tobacco License Suspension or Revocation	CIVIL/ADM IN	DIST	The District Court shall issue the decision [after a hearing on a violation of state law or rule related to tobacco sales] in writing within 12 days of the hearing.	decision within 12 days		Eliminate? AG rep. will confirm.
21	28-A	803(2-A)	Liquor License Suspension or Revocation	CIVIL/ADM IN	DIST	The District Court judge shall issue the [liquor license suspension or revocation] decision within 12 days of the hearing.	within 12 days of hearing		Eliminate? AG rep. will confirm.

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22	5	90-E(2)(D)	Review of UCC Financing Statements	CIVIL	KEN SUP	In the process to review and determine authorization of filing of financial statement records, the court's review of pleadings, depositions, admissions, and affidavits must be made on an expedited basis.		review on an expedited basis	Modify with uniform language. But change to reflect "the court's review of."
23	5	4613(1)	Actions Filed by the Human Rights Commission	CIVIL	SUP	An action filed by the Human Rights Commission (pursuant to § 4612) shall be heard by the Superior Court and may be advanced on the docket and receive priority over other civil cases where the court shall determine that the interests of justice so require.		may be advanced on the docket - if the interests of justice so require	Modify with uniform language.
24	10	1104	Monopolies and Profiteering	CIVIL	DIS/SU P	Upon notice to the parties of a petition alleging injury to business or property resulting from unlawful trust or conspiracy in restraint of trade, the court shall proceed as soon as possible to the hearing and determination of the case.		as soon as possible	Eliminate? AG rep. will confirm.
25	14	556	Special Motion to Dismiss	CIVIL	DIS/SU P	The court shall advance the special motion (based on the moving party's constitutional right of petition) so that it may be heard and determined with as little delay as possible.		with as little delay as possible	Modify with uniform language.
26	15	5826(5)	Criminal Asset Forfeiture	CIVIL	DIS/SU P	Upon filing of a petition by a person (not defendant) who claims an interest in property subject to forfeiture, the court shall schedule the hearing as soon as possible but in no event later than 6 months or after the sentencing of any defendant convicted upon the same indictment.		as soon as possible but not later than 6 months	Modify with uniform language, but keep "in no event later than 6 months."

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27	22	1602(4)	Mass Gatherings	CIVIL	DIST	[An applicant aggrieved by a denial of a mass outdoor gathering permit] must be granted a prompt hearing before the District Court for reconsideration of the denial.		prompt hearing	Modify with uniform language.
28	22	7933(3)A)	Appointment of Receivers for Protection of Residents of Long-term Care Facilities	CIVIL	SUP	The court shall hold a hearing not later than 10 days after the action is filed	not later than 10 days		Keep as is.
29	22	7933(3)(B)	Appointment of Receivers for Protection of Residents of Long-term Care Facilities	CIVIL	SUP	The owner or licensee may move the dissolution or modification of an order appointing a temporary receiver entered without notice; the court shall hear and determine such motion as expeditiously as the ends of justice require.		as expeditiously as the ends of justice require	Modify with uniform language.
30	22	7934(3)	Payment on Preexisting Leases, Mortgages, and Contracts by Receiver	CIVIL	SUP	Upon application by the receiver to pay reasonable rental, price, or interest on preexisting leases or mortgages that are necessary to the continued operation of a long-term care facility, the court shall hold a hearing on the application within 15 days.	within 15 days		Keep as is.
31	13-C	1604(2)	Court- ordered Inspection of Corporate Records	CIVIL	S, K	If a corporation does not allow a shareholder to inspect and copy certain records as required by statute, the shareholder may apply for an order to permit inspection. The court shall dispose of the application on an expedited basis.		expedited basis	Modify with uniform language.

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32	13-C	1605(2)	Court-ordered Inspection of Corporate Records	CIVIL	SUP	A director who is entitled to inspect books, records, or documents of a corporation may apply to the court to order inspection. The court shall dispose of the application on an expedited basis.		expedited basis	Modify with uniform language.
33	9-B	363-A(10)(A)	Conservation, Liquidation, and Insolvency of Financial Institutions	CIVIL	KEN SUP	An action to annul, alter, or modify an act conserving or liquidating a financial institution must be given precedence over other pending court cases and must be expedited.		must be expedited	Eliminate or modify.
34	9-B	369(2)(A)	Conservation, Liquidation, and Insolvency of Financial Institutions	CIVIL	KEN SUP	A person adversely affected by an act or omission of the superintendent of financial institutions or receiver may bring an action seeking an order to annul, alter, or modify the act or enjoin performance of the act. Any proceeding must be given precedence over other pending court cases and must be expedited.		must be expedited	Eliminate or modify.
35	9-B	367-A(4)	Conservation, Liquidation, and Insolvency of Financial Institutions	CIVIL	SUP	An action by the superintendent of financial institutions, conservator, or receiver brought under this chapter must be given precedence over other pending court cases and must be expedited.		must be expedited	Eliminate or modify.
36	17-A	960	Criminal Forfeiture - Unlawful Gambling	CIVIL	S, D, K	Upon filing of a petition by a person (not defendant) who claims an interest in property subject to forfeiture, the court shall schedule the hearing as soon as possible but in no event later than 6 months or after the sentencing of any defendant convicted upon the same indictment.	no event later than 6 months	as soon as possible	Eliminate.
37	17-A	959(3)(D)	Forfeiture of Illegal Gambling Machines	CIVIL	SUP	The State may petition the Sup. Ct. to order forfeiture of an illegal gambling device and associated proceeds. A court shall promptly, but not less than 2 weeks after notice, hold a hearing on the petition after an answer is filed.	not less than 2 weeks	promptly	Eliminate.

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38	30-A	5108	Eminent Domain	CIVIL	SUP	In proceedings for assessment of compensation for property taken by eminent domain, the urban renewal authority or an owner may apply to the court for an order directing the authority or the owner to show cause why further proceedings should not be expedited. The court may order that the hearings proceed and that any other steps be taken with all possible expedition.		with all possible expedition	Keep as is.
39	30-A	5204(9)(A)	Eminent Domain	CIVIL	SUP	In proceedings for assessment of compensation for property taken by eminent domain, the municipality or an owner may apply to the court for an order directing the municipality or the owner to show cause why further proceedings should not be expedited. The court may order that the hearings proceed and that any other steps be taken with all possible expedition.		with all possible expedition	Keep as is.
40	34-B	13004(3)	Payment on Preexisting Leases, Mortgages, and Contracts by Receiver	CIVIL	SUP	Upon application by the receiver to pay reasonable rental, price, or interest on preexisting leases or mortgages that are necessary to the continued operation of a provider or residential facility funded by the Dept of Behavioral and Developmental Services, the court shall hold a hearing on the application within 15 days.	within 15 days		Keep as is.
41	17	2911(3)	Adjudicating Obscenity	CIVIL	SUP	The hearing on [a petition to declare matter obscene] shall be held not more than 10 days from the filing of the petition.	not more than 10 days		No rec. More discussion required.
42	17	2913(3)	Adjudicating Obscenity (Outdoor Motion Pictures)	CIVIL	SUP	The hearing on a petition to declare a motion picture obscene shall be held not more than 10 days from the filing of the petition	not more than 10 days		No rec. More discussion required.
43	34-B	13003(3)(B)	Appointment of Receivers for Protection of Individuals served by the Dept BDS	CIVIL/MH	SUP	The owner or licensee may move the dissolution or modification of an order appointing a temporary receiver entered without notice; the court shall hear and determine such motion as expeditiously as possible		as expeditiously as possible	Modify with uniform language.

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44	34-B	13003(3)(A)	Appointment of Receivers for Protection of Individuals served by the Dept of BDS	CIVIL/MH	SUP	The court shall hold a hearing on an action requesting appointment of a receiver not later than 10 days after the action is filed	not later than 10 days		Modify with uniform language.
45	32	1104(2)	Appeal of an Order of the Electricians Examining Board	CIVIL APPEAL TO SUP.	SUP	A person ordered by the board to correct an electrical deficiency or to vacate a building or structure may appeal the order to the Superior Court, which shall issue its written decision within 20 days after receipt of the petition	decision within 20 days		Modify with uniform language.
46	32	14805(3)	Appeal of an Order of the Propane and Natural Gas Board	CIVIL APPEAL TO SUP.	SUP	A person ordered by the board to correct a propane or natural gas deficiency or to vacate a building or structure may appeal the order to the Superior Court, which shall issue its written decision within 20 days after receipt of the petition	decision within 20 days		Modify with uniform language? More discussion required.