

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

SENATE

NO. 199

In Senate, Feb. 5, 1913.

Came from the House referred to the Committee on Judiciary and on motion by Senator Packard of Aroostook laid on the table for printing pending reference in concurrence.

W. E. LAWRY, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THIRTEEN.

AN ACT to amend the act which constitutes the Police Court
for the City of Rockland.

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

Section 1. Section two of chapter three hundred and six-
2 ty-eight of the Private and Special Laws of the State of
3 Maine for 1909 is hereby amended, so that said section shall
4 read as follows:

'Sect. 2. Said court shall, except where interested, exer-
6 cise concurrent jurisdiction with justices of the peace and
7 trial justices, in all such matters and things, civil and crim-

8 inal, within the county of Knox, as are within the jurisdic-
9 tion of justices of the peace or trial justices; and exclusive
10 jurisdiction in all such matters and things where both par-
11 ties interested, or the plaintiff and the person or persons
12 summoned as trustees, shall be inhabitants of or residents in
13 said city; and said court shall also have exclusive jurisdic-
14 tion over all such criminal offences committed within the
15 limits of said city, as are cognizable by justices of the peace
16 or trial justices and under similar restrictions and limita-
17 tions; and said court shall have concurrent jurisdiction with
18 the supreme judicial court in all personal actions where the
19 debt or damage demanded, exclusive of costs, is over twenty
20 dollars and not over three hundred dollars, and in all ac-
21 tions of replevin when it appears that the sum demanded
22 for the penalty, forfeiture or damages does not exceed three
23 hundred dollars, or that the property in the beasts or other
24 chattels is in question and the value thereof does not exceed
25 three hundred dollars and either defendant or the person
26 summoned as trustee is resident in Knox county; but this
27 jurisdiction shall not include proceedings under the divorce
28 laws or complaints under the mill act, so called, nor juris-
29 diction over actions in which the title to real estate accord-
30 ing to the pleadings filed in the case by either party is in
31 question except as provided in chapter ninety-four, sections
32 six and seven of the revised statutes. If any defendant, in
33 any action in said court where the amount claimed in the
34 writ exceeds twenty dollars or his agent or attorney shall,

35 on the return day of the writ, file in said court a motion
36 asking that said cause be removed to the supreme judicial
37 court and deposit with the recorder the sum of two dollars
38 for copies and entry fee in said supreme court, to be taxed
39 in his costs if he prevails, the said action shall be removed
40 into the supreme judicial court for said county, and the re-
41 corder shall file certified copies of the writ, officer's return
42 and defendant's motion in the clerk's office of the supreme
43 judicial court, and shall pay the entry fee thereof, and said
44 action shall be entered on the docket of the term next pre-
45 ceding said filing, unless said court shall then be in session,
46 when it shall be entered forthwith, and shall be in order for
47 trial at the next succeeding term. If no such motion is
48 filed, the said police court shall proceed and determine said
49 action, subject to the right of appeal in either party as here-
50 inafter provided. The pleadings in such case shall be the
51 same as in the supreme judicial court. In any action in
52 which the plaintiff recovers not over twenty dollars, debt or
53 damage, the cost to be taxed shall be the same as before trial
54 justices, except that the plaintiff shall have two dollars for
55 his writ. Where the defendant prevails in any action in
56 which the sum claimed in the writ is not over twenty dollars,
57 he shall recover two dollars for his pleadings and other costs
58 as before trial justices. In actions where the amount recov-
59 ered by the plaintiff, exclusive of costs, exceeds twenty dol-
60 lars, or the amount claimed exceeds twenty dollars, where
61 the defendant prevails, the costs of parties, trustees and wit-

62 nesses shall be the same as in the supreme judicial court, ex-
63 cept that the costs to be taxed for attendance shall be two
64 dollars and fifty cents for each term not exceeding three
65 terms, and for trial of issue eighty cents. All the provisions
66 of the statutes of the State relative to the attachments of real
67 and personal property and the levy of executions, shall be
68 applicable to actions in this court, and executions on judg-
69 ments rendered therein. Actions may be referred and judg-
70 ments on the referees' report may be rendered in the same
71 manner and with the same effect as in the supreme judicial
72 court.

Section three of Chapter one hundred and fourteen of the
74 Private and Special Laws of the State of Maine for 1903, is
75 hereby amended by changing the word "two" after the word
76 "thirty" in line seven to "three;" the word "four" after the
77 word "section" in line eleven to "six" and the word "one"
78 after the word "forty" in line twelve to "two," so that said
79 section, as amended, shall read as follows:

'Sect. 3. Said judge shall have jurisdiction in all cases of
81 simple larceny when the property alleged to have been stolen
82 shall not exceed in value the sum of fifty dollars, and on con-
83 viction award sentence of imprisonment in the county jail or
84 house of correction not exceeding one year, or fine not ex-
85 ceeding one hundred dollars; of offenses described in section
86 four of chapter one hundred and thirty-three of the revised
87 statutes, where they are not of a high and aggravated nature,
88 and on conviction may punish by fine not exceeding fifty dol-

89 lars, or by imprisonment in the county jail for a term not
90 exceeding six months, and all violations of the tramp law,
91 and of offenses described in section six of chapter one hun-
92 dred and forty-two of the Revised Statutes and on con-
93 viction, may be punished by imprisonment in the county
94 jail or house of correction not exceeding six months. And
95 shall have exclusive jurisdiction of all offenses against the
96 ordinances and by-laws of said city, though the penalty
97 therefor may accrue to said city; and in the prosecutions on
98 any such ordinances or by-laws, or any special law of the
99 State relating to said city, such by-law, ordinance or special
100 law need not be recited in the complaint or process, nor
101 the allegations therein be more particular than in prosecu-
102 tions on a public statute.'

Sect. 3. Section five of Chapter one hundred and fourteen
2 of the Private and Special Laws of the State of Maine,
3 for 1903, is hereby amended by adding after the word
4 "judge" in the third line the words "or recorder," so that
5 said section as amended shall read as follows:

'Sect. 5. All warrants issued upon complaints for offenses
7 committed within the limits of the city shall be issued by
8 the judge or recorder of said court, and shall be made re-
9 turnable before said court, and no justice of the peace or
10 trial justice, in said county of Knox, shall in any manner
11 take cognizance of, or exercise jurisdiction over any crime
12 or offense committed within the limits of said city except
13 as hereinafter provided.'

Sect. 4. Section three of Chapter three hundred and sixty-eight of the Private and Special Laws of the State of Maine for 1909, being Section Six of the Act, is hereby amended by adding after the word "otherwise" in the fifth line the words "in the city of Rockland," so that said section as amended shall read as follows:

'Sect. 6. The several justices of the peace in said city shall continue to have and exercise all the power and authority vested in them by the laws of the United States; but no justice of the peace, nor any trial justice of said Knox county shall exercise any civil or criminal jurisdiction otherwise in the city of Rockland, except as hereinafter provided, unless in civil cases where the said judge or recorder is interested, under a penalty of twenty dollars for each offense, to be recovered by indictment in any court proper to try the same; but nothing in this act shall be construed to prevent said justices of the peace or trial justices administering oaths, taking acknowledgments of deeds, and other writings, acting as arbitrators or referees, or doing any business other than that especially devolving upon said court.'

Sect. 5. Section six of chapter three hundred and sixty-eight of the Private and Special Laws of the state of Maine for 1909, being section ten of the act, is hereby amended by striking out the words in the fifth, sixth, seventh and eighth lines, "and when such vacancy occurs all the proceedings and business pending in said court shall stand continued to

7 the first Tuesday of the month next after such vacancy shall
8 be filled," so that said section as amended shall read as fol-
9 lows:

'Sect. 10. When the office of judge of said court shall be
11 vacant in consequence of resignation, death or the removal
12 of the judge's residence from said city, the recorder may
13 perform all acts and duties appertaining to said court dur-
14 ing the continuance of such vacancy. Whenever said judge
15 shall be engaged in the transaction of civil business or be
16 absent from the court room or the office shall be vacant,
17 said recorder shall have and exercise the same powers and
18 perform the same duties which said judge possesses and is
19 authorized to perform in the transaction of criminal busi-
20 ness. All processes issued by said recorder in criminal
21 matters shall bear the seal of said court and be signed by
22 said recorder and have the same authority as if issued and
23 signed by said judge.'

Sect. 6. Section nine of chapter three hundred and sixty-
2 eight of the Private and Special Laws of the state of Maine
3 for 1909, being section fourteen of the act, is hereby amend-
4 ed by substituting for the word "five" in the eighth line the
5 word ' ,' so that said section, when amended, shall
6 read as follows:

'Sect. 14. The governor, by and with the consent of the
8 council shall appoint a recorder of said court who shall be
9 **a resident of Knox county and an attorney-at-law**, who shall
10 qualify in the manner provided by law and who shall give

11 bond to the county of Knox in the sum of five hundred dol-
12 lars to be approved by the county commissioners of said
13 county. Said recorder shall be appointed for the term of
14 four years and shall receive a salary of nine hundred dol-
15 lars per year, to be paid quarterly from the treasury of said
16 county of Knox. The recorder may administer oaths. He
17 shall keep the records of said court. The signature of the
18 recorder as such shall be sufficient evidence of his right to
19 act instead of the judge in accordance with the provisions
20 of this act or with the provisions relating to trial justices
21 not conflicting with this act.'

Bill, an Act to amend the Act which constitutes the Police Court for the City of Rockland," provides for the grant of money only in Section 6, which amends Section 14 of the Act; which section raises the salary of the recorder from five hundred to nine hundred dollars.

The facts are that to keep proper records for said court requires nearly all of one's time. The jurisdiction of the court in civil matters is up to three hundred dollars. The civil jurisdiction of the Municipal Court in Bangor is the same as that in Rockland, and the recorder of the Bangor Court receives a salary of \$1450, with an allowance of \$650 for clerk hire, in all twenty-one hundred dollars. See Private and Special Laws of 1909, Chapter 101, Page 433. Of course the business of the Bangor Court is larger than that of Rockland, but not in any such proportion as the disparity of salaries would be even if the increase asked for here was made.

A card index has been started in the Rockland Court, which with the enlarged jurisdiction is a necessity. It is something that the Rockland Court has never had, in fact until the appointment of the present recorder, Mr. Starrett, it never had any index at all. Considerable work will be required to keep the index up. The allowance asked is a small one for the proper performance of the duty devolved on the recorder.