

MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE

STATE OF MAINE

1954

1957 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 3

**Place in Pocket of Corresponding
Volume of Main Set**

THE MICHE COMPANY
CHARLOTTESVILLE, VIRGINIA
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holidays falls on Sunday, the Monday following shall be observed as a holiday, with all the privileges applying to any of the days above named. (R. S. c. 95, § 55. 1953, c. 225. 1955, c. 405, § 44.)

Effect of amendment.—The 1955 amendment substituted “veterans day” for “armistice day.”

Chapter 108. Municipal Courts.

Sec. 3. Recorder acting as judge; salary.

In case of the absence, sickness or disqualification of a judge of a municipal court, or in the event of a vacancy in the office of said judge, or at any other time at the request of said judge in order to expedite business, the recorder shall have the same powers as said judge, and shall be ex officio justice of the peace. (R. S. c. 96, § 3. 1955, c. 405, § 45.)

Effect of amendment.—The 1955 amendment added the above paragraph at the end of this section. As the rest of the section was not changed, it is not set out.

Sec. 4. Jurisdiction.—A municipal court shall not have jurisdiction in any civil matter unless a defendant resides within the county in which such court is established, or is a nonresident of the state and has personal service within the county, or a party summoned as trustee resides within the county, or property of the defendant is attached within the county in which such court is established; but in case of such personal service, trustee or attachment, such court shall have jurisdiction concurrent with the superior court and with all other municipal courts in the same county wherein it is established of all civil actions in which the debt or damages demanded do not exceed \$600. Any action in which the judge of such municipal court may be interested, either by relationship, as counsel or otherwise, may be brought by such judge before any other court, superior or municipal, in the same county in the same manner and with like effect as other actions therein. (R. S. c. 96, § 4. 1957, c. 115.)

Effect of amendment.—The 1957 amendment increased the maximum amount of debt or damages demanded from \$300 to \$600.

Sec. 10. Costs and fees; overcharging costs.—The costs and fees taxed and allowed in all the municipal and trial justice courts shall be as follows:

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

To plaintiffs who prevail:

I. Where the damages recovered amount to \$20 or more;	
Writ	\$3.50
Entry	1.00
Officers' fees for serving writ, as allowed by the court
Attendance, each term	3.50
Travel, each term	.66
Witness fees, as allowed by the court
II. Where the damages recovered amount to less than \$20;	
Writ	\$2.00
Entry	1.00
Officers' fees for serving writ, as allowed by the court
Attendance, each term	2.00
Travel, each term	.66
Witness fees, as allowed by the court

To defendants who prevail:	
Pleadings	2.00
Witness fees, as allowed by the court
Attendance, each term	2.00
Travel, each term	.66
To trustees who make disclosure at the return term:	
Disclosure	\$1.00
Attendance, each term	2.00
Travel, each term	.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, but not exceeding 40 miles .33.

The allowance for travel and attendance to parties recovering costs shall be limited to 2 terms, except that the court for good and sufficient cause may order allowance for additional terms.

Copies of papers for removal or appeal to the superior court, to be paid by the appellant to the municipal court and taxed in his cost by the superior court if he finally prevails 2.00.

If any attorney at law or other person demands or takes for a writ of attachment with a summons or for an original summons with the declaration, returnable before a trial justice, judge or recorder of a municipal 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 justice, judge or recorder 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 an action of debt, but nothing herein contained shall be so construed as to reduce the fees of municipal courts otherwise established by law.

Every attorney shall pay the municipal court an entry fee of \$1 for each civil writ entered. There shall be no charge to any attorney by said court for blank writs, for issuing any execution, any execution renewal, any writ of possession or for taxing costs.

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 or by the acts establishing the respective courts. (R. S. c. 96, § 9. 1957, c. 334, § 9.)

Cross reference.—See now c. 146, § 2-A re costs and fees in municipal and trial justice courts.

Effect of amendment. — The 1957 amendment changed the fee for writs from \$3.54 to \$3.50 in subsection I, increased the fees for entries from 50¢ to \$1.00 and deleted the fees for taxing costs

in subsections I and II, inserted the last paragraph under the heading "Costs in civil actions", and deleted former enumerated fees in criminal cases and increased the fee for receiving complaint and issuing warrants from \$1.00 to \$5.00 under the heading "Fees in criminal cases".

Chapter 109.

Small Claims.

Sec. 1. "Small claim" defined.—A "small claim" is any right of action cognizable by a court of law not involving the title to real estate in which the debt or damage claimed does not exceed \$50. (1945, c. 307. 1957, c. 44.)

Effect of amendment. — The 1957 amendment increased the amount of the claim from \$35 to \$50.