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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1963 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

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THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1963

Chapter 108-A.

District Court.

Editor's note.—P. L. c. 386, adding this chapter, provided in § 2 thereof as follows:

“Effective date; transition to new system. Chapter 108-A of the Revised Statutes, as enacted by section 1 of this act, shall take effect 90 days after the adjournment of the Legislature, and the judges provided for in section 9 of said chapter shall be appointed as soon thereafter as the Governor deems advisable. The District Court shall be deemed to be established in a district, within the meaning of this section, on the date when the district judge appointed to such district assumes office.

After the effective date of this act, except as provided in the following paragraphs, no trial justice and no judge, associate judge or recorder of a municipal court shall be appointed or reappointed; but the term of any trial justice and of any judge, associate judge or recorder of a municipal court, holding office at the time of the effective date of this act, which shall expire prior to the establishment of the District Court in the district in which such trial justice resides, or such municipal court is located, is extended until such establishment.

If in a municipal court the office of judge becomes vacant prior to the establishment of the District Court in the district in which such municipal court is located, and there is an associate judge of such court, he shall thereafter, and until the District Court is established in the said district, be paid the same salary as provided for the office of judge of such court. If such court has no associate judge, the Governor may, with the advice and consent of the Council, notwithstanding that such court may already have a recorder, appoint an associate judge of such court to serve until the establishment of the District Court in such district; and such associate judge shall be paid the same salary as provided for the office of judge of such municipal court. Upon the establishment of the District Court in the said district such municipal court shall cease to exist, and all cases pending in such court and all of its records shall be transferred to the District Court for the division in which such court was located; and all persons then on probation pursuant to order of such municipal court shall be deemed to be on probation under the order of said District Court.

If a trial justice dies or vacates his office prior to the establishment of the District Court in the district in which the residence

of such trial justice is located, the Governor may with the advice and consent of the Council appoint an additional recorder of a municipal court in the county of such place of residence, to serve until the establishment of the District Court in such district; and such recorder shall be paid the same salary as was theretofore paid the said trial justice. Upon the establishment of the District Court in said district all cases pending before him and all his records shall be transferred to the District Court for the division in which he resided.

Upon the establishment of the District Court in a district, the judge of a municipal court located in the district whose term has not yet expired shall continue to exercise, concurrently with the District Court, the jurisdiction vested in such municipal court, until after the expiration of his term. Upon such expiration, or upon his office otherwise becoming vacant, after such establishment of the District Court, such municipal court shall cease to exist, and all cases pending in such court and all of its records shall be transferred to the District Court for the division in which such court was located; and all persons then on probation pursuant to order of such municipal court shall be deemed to be on probation under the order of said District Court.

Upon the establishment of the District Court in any district, a trial justice residing in the district whose term has not yet expired shall continue to exercise, concurrently with the District Court, the jurisdiction now vested in him, until the expiration of his term. Upon such expiration, or upon his office otherwise becoming vacant after such establishment, all cases pending before him and all his records shall be transferred to the District Court for the division in which he resided.

Upon the establishment of the District Court in a district, the associate judge or the recorder of a municipal court located in said district, whose term of office as originally appointed shall have not yet expired, shall continue in office for the duration of said term and exercise all powers of his office so long as the judge of the municipal court with which such associate judge or recorder may be affiliated shall continue to exercise, concurrently with the District Court, the jurisdiction vested in such municipal court. Upon the cessation of existence of such municipal court, any recorder or associate judge of said court

whose term has not then expired shall continue in office for the duration of said term."

Section 280, c. 402, P. L. 1963, provides that any new laws enacted by the 101st

(1963) Legislature which contain the words "district court" shall apply to municipal and trial justice courts so long as they are in existence.

Sec. 1. District court established; court of record; seal. — There is established a district court for the state of Maine. It shall be a court of record and the chief judge shall establish a seal. (1961, c. 386, § 1; c. 395, § 40.)

Effect of amendment.—P. L. 1961, c. 395, added the second sentence.

L. 1961, provides that § 40 of that act, amending this section, shall become effective November 1, 1961.

Effective date.—Section 58 of c. 395, P.

Sec. 2. Jurisdiction.—The district court shall possess the civil and criminal jurisdiction exercised by all trial justices and municipal courts in the state on September 16, 1961, and in addition, original jurisdiction, concurrent with that of the superior court of all civil actions in which neither damages in excess of \$1,200 nor equitable relief is demanded, of actions for divorce or annulment of marriage and of proceedings under chapter 167 and chapter 167-A and original jurisdiction, concurrent with that of the probate court, of actions for separation. (1961, c. 386, § 1. 1963, c. 402, § 145.)

Effect of amendment.—The 1963 amendment substituted the date for "the effective date of this act," added "and chapter 167-A" and deleted the former last paragraph, relating to the payment of fees and costs

which were payable in municipal courts prior to September 16, 1961. Similar provisions appear in § 279 of the amending act.

Sec. 2-A. Costs and fees; overcharging costs. — The costs and fees taxed and allowed in all the district courts shall be as follows:

Costs in civil actions. Costs to parties and attorneys in civil actions shall be:

To plaintiffs who prevail:

I. Damages \$20 or more. Where the damages recovered amount to \$20 or more;

Summons	\$3.50
Entry	1.00
Officers' fees for serving summons and writ of attachment, as allowed by the court
Attendance	3.50
Travel	.66
Witness fees, as allowed by the court

II. Damages less than \$20. Where the damages recovered amount to less than \$20;

Summons	\$2.00
Entry	1.00
Officers' fees for serving summons and writ of attachment, as allowed by the court
Attendance	2.00
Travel	.66
Witness fees, as allowed by the court

To defendants who prevail:

Pleadings	\$2.00
Witness fees as allowed by the court
Attendance	2.00
Travel	.66

To trustees who make disclosure:

Disclosure	\$1.00
Attendance	2.00
Travel	.66
Witness fees, as allowed by the court

If the prevailing party actually travels more than 10 miles for the special purpose of attending court in any such action, he may be allowed by the court for every 10 miles so traveled .33

Copies of papers for removal or appeal to the superior court, to be paid by the appellant to the district court and taxed in his cost by the superior court if he finally prevails 5.00

If any attorney at law or other person demands or takes for a writ of attachment with a summons or for an original summons and complaint, returnable before a judge of a district court, more than the costs and fees allowed in the preceding paragraphs of this section from the defendant; or, in the taxation of costs, such judge taxes or allows more than that sum for the same, he forfeits to the defendant not less than \$5 nor more than \$10, to be recovered in a civil action, but nothing herein contained shall be so construed as to reduce the fees of district courts otherwise established by law.

Fees in criminal cases.

Receiving a complaint and issuing a warrant \$5.00

The aforesaid fees when received shall be disposed of as provided by the public laws. (1963, c. 402, § 146.)

Sec. 2-B. Fees of court.—The fees of the district courts shall be as follows:

For every blank document with or without seal	\$.10
Filing of action	1.00
Copy of summons, complaint, writ of other process, or abstract thereof, together with copy of order of notice thereon, not less than	1.00
Exemplifying copies, not less than	1.00
Copy of decree of divorce or certificate of same not less than	1.00
Computing damages and taxing costs	1.00
Writ of execution or renewal	1.00
Every other writ and seal	1.00
Subpoena	.10
Removal or appeal of court action to superior court including entry fee	7.00

(1963, c. 402, § 147.)

Sec. 2-C. Fees for entering appeal.—No judge of a district court shall demand or receive any fees for entering an appeal or taking a recognizance to prosecute it, in a criminal case. The legal fees therefor may be taxed in the bill of costs, and certified and paid like other fees. (1963, c. 402, § 148.)

Sec. 3. Judicial divisions.—The state is divided into 32 judicial divisions, named and defined as follows, and with places for holding court therein as follows:

I. Northern Androscoggin. Northern Androscoggin consists of the municipalities of Leeds, Livermore, Livermore Falls and Turner. The district court for Northern Androscoggin shall be held at Livermore Falls.

II. Southern Androscoggin. Southern Androscoggin consists of all municipalities in Androscoggin county not included within the division of Northern Androscoggin. The district court for Southern Androscoggin shall be held at Lewiston.

III. Western Aroostook: Western Aroostook consists of the municipalities and unorganized territory known as Hamlin Plt., Cyr Plt., T17 R3, T17 R4, T16 R5, T15 R6, Winterville Plt., T15 R8, T15 R9, T14 R10, T14 R11, T14 R12, T14 R13, T14 R14, T14 R15, T14 R16, and all municipalities and unorganized territory in Aroostook county lying to the west and north of these. The district court for Western Aroostook shall be held at Madawaska and for criminal and civil business and at Fort Kent solely for criminal business.

IV. Eastern Aroostook: Eastern Aroostook includes the municipalities and unorganized territory known as Limestone, Caribou, Washburn, Wade, T-13 R5, and all municipalities and unorganized territory in Aroostook county lying

to the north of these up to the boundary of the division of Western Aroostook. The district court for Eastern Aroostook shall be held at Caribou.

V. Central Aroostook: Central Aroostook includes the municipalities and unorganized territory known as Blaine, TD R2, T9 R3, T9 R4, T9 R5, Oxbow, T9 R7, T9 R8, T10 R8, T11 R9, T11 R10, T11 R11, T11 R12, T11 R13, T11 R14, T11 R15, T11 R16, T11 R17, and all municipalities and unorganized territory, including the city of Presque Isle in Aroostook county lying to the north of these up to the boundary of the division of Western Aroostook and the boundary of the division of Eastern Aroostook. The district court for Central Aroostook shall be held at Presque Isle.

VI. Southern Aroostook. Southern Aroostook consists of all municipalities and unorganized territory in Aroostook county not included within the divisions of Western Aroostook, Eastern Aroostook and Central Aroostook. The district court for Southern Aroostook shall be held at Houlton.

VII. Eastern Cumberland. Eastern Cumberland consists of the municipalities of Brunswick, Freeport, Harpswell, Pownal and Yarmouth. The district court for Eastern Cumberland shall be held at Brunswick.

VIII. Southern Cumberland. Southern Cumberland consists of the municipalities of Raymond, Windham, Standish and all municipalities lying to the south and east of these in Cumberland county up to the boundaries of the division of Eastern Cumberland. The district court for Southern Cumberland shall be held at Portland.

IX. Northern Cumberland. Northern Cumberland consists of all municipalities in the county of Cumberland not included within the divisions of Eastern and Southern Cumberland. The district court for Northern Cumberland shall be held at Bridgton.

X. Franklin. Franklin consists of the entire county of Franklin. The district court for Franklin shall be held at Farmington.

XI. Repealed by Public Laws 1963, c. 402, § 148-B.

XII. Central Hancock. Central Hancock consists of the entire county of Hancock except Bar Harbor, Mount Desert, Cranberry Isles, Southwest Harbor, Trenton, Swan's Island, Long Island Plantation and Tremont. The district court for Central Hancock shall be held at Ellsworth.

XIII. Southern Hancock. Southern Hancock shall consist of Bar Harbor, Mount Desert, Cranberry Isles, Southwest Harbor, Trenton, Swan's Island, Long Island Plantation and Tremont. The district court for Southern Hancock shall be held at Bar Harbor.

XIV. Northern Kennebec. Northern Kennebec consists of the municipalities of Albion, Belgrade, Fayette, Mount Vernon, Sidney, Vassalboro, Wayne, Winslow and all municipalities in Kennebec county lying to the north of these. The district court for Northern Kennebec shall be held at Waterville.

XV. Southern Kennebec. Southern Kennebec consists of all municipalities in Kennebec county not included within the division of Northern Kennebec. The district court for Southern Kennebec shall be held at Augusta.

XVI. Knox. Knox consists of the entire county of Knox. The district court of Knox shall be held at Rockland.

XVII. Lincoln. Lincoln consists of the entire county of Lincoln. The district court for Lincoln shall be held at Wiscasset.

XVIII. Northern Oxford. Northern Oxford consists of Gilead, Bethel, Milton Plt., Peru, Canton and all municipalities and unorganized territory in Oxford county lying to the north of these. The district court for Northern Oxford shall be held at Rumford.

XIX. Southern Oxford. Southern Oxford consists of all municipalities and unorganized territory in Oxford county not included in the division of Northern Oxford. The district court for Southern Oxford shall be held at South Paris.

XX. Northern Penobscot. Northern Penobscot consists of the municipalities

and unorganized territory of Hopkins Academy Grant, Long A, Medway, TA R7, TA R8 and TA R9 and all municipalities and unorganized territory in Penobscot county lying to the north of these. The district court for Northern Penobscot shall be held at Millinocket.

XXI. Central Penobscot. Central Penobscot consists of the municipalities and unorganized territory of Burlington, Edinburg, Lakeville Plt., LaGrange, Lowell, Passadumkeag, T3 R1, T5 R1 and all municipalities and unorganized territory in Penobscot county lying to the north of these up to the boundary of the division of Northern Penobscot. The district court for Central Penobscot shall be held at Lincoln.

XXII. Southern Penobscot. Southern Penobscot consists of the municipalities of Alton, Glenburn, Hampden, Hermon, Old Town and all municipalities and unorganized territory lying east of these and south of the division of Central Penobscot. The district court for Southern Penobscot shall be held at Bangor.

XXIII. Western Penobscot. Western Penobscot consists of all municipalities in Penobscot county not included within the divisions of Northern, Central or Southern Penobscot. The district court for Western Penobscot shall be held at Newport.

XXIV. Piscataquis. Piscataquis consists of the entire county of Piscataquis. The district court for Piscataquis shall be held at Dover-Foxcroft.

XXV. Sagadahoc. Sagadahoc consists of the entire county of Sagadahoc. The district court for Sagadahoc shall be held at Bath.

XXVI. Somerset. Somerset consists of the entire county of Somerset. The district court for Somerset shall be held at Skowhegan.

XXVII. Repealed by Public Laws 1963, c. 402, § 148-G.

XXVIII. Waldo. Waldo consists of the entire county of Waldo. The district court for Waldo shall be held at Belfast.

XXIX. Northern Washington. Northern Washington consists of the municipalities and unorganized territory known as Charlotte, Cooper, Crawford, Pembroke, Perry, Eastport, T26 E.D., T36 M.D., T37 M.D. and all municipalities and unorganized territory in Washington county lying to the north of these. The district court for Northern Washington shall be held at Calais.

XXX. Southern Washington. Southern Washington consists of all municipalities and unorganized territory in the county of Washington not included within the division of Northern Washington. The district court for Southern Washington shall be held at Machias.

XXXI. Eastern York. Eastern York consists of the municipalities of Hollis, Kennebunk, Lyman, Wells and all municipalities in York county lying to the east of these. The district court for Eastern York shall be held at Biddeford or Saco, exact site to be determined by the chief judge with the approval of the chief justice of the supreme judicial court.

XXXII. Southern York. Southern York consists of the municipalities of Eliot, Kittery, South Berwick and York. The district court for Southern York shall be held at Kittery.

XXXIII. Western York. Western York consists of all municipalities in York county not included within the division of Eastern York and Southern York. The district court for Western York shall be held at Sanford. (1961, c. 386, § 1; c. 395, §§ 41, 42. 1963, c. 339; c. 357, § 1; c. 402, §§ 148-A, 148-B, 148-E, 148-F, 148-G, 148-H.)

Effect of amendments.—P. L. 1961, c. 395, deleted "Grand Isle" in the first sentence of subsection III, inserted "Hamlin Plt., Cyr Plt." and "T17 R3" in that sentence, inserted "and north" near the end of that sentence and deleted "Readfield" and inserted "Fayette, Mount Vernon" in the

first sentence of subsection XIV.

Chapter 339, P. L. 1963, rewrote the first sentence in subsection III, the first sentence in subsection IV and the first sentence in subsection V. Chapter 357, P. L. 1963, added "for criminal and civil business and at Fort Kent solely for criminal busi-

ness" at the end of the second sentence in subsection III. Chapter 402, P. L. 1963, substituted "32" for "33" in the first paragraph, rewrote subsection X which formerly related to the Northern Franklin judicial division, repealed subsection XI which related to the Southern Franklin judicial division, rewrote subsection XXVI, which formerly related to the Northern Somerset judicial division, re-

pealed subsection XXVII which related to the Southern Somerset judicial division and added all of that portion of the last sentence of subsection XXXI that follows the word "Biddeford."

Effective date.—Section 58 of c. 395, P. L. 1961, provides that §§ 41 and 42 of that act, amending this section, shall become effective November 1, 1961.

Sec. 4. Districts.—The judicial divisions are organized into 13 districts, as follows, with the place for holding court shown in parentheses after the name of each division:

I. First District. The first district consists of the divisions of Eastern Aroostook (Caribou) and Western Aroostook (Madawaska and Fort Kent). (1963, c. 357, § 2)

II. Second district. The 2nd district consists of the divisions of Central Aroostook (Presque Isle) and Southern Aroostook (Houlton).

III. Third district. The 3rd district consists of the division of Southern Penobscot (Bangor).

IV. Fourth district. The 4th district consists of the divisions of Northern Washington (Calais) and Southern Washington (Machias).

V. Fifth district. The 5th district consists of the divisions of Central Hancock (Ellsworth), Southern Hancock (Bar Harbor) and Waldo (Belfast).

VI. Sixth district. The 6th district consists of the divisions of Sagadahoc (Bath), Lincoln (Wiscasset) and Knox (Rockland).

VII. Seventh district. The 7th district consists of the divisions of Northern Kennebec (Waterville), Southern Kennebec (Augusta) and Northern Androscoggin (Livermore Falls).

VIII. Eighth district. The 8th district consists of the divisions of Southern Androscoggin (Lewiston), Eastern Cumberland (Brunswick) and Northern Cumberland (Bridgton).

IX. Ninth district. The 9th district consists of the division of Southern Cumberland (Portland).

X. Tenth district. The 10th district consists of the divisions of Eastern York (Biddeford or Saco) as above determined, Western York (Sanford) and Southern York (Kittery). (1963, c. 402, § 148-I)

XI. Eleventh district. The 11th district consists of the divisions of Franklin (Farmington), Northern Oxford (Rumford) and Southern Oxford (South Paris). (1963, c. 402, § 148-C)

XII. Twelfth district. The 12th district consists of the divisions of Somerset (Skowhegan) and Western Penobscot (Newport). (1963, c. 402, § 148-J)

XIII. Thirteenth district. The 13th district consists of the divisions of Piscataquis (Dover-Forcroft), Northern Penobscot (Millinocket) and Central Penobscot (Lincoln). (1961, c. 386, § 1. 1963, c. 357, § 2; c. 402, §§ 148-C, 148-I, 148-J.)

Effect of amendments.—Chapter 357, P. L. 1963, added "and Fort Kent" in the parentheses at the end of subsection I. Chapter 402, P. L. 1963, added "or Saco" in the first parentheses in subsection X and added "as above determined" immediately thereafter, deleted "Northern

Franklin (Rangeley)" and "Southern" preceding "Franklin (Farmington)" in subsection XI and deleted "Northern Somerset (Jackman)" and "Southern" preceding "Somerset (Skowhegan)" in subsection XII.

Sec. 5. Where action brought.—

I. Juvenile proceeding or criminal prosecution. A juvenile proceeding or criminal prosecution, including traffic, shall be brought in the division in which the offense charged took place, but if the proceeding involves 2 or more of-

fenses committed in different divisions, it may be brought in any one of them.

II. Forcible entry and detainer; replevin; trustee process; attachment.

An action for forcible entry and detainer or replevin shall be brought in the division in which the property involved is located. Any action commenced by trustee process shall be brought in accordance with chapter 114. Any action involving attachment shall be brought in the division where the plaintiff resides or where the defendant resides or where the property involved is located.

III. Divorce, separation, annulment, support. An action or proceeding for divorce, separation, annulment of marriage or for support may be brought in the division where either the plaintiff or the defendant resides. Such action or proceeding may be removed to the superior court by the defendant. The rules of municipal courts now in effect for removal of actions to the superior court shall apply.

IV. Other civil actions. Any other civil action or proceeding shall be brought in the division where any plaintiff or defendant resides, but if all defendants are nonresidents of the state, it may be brought in any division of the plaintiff's choice.

V. Corporation. A corporation shall be deemed a resident of any district in which it maintains a place of business.

VI. Brought in any division with consent. Notwithstanding subsections I to V, all parties, with the approval of any district judge, may consent to any action, proceeding or prosecution being brought and determined in any division.

VII. Improper venue. If any action or proceeding, civil or criminal, is brought in the wrong division, the court, upon motion or on its own initiative, may transfer it to a proper division. Any objection to improper venue is waived unless asserted by motion to transfer the case made before the commencement of trial or, in the event of default in appearance or answer, before the entry of judgment.

VIII. Transfer of any case. The court, may, upon motion or its own initiative, transfer any case to another division for the convenience of parties or witnesses or in the interest of justice. (1961, c. 386, § 1; c. 395, §§ 43, 44. 1963, c. 402, § 148-D.)

Effect of amendments.—P. L. 1961, c. 395, deleted "or any action commenced by trustee process" following "replevin" in the first sentence of subsection II, added the second and third sentences of that subsection and substituted "may" for "shall" near the end of the first sentence of sub-

section VII.

The 1963 amendment added "plaintiff or" in subsection IV.

Effective date.—Section 58 of c. 395, P. L. 1961, provides that §§ 43 and 44 of that act, amending this section, shall become effective November 1, 1961.

Sec. 6. Service of process; warrants.—All process of the district court shall run throughout the state, and may be served outside of the division from which issued with the same effect as if served within such division.

Judges of district courts shall have all authority and powers now granted by law to judges of municipal courts, provided no judge of the district court may sit as the trial judge in any case arising from a complaint to such judge and warrant of arrest resulting therefrom, unless by consent of the respondent.

When complaint is made to any judge or clerk of a district court, or to a complaint justice, charging a person with the commission of an offense, such judge, clerk or complaint justice shall carefully examine, on oath, the complainant, the witnesses by him produced and the circumstances and, when satisfied that the accused committed the offense, shall on any day, Sundays and holidays not excepted, issue a warrant in the name of the district court for his arrest, stating therein the substance of the charge. Such clerk or complaint justice shall not have authority to preside at any trial, and neither shall appear as counsel in any criminal case in which he has heard the complaint. Such clerk may accept a guilty plea upon payment of fines as set by the judge.

A judge of the district court may try those brought before him for offenses within his jurisdiction, although the penalty or fine accrues wholly or partly to the municipality of which he is a resident.

Warrants issued by such magistrates in criminal cases shall be signed by them at the time they are issued.

A district court judge or a complaint justice may issue warrants to search within the limits of the jurisdiction of the district court, in the same manner for the same purposes and subject to the same provisions as such warrant may now be issued by a judge of a municipal court. (1961, c. 386, § 1.)

Sec. 7. Rules.—

I. Pending new rules. Pending promulgation of new rules as provided in subsection II.

A. The rules of procedure now in effect for cases and proceedings within the jurisdiction vested by this chapter in the district court shall apply.

B. Appeals from the district court shall be heard de novo in the superior court.

II. Power to make rules. The supreme judicial court is empowered to make and amend rules of procedure for the district court and for appeals from the district court. (1961, c. 386, § 1.)

Sec. 8. Appeal.—Any appeal shall be taken to the superior court for the county embracing the division in which the judgment was rendered within 10 days after judgment. The appellant shall, within 10 days after judgment, pay to the court the required fees for such appeal and in that case no execution shall issue, and the clerk shall enter the appeal in the appellate court where it shall be determined as a new entry. (1961, c. 386, § 1. 1963, c. 402, § 149.)

Effect of amendment.—The 1963 amendment" at the end of the first sentence and ment added "within 10 days after judgment" added the last sentence in the section.

Sec. 8-A. Appeal without trial.—In actions in a district court, either party, after appearing and filing his pleadings, may waive a trial and give the adverse party judgment, and then appeal as if there had been an actual trial. (1963, c. 402, § 150.)

Sec. 8-B. Appellant's recognizance. — If so requested by the adverse party, the appellant shall within one week after notice of such request, or within such further time as may be allowed by the court, recognize to such adverse party in a reasonable sum, with condition to prosecute his appeal with effect and pay all costs arising after the appeal. (1963, c. 402, § 151.)

Sec. 8-C. On appeal copies and papers produced.—When such appeal is completed, the clerk shall file in the appellate court the originals of all depositions and other written evidence or documents and a copy of the record and all papers filed in the cause. (1963, c. 402, § 152.)

Sec. 8-D. Executions directed into other counties. — When a debtor removes or is out of the county in which judgment is rendered against him by a judge of a district court, such judge may issue execution against him, directed to the proper officers in the county where he is supposed to be, and it has the same force as if issued by a court in the latter county. (1963, c. 402, § 153.)

Sec. 8-E. Actions and executions, when directed into other counties.—In actions against bail, indorsers for costs, and proceedings after judgment against executors or administrators, and in all actions against 2 or more defendants before a judge of a district court, where the defendant or trustee resides out of the county where the proceedings are had, the judge may direct the summons, writ or execution to any proper officer of the county where such defendant or trustee resides, who shall charge fees of travel from the place of his residence to the place of service only, and postage paid by him. (1963, c. 402, § 154.)

Sec. 9. Judges; appointment; salary; retirement.—The governor, with the advice and consent of the council, shall appoint to the district court 2 judges at large and 14 judges. At least one judge shall be appointed in each district who shall be a resident thereof, except that in district 9 there shall be 2 judges appointed who shall be residents thereof. Each shall have a term of office of 7 years. Each judge shall receive an annual salary of \$12,000. The chief justice of the supreme judicial court shall designate one of the judges as chief judge who shall receive as additional compensation annually for his service as chief judge, the sum of \$1,000. Each judge shall be reimbursed for his expenses actually and reasonably incurred by him in performing his duties, upon presentation to the state controller of a detailed statement of such expenses approved by the chief judge.

To be eligible for appointment as a district judge, a person must be a member of the bar of the state. The term "district judge" shall include the chief judge and the judges at large.

A district judge shall devote full time to his judicial duties. He shall not practice law during his term of office, nor shall he during such term be the partner or associate of any person in the practice of law. Chapter 106, sections 3 and 4, now applicable to justices of the superior court, are made applicable to Judge of the district court. (1961, c. 386, § 1.)

Sec. 9-A. Ex officio, justice of the peace; may administer oaths.—Judges and clerks of the district court are, ex officio, justices of the peace, and all their official acts, attested by them in either capacity, except those pertaining to the exclusive jurisdiction of judges and clerks of district courts, are of equal effect. Judges and clerks of the district court may administer all oaths required by law, unless another officer is specifically required to do it. (1963, c. 402, § 155.)

Sec. 10. Clerks and clerical assistants; appointment; compensation.—For each division and for the office of the chief judge, the chief judge shall appoint such clerks and employ such clerical assistants as may be necessary. Clerks and clerical assistants shall be compensated as determined by the chief judge. If the business of any division does not require the full-time service of a clerk, the chief judge may appoint a part-time clerk for such division. Whenever a clerk is absent or temporarily unable to perform his duties as clerk and an existing or immediate session of the court renders it necessary, the judge may designate a clerk pro tempore who shall have the same powers and duties of the clerk. (1961, c. 386, § 1. 1963, c. 402, § 155-A.)

Effect of amendment.—The 1963 amendment added the last sentence in the section.

Sec. 10-A. Clerks, taking of bail authorized. — Clerks of the district court, during the hours when the clerk's office is open for business, as provided by the rules of the district court, may, subject to the control of the district judge of such clerk's district, fix and take bail for the appearance of a respondent at a day and hour not more than 14 days from the day of taking bail. No fee shall be charged for the taking of bail.

The clerk may in his discretion accept the recognizance without sureties of an accused charged with an offense for which the maximum penalty does not exceed a fine of \$100 or imprisonment for 90 days, or both. (1963, c. 402, § 156.)

Sec. 11. Complaint justice; appointment; tenure and salary.—Complaint justices shall be appointed and commissioned by the governor, with the advice and consent of the council, to act within the county of residence of the complaint justice, and shall hold their office for 4 years from the date of their commissions and shall receive such salary as shall be determined by the chief judge and paid as an expense of the district court.

A complaint justice shall be a lawyer admitted to practice in this state and as many shall be appointed as in the discretion of the governor are needed to be readily available for issuance of warrants of arrest. (1961, c. 386, § 1.)

Sec. 12. Place for holding court; suitable quarters.—In each division, the place for holding court shall be located in a state, county or municipal building designated by the chief judge, who, with the advice and approval of the bureau of public improvements, is empowered to negotiate on behalf of the state, the leases, contracts and other arrangements he considers necessary, within the limits of the budget and the funds available under section 13, subsection III, to provide suitable quarters, adequately furnished and equipped for the district court in each division.

The facilities of the superior court in each county when that court is not in session shall be available for use by the district court of that division in which such facilities are located. Arrangements for such use shall be made by the chief judge.

If the chief judge is unable to negotiate the leases, contracts and other arrangements as provided in the preceding paragraph, he may, with the advice and approval of the bureau of public improvements, negotiate on behalf of the state, the leases, contracts and other arrangements he considers necessary, within the limits of the budget and funds available under section 13, subsection III, to provide suitable quarters, adequately furnished and equipped for the district court in privately owned buildings. (1961, c. 386, § 1. 1963, c. 402, § 157.)

Effect of amendment.—The 1963 amendment added the last paragraph in the section.

Sec. 13. District court funds.—

I. District court fund. All fines, bail forfeitures and fees collected in the district court of any division shall be paid to a clerk thereof, who shall deposit them in a special account within 72 hours of their receipt. Once each month, he shall remit such sums to the treasurer of state, who shall deposit them in a special fund, to be known as the "district court fund." Every clerk shall give bond to the state in such sum and with such sureties as the chief judge shall approve, conditioned that he will, during his continuance in office, faithfully perform, as the law requires, all his duties relating to the collection and payment over of all fines, fees and forfeitures which may come into his hands by virtue of his office.

II. Expenses. Out of such fund, the treasurer of state shall pay, in accordance with a budget submitted each year by the chief judge, the expenses of the district court; and also pay all sums of money produced by cases brought in the district court which shall become due to state departments and agencies, municipalities, and state, county and municipal officers. Any sums heretofore payable to counties by reason of such cases shall be paid to them not under this subsection, but under subsection IV.

III. District court building fund. After paying such expenses or providing sufficient reserves for their payment, the treasurer of state shall establish a special "district court building fund" to be used solely for the building, remodelling and furnishing of quarters for the district court, as determined and certified by the chief judge. The sum of \$3,000 per month shall be deposited in this fund until the chief judge certifies to the treasurer of state that physical facilities for the district court throughout the state are such that further deposits in said special building fund are no longer necessary.

IV. Balance to counties. After paying or setting aside the sums described in this section, the treasurer of state shall pay semi-annually the balance remaining in the district court fund to the counties of the state in the proportion which the population of each bears to the total population of the state, according to the latest available federal census. (1961, c. 386, § 1.)

Editor's note.—Public Laws 1961, c. 386, § 4, as amended by P. L. 1963, c. 402, § 278, provides as follows:

“Upon the establishment of the District Court Fund created by the Revised Statutes, chapter 108-A, section 13, enacted by section 1 of this act, there is appropriated

to such District Court Fund, from the Unappropriated Surplus of the General Fund, the sum of \$50,000 to carry out the purposes of this act. On June 30, 1974 there shall be returned to the General Fund the sum of \$50,000.”

Sec. 14. Duties of chief judge.—The chief judge shall be responsible to the chief justice of the supreme judicial court for the operation of the district court and shall serve as chief judge at the pleasure of the chief justice. To this end the chief judge shall:

- I. Hold court when necessary.** Hold court in any division when he deems it necessary by reason of illness, absence or disability of the judge regularly assigned or by reason of an excessive case load in any district;
- II. Assign judges at large.** Assign judges at large to hold court in any division where, in his judgment, they are needed;
- III. Days and hours for holding court.** Fix the days and hours for holding court in each division;
- IV. Vacations.** Determine the times for the taking of vacations by all district judges;
- V. Assign judges.** Assign a judge to hold court for a temporary period in a district or division outside of his own district;
- VI. Records and reports.** Prescribe the records to be kept and destroyed and the reports to be made by each district judge;
- VII. Statistics.** Collect and publish such statistics pertaining to the business of the district court as he deems desirable;
- VIII. Budget.** Prepare and submit an annual budget for the district court;
- IX. Report.** Render to the chief justice of the supreme judicial court an annual report on the state of business in the district court and on the conferences held pursuant to subsection XI;
- X. Courtroom facilities.** Make necessary arrangements for proper courtroom facilities for all branches of the district court pursuant to section 12; establish his own headquarters with appropriate facilities; and establish quarters and facilities for the judges at large;
- XI. Conference of judges.** Convene at least once annually at such place as he may deem appropriate, a conference of district court judges to consider and take action upon or make recommendations with respect to current problems in the operation of the district court. The expenses of district court judges attending this conference shall be an expense of the district court;
- XII. Traffic violations bureau.** In addition to the above duties the chief judge may authorize for any division the establishment of a “traffic violations bureau” in accordance with the “model rules governing procedure in traffic cases” promulgated by the national conference of commissioners on uniform state laws in 1957. (1961, c. 386, § 1; c. 395, § 45.)

Effect of amendment.—P. L. 1961, c. 395, deleted “at Augusta” preceding the second semicolon in subsection X.

Effective date.—Section 58 of c. 395, P.

L. 1961, provides that § 45 of that act, amending this section, shall become effective November 1, 1961.