

# COURTS OF MAINE

The Constitution of Maine, adopted in 1819, provided for a SUPREME JUDICIAL COURT and such other courts as the Legislature should from time to time establish. Presently there are two other state operated and financed courts: the MAINE DISTRICT COURT and the SUPERIOR COURT. Judges in these Courts are appointed by the Governor for a term of seven years, subject to approval by the State Senate after public hearings held by the Legislature's Joint Standing Committee on Judiciary. Judges may be re-appointed for successive terms and after retirement may be appointed as "active retired" judges to serve as needed.

There are also County financed and operated PROBATE COURTS in each of Maine's sixteen counties. The judges in these courts are part time judicial officers. They are elected by the voters in each respective county for a term of four years. (Although County financed and operated, these judges and the courts in which they preside are subject to oversight by the Maine Supreme Judicial Court.)

Concurrent with and complementary to the state court system is the federal judicial system which is represented in Maine by the UNITED STATES DISTRICT COURT FOR MAINE. It is comprised of three judges who hold sessions in both Portland and Bangor. It has exclusive jurisdiction in many constitutional and federal law matters, diversity jurisdiction involving citizens of different states and responsibility for Bankruptcy Judges and U.S. Magistrate Judges. It shares jurisdiction with state courts in the adjudication of many federal laws. Cases from this court are appealable to the First Circuit Court of Appeals in Boston, and thence to the United States Supreme Court.

In 1995, the legislature created the Court Alternative Dispute Resolution Service within the Administrative Office of the Courts, which oversees funding and provides staff and facilities to support the service. This service provides alternative dispute resolution ("ADR") services to the courts throughout the State of Maine. The Supreme Judicial Court is charged with adopting rules to govern the referral of cases to the Court Alternative Dispute Resolution Service, and parties who use ADR services pay a fee, unless they apply for, and receive, a fee waiver. The Judicial Department contracts for services of qualified persons

to provide ADR services and these individuals are not employees of the State.

In 1999, the legislature established a Maine Criminal Justice Sentencing Institute under the administrative supervision of the State Court Administrator. All state court judges, District Attorneys, attorneys within the Criminal Division of the Office of Attorney General and other criminal justice personnel authorized by the Chief Justice of the Supreme Judicial Court may be members of the institute. The institute provides a forum for the regular discussion of the most appropriate methods of sentencing convicted offenders and adjudicated juveniles by those involved in the criminal justice system.

In 1999, legislation was passed which allowed the Judicial Department to establish alcohol and drug treatment programs in the District and Superior Courts. These programs are to serve a number of social goals, such as the reduction of alcohol and drug dependency of criminal offenders and the number of repeat offenders and related prison overcrowding, and the promotion of healthy and safe family relationships and more effective interactions between justice system personnel and community agencies. The legislation calls for a collaborative effort among prosecutors, defense attorneys, various state agencies, local service agencies and the business community in the funding, establishment and maintenance of these alcohol and drug treatment programs.

## MAINE DISTRICT COURT

The Maine District Court is divided into 13 districts subdivided into 30 divisions. It is comprised of 33 judges (including the Chief Judge and the Deputy Chief Judge) plus "active retired" judges.

The Chief Justice of the Supreme Judicial Court appoints one of the District Court Judges to serve as Chief Judge, who is responsible for the state-wide administration of the District Court. District Court judges may preside in the superior Court by assignment of the Chief Justice of the Supreme Judicial Court.

The District Court has original and exclusive jurisdiction when it sits as the Juvenile Court for the adjudication of juvenile offenses and as the Small

Claims Court which handles claims up to \$4,500. It also has exclusive jurisdiction over mental health commitment hearings, mental retardation certification hearings, habitual truancy actions, youth in need of services actions, certain licensing actions, juvenile offenses and crimes where the maximum punishment is less than one year of imprisonment.

In 1998, a Family Division was established in the District Court to handle exclusive jurisdiction over family matters such as divorce, separation, annulment and disputes between spouses over property. The Chief Judge of the Maine District Court, with the approval of the Chief Justice of the Supreme Judicial Court, has appointed eight family case management officers, who are members of the bar with experience in family law. Subject to review by District Court Judges, family case management officers are given broad authority in matters involving domestic relations; they must devote their practice to the position, are governed by the Maine Code of Judicial Conduct, and serve at the pleasure of the Chief Judge of the District Court. Matters of law decided by the Family Division may be appealed only to the Law Court.

The District Court is usually the court of first impression for many matters in which it shares concurrent original jurisdiction with the Superior Court such as:

- civil suits involving monetary damages and suits to enforce liens, establish rights to real estate, enforce compliance with a contract, enforce access to health care, enforce environmental laws and many other matters;
- criminal traffic offenses;
- initial appearances of those accused of crimes punishable by more than one year of imprisonment; the court may also accept a guilty pleas from these offenders if they waive the right to indictment and a trial.

## SUPERIOR COURT

The SUPERIOR COURT consists of 16 Justices. The Chief Justice of the Supreme Judicial Court designates one of the Justices of the superior Court as Chief Justice of the Superior Court, who assigns the other justices to various locations on the courts as needed. Superior Court justices may preside in the District Court by assignment of the Chief Justice of the Supreme Judicial Court.

The Superior Court is the only state trial court in Maine that provides for trial by jury. Therefore, any party that wishes to exercise a constitutional right to a trial by jury must have such case heard in the Superior Court. There is a constitutional right to a jury trial in all criminal and many civil actions.

The Superior Court has exclusive jurisdiction of trials for crimes punishable by more than one year's imprisonment. It also acts as the appeals court for most District Court matters and for decisions made by administrative agencies. (It has concurrent jurisdiction with the District Court as listed above.)

## SUPREME JUDICIAL COURT

The Chief Justice and six Associate Justices sit as the SUPREME JUDICIAL COURT (In Portland and occasionally in Bangor and Augusta.) It is the highest state court and serves as the court of last resort for appeals from the state court system and administrative agencies. By request of the Governor, the State Senate or House of Representatives, the Supreme Court Justices can give advisory opinions on questions of law. By assignment, Associate Justices of the Supreme Judicial Court may sit as "single trial justices" exercising all the powers of Superior Court Justices in non-jury cases.

This Court has the power to prescribe rules of procedure for all courts in civil and criminal matters. It also regulates the State Bar and licenses attorneys to practice law in Maine.

The Chief Justice is the head of the Judicial Department and is charged with the administration of the Supreme Judicial, Superior and District Courts. The Chief Justice appoints a State Court Administrator, who:

- Prepares a consolidated operating budget for all courts, except Probate;
- Makes a continuing study of the Judicial Department;
- Prescribes uniform administrative methods;
- Implements policies of the Chief Justice;
- Develops training programs.

The Supreme Judicial Court also oversees administration of the Maine Civil Legal Services Fund,

which helps to support qualifying nonprofit organizations, legal aid clinics and programs in their efforts to provide civil legal services to persons who cannot afford those services.

## PROBATE COURTS

There is a Probate Court and a Registry of Probate in each of Maine's sixteen counties. Both the Judge of Probate and the Registrar of Probate are selected in partisan elections for a term of four years. The jurisdiction of the Probate Court consists of matters relating to estates of deceased persons, adoptions and changes of names. It shares concurrent jurisdiction with the Superior Court and Supreme Judicial Court in equity cases relating to wills and trusts.

## GLOSSARY

**CIVIL CASES** involve disputes over claims, rights or offenses not classified as a violation of criminal law.

**CRIMINAL CASES** are cases in which the State alleges a criminal law has been broken. The Maine Criminal Code defines degrees of seriousness of crimes and penalties.

**JURISDICTION** is the authority of a court to hear a matter.

- Concurrent **JURISDICTION** occurs when more than one court has the authority to hear a case.
- Court of **FIRST IMPRESSION** refers to the court in which **JURISDICTION** is first exercised.
- Court of Original **JURISDICTION** refers to the Court in which a case may originate.
- Exclusive **JURISDICTION** refers to the only court that can hear the matter.
- **COURT OF APPEALS** is the court which hears cases brought from a lower court for re-examination.

Brochures are available on request.  
LWV-Maine  
P.O. Box 863, Augusta, ME 04332-0863  
Tel: (207) 622-0256

Funded by LWVME Educational Fund.  
Copyright LWVME 1986, 1994, 1998, 2001, 2002, 2003

COURTS  
OF MAINE



LEAGUE OF WOMEN VOTERS OF MAINE