

# MAINE STATE LEGISLATURE

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# Sixty - Second Legislature.

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HOUSE.

No. 167.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND  
EIGHTY-FIVE.

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### AN ACT relative to Criminal Costs and Expenditures in the County of Kennebec.

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*Be it enacted by the Senate and House of Representatives  
in Legislature assembled, as follows:*

SECTION 1. All judges of municipal and police  
2 courts in the county of Kennebec shall be paid  
3 salaries, to be fixed by the city council, or munici-  
4 pal officers, of their respective cities and towns, and  
5 paid quarterly from the treasuries thereof. All fees  
6 paid to and received by them in criminal cases  
7 shall be paid quarterly into the county treasury;  
8 and no salary shall be paid to any such judge until  
9 he shall file with the city or town treasurer a  
10 written statement of the fines and criminal fees

11 by him paid to the county treasurer during and  
12 for the preceding quarter.

SECT. 2. The fees of such judges for services  
2 in criminal cases shall be allowed and taxed as in  
3 behalf of trial justices and shall be annually paid  
4 to the city or town from which such judge receives  
5 his salary; *provided, however*, that if the amount  
6 of such fees so allowed and the fees paid in by any  
7 such judge during the year shall exceed the  
8 amount of his annual salary, such excess shall  
9 revert to the county and be covered into the county  
10 treasury. The word "fees" as used in this and  
11 the preceding section includes all fees fixed by law  
12 in criminal cases, including fees for copies. Such  
13 judges, however, may retain for their own use all fees  
14 received by them in civil cases. All blanks for  
15 criminal cases used by such judges shall be fur-  
16 nished by the county.

SECT. 3. City marshals, deputy marshals, and  
2 chiefs of police, in the county of Kennebec, shall  
3 be paid salaries, or a per diem compensation, to be  
4 fixed by the city council of cities and municipal  
5 officers of towns, and payable from the treasuries  
6 thereof. Such officers shall not be paid any fee

7 for any official service in any criminal case, in said  
8 county, except as provided in sections six and  
9 twelve of this act. The fees of such officers for  
10 services in criminal cases shall be taxed and  
11 allowed as in behalf of sheriffs, and fifty per cent  
12 thereof, first deducting fees referred to in sections  
13 six and twelve of this act, shall be annually paid  
14 by the county treasurer to the city or town from  
15 which any such officer receives his salary or com-  
16 pensation, and the balance shall revert to the  
17 county and be covered into the county treasury.  
18 When said fifty per cent exceeds the annual salary  
19 or compensation of any such officer, such excess  
20 shall not be paid to the city or town, but shall be  
21 covered into the county treasury. Such officers  
22 may retain for their own use all fees received by  
23 them in civil cases. No such officer shall receive  
24 from any respondent in any criminal case any fine  
25 or costs, but in all such cases such fine and costs  
shall be paid to the judge issuing the precept  
against such respondent.

SECT. 4. City marshals and their deputies, in  
2 the county of Kennebec, shall faithfully and dilli-  
3 gently inquire into all violations of law, within

4 their respective cities, and institute proceedings  
5 against violations or supposed violations of law,  
6 and particularly the laws against the illegal sale  
7 of intoxicating liquors and the keeping of drinking  
8 houses and tippling shops, either by promptly en-  
9 tering a complaint before a magistrate and execut-  
10 ing the warrants issued thereon, or by furnishing the  
11 county attorney promptly and without delay with  
12 the names of the alleged offenders and of the  
13 witnesses; and the county attorney shall cause  
14 such witnesses to be promptly summoned before  
15 the grand jury. Whenever the aldermen of any  
16 city are, after investigation and hearing, satisfied  
17 that the city marshal, or his deputies, have wilfully  
18 refused or neglected to faithfully discharge the  
19 duties imposed by this section, they shall remove  
20 him, or them, from office. Nothing herein con-  
21 tained shall relieve any other officers named in  
22 chapter twenty-seven of the Revised Statutes from  
23 any of the duties imposed upon them by said  
24 chapter.

SECT. 5. No police officer, or constable, in said  
2 county, who is paid a per diem compensation shall  
3 draw or receive any fees whatever from said county

4 for services in any criminal case, except as pro-  
5 vided in sections six and twelve of this act; but  
6 all such fees shall, if allowed, be covered into the  
7 county treasury to the use of the county.

SECT. 6. Fees taxed and allowed to the officers  
2 named in sections three, four and five of this act  
3 for attendance as witnesses in any criminal case  
4 before the superior court, or before any court held in  
5 some town other than that in which such officers  
6 reside shall be paid to them from the county treas-  
7 ury. The expenses of any such officer necessarily  
8 and reasonably incurred and actually disbursed  
9 in the service of any criminal precept shall be  
10 allowed and paid to him upon his filing an itemized  
11 account thereof, under oath, accompanied by  
12 proper vouchers thereof.

SECT. 7. No sheriff, deputy sheriff, marshal,  
2 deputy marshal, police officer or constable, in said  
3 county, shall be entitled to fees for attendance as  
4 a witness in any criminal case while he is paid for  
5 attendance as an officer of the same court, or on  
6 the same examination or trial. No allowance shall  
7 be made to any such officer for aid in the service  
8 of any mittimus unless the same is first authorized  
9 in writing by the court issuing the same.

SECT. 8. In the service of any precept in criminal cases, in said county, the officer shall be allowed the actual, reasonable and necessary expenses incurred thereon; and if he necessarily uses a horse and carriage he shall be allowed a reasonable sum therefor, when it appears that the amount allowed for travel does not compensate him for such use of a horse and carriage; if the journey so made can be performed by railroad, no allowance shall be made for a horse and carriage.

SECT. 9. The treasurer of said county shall, at the end of each year, in connection with the commissioners, make a statement of the financial condition of the county, showing in detail all moneys received into and paid out of its treasury, and other facts and statistics necessary to exhibit the true statement of its finances, and shall publish in pamphlet form a reasonable number of copies for distribution among its citizens. Such statement shall be itemized as far as practicable, and shall particularly show the amount paid each sheriff, deputy sheriff, jailor, marshal, deputy marshal, police officer, constable, judge of a municipal or police court, trial justice, and each county officer or employe. It shall also show in a separate table

16 the actual expense incurred in enforcing the laws  
17 relative to the sale of intoxicating liquors, together  
18 with a detailed statement of the fines received  
19 therefrom.

SECT. 10. All contracts for repairs, or work of  
2 any kind, upon the public buildings of said county,  
3 shall, if more than one hundred dollars in amount,  
4 be made in writing, after notice for proposals  
5 therefor has been published in at least two news-  
6 papers in said county, representing different poli-  
7 tical parties; such contract to be awarded to the  
8 lowest responsible bidder therefor.

SECT. 11. The fuel, books, blanks, stationery,  
2 printing, binding, and such other articles as the  
3 nature of the case will admit, shall be furnished  
4 and obtained by the commissioners of said county  
5 upon annual contracts made in writing, and awarded  
6 to the lowest responsible bidder, after notice for  
7 proposals therefor has been published three times  
8 in at least three newspapers in said county, not  
9 more than two of which shall represent the same  
10 political party.

SECT. 12. Whenever, in said county, intoxicating  
2 liquors are seized, with or without a warrant, under  
3 any of the provisions of chapter twenty-seven of



4 the Revised Statutes, the fees of the judge, mar-  
5 shal, deputy marshal, police officer, or constable,  
6 on the warrant or libel issued thereon, shall be  
7 taxed and allowed in the manner now provided by  
8 law, and shall be paid to them from the county  
9 treasury; and such fees, so paid, shall not be in-  
10 cluded in the fees required by this act to be paid  
11 to the city or town, but shall be in addition to the  
12 salaries, or compensation, paid to such judge or  
13 officer. Whenever on such warrant or libel, where  
14 intoxicating liquors have been seized, the county  
15 commissioners do not allow the costs as taxed by  
16 the magistrate, the person aggrieved may appeal to  
17 the judge of the superior court for said county,  
18 whose decision thereon shall be final.

SECT. 13. The commissioners of said county in  
2 obtaining loans under section seventeen, chapter  
3 seventy-eight of the Revised Statutes, shall make  
4 no loans that in the aggregate shall exceed five  
5 thousand dollars, without first obtaining the con-  
6 sent of the county substantially as provided in  
7 section fourteen of said chapter.

SECT. 14. All existing acts, public and private,  
2 inconsistent herewith, are hereby modified so as to  
3 conform to the provisions of this act.

SECT. 15. This act shall take effect March twenty-  
2 third, A. D. eighteen hundred and eighty-five, and  
3 on its approval the Secretary of State shall forward  
4 a copy of this act to the mayors of the cities of  
5 Augusta, Gardiner and Hallowell, and selectmen  
6 of town of Waterville.



STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES, }  
February 24, 1885. }

Reported from Kennebec County Delegation, by Mr. HEATH; ordered  
printed under joint rule.

NICHOLAS FESSENDEN, *Clerk.*