

128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 611

H.P. 427

House of Representatives, February 16, 2017

An Act To Amend Certain Laws Affecting the Judicial Branch

Reference to the Committee on Judiciary suggested and ordered printed.

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative MOONEN of Portland. Cosponsored by Senator KATZ of Kennebec.

- 1 Be it enacted by the People of the State of Maine as follows:
- 2 Sec. 1. 4 MRSA §55, as amended by PL 1983, c. 164, is further amended to read:

3 **§55.** Preservation of briefs

4 The clerk of the Supreme Judicial Court shall preserve 2 complete sets of briefs filed 5 in all cases decided in the Supreme Judicial Court sitting as the Law Court. Under the direction of the Chief Justice these briefs shall be arranged in order. One set each shall 6 7 thereupon be delivered to the law libraries respectively of Cumberland and Penobscot 8 Counties for preservation and reference The clerk shall provide complete sets of the briefs to the law library of Cumberland County and to the Law and Legislative Reference 9 Library, either by delivering a physical set to each library or by delivering or providing 10 access to an electronic copy of the briefs. All expenses incurred in preparation and 11 12 delivery of these briefs shall must be paid by the State from the appropriation for expenses of the Supreme Judicial Court. 13

- 14 Sec. 2. 5 MRSA §48-A, sub-§1, ¶M, as amended by PL 2009, c. 174, §1, is 15 further amended to read:
- M. "Qualified legal interpreter" means a person who is licensed under Title 32, chapter 22 as a certified interpreter, certified deaf interpreter or certified transliterator and who:
 - (1) Is a hearing person who:

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- 20 (a) Holds a current Specialist Certificate: Legal from the Registry of
 21 Interpreters for the Deaf, Inc. or its successor;
- (b) Satisfies the eligibility criteria for taking the exam for the specialist
 certificate described in division (a) as long as, by January 1, 2012, that
 person obtains the specialist certificate described in division (a); or
- (c) Is included on the bureau's list of qualified interpreters on the effective
 date of this section, as long as that person, by January 1, 2006, meets the
 eligibility criteria for taking the exam for the specialist certificate described
 in division (a) and, by January 1, 2012, obtains the specialist certificate
 described in division (a); or
- 30(d) Possesses qualifications, certifications or credentials to interpret in court31proceedings as established by the Supreme Judicial Court; or
- 32 (2) Is a deaf interpreter who holds a current Certificate of Interpretation from the
 Registry of Interpreters for the Deaf, Inc. or its successor or a Reverse Skills
 Certificate from the Registry of Interpreters for the Deaf, Inc. or its successor.
 Beginning January 1, 2006, a deaf person, hard-of-hearing person or latedeafened person must also satisfy the eligibility criteria for taking the exam for
 the Specialist Certificate: Legal or its successor.
- 38 Sec. 3. 14 MRSA §1202-A, as enacted by PL 1981, c. 705, Pt. G, §2, is amended
 39 to read:

1 §1202-A. Prohibition of discrimination

A citizen shall <u>may</u> not be excluded from jury service in this State on account of race, color, religion, sex<u>, sexual orientation as defined in Title 5, section 4553, subsection 9-C</u>, national origin, ancestry, economic status, marital status, age or physical handicap, except as provided in this chapter.

- 6 Sec. 4. 18-A MRSA §5-205, as enacted by PL 1979, c. 540, §1, is amended to read:
- 8 §5-205. Court appointment of guardian of minor; venue

9 The venue for guardianship proceedings for a minor is in the <u>place county or division</u> 10 where the minor resides or is present<u>, where the petitioner or a parent or guardian of the</u> 11 <u>child resides or where another proceeding concerning custody or other parental rights</u> 12 <u>with respect to the child is pending</u>.

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 Sec. 5. 18-A MRSA §9-104, as amended by PL 1997, c. 239, §1 and affected by

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 §6, is further amended to read:
- 15 §9-104. Venue; transfer
- (a). If the adoptee is placed by a licensed child-placing agency or the department,
 the petition for adoption must be filed in the court in the county <u>or division</u> where:
- 18 (1). The petitioner resides;
- 19 (2). The adoptee resides or was born; or
- 20 (3). An office of the agency that placed the adoptee for adoption is located...: or
- 21 (4). The parental rights of the minor adoptee's parents were terminated.

(b). If the adoptee is not placed by a licensed child-placing agency or the department, the petition for adoption must be filed in the county <u>or division</u> where the adoptee resides or where the petitioners reside.

(c). If, in the interests of justice or for the convenience of the parties, the court finds
that the matter should be heard in another probate court, the court may transfer, stay or
dismiss the proceeding, subject to any further conditions imposed by the court.

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SUMMARY

29 This bill amends the definition of "qualified legal interpretor" in the laws governing communication services for deaf persons, hard-of-hearing persons and late-deafened 30 persons in court to include in the definition a person who possesses qualifications, 31 32 certifications or credentials to interpret in court proceedings as established by the Supreme Judicial Court. The bill prohibits discrimination on account of sexual 33 34 orientation in jury selection. The bill amends the requirements for record keeping for 35 briefs filed in the Supreme Judicial Court. It requires the preservation of briefs in all cases decided, permits the transfer of the briefs in electronic format and requires the clerk 36

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- of the Supreme Judicial Court to provide complete sets of the briefs to the law library of Cumberland County and to the Law and Legislative Reference Library instead of the law library of Penobscot County. 2
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