

# MAINE STATE LEGISLATURE

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December 31, 1968

Honorable Robert B. Williamson  
Chief Justice, Supreme Judicial Court  
Augusta, Maine 04330

Dear Judge Williamson:

In accordance with the provisions of the District Court Act, I submit herewith a report pertaining to the District Court for the fiscal year ending June 30, 1968.

The attached record of cases handled for the twelve month period would indicate a slight decline from the previous year, particularly traffic cases.

While there has been a slight decline in the total number of cases handled, the actual work load of all of the judges has increased substantially in traffic cases, due to the possibility of license suspension by the Secretary of State under the point system, more and more violators are employing attorneys, resulting in a substantial increase in the number of trials in this type of case. The attorneys who work in this field are sophisticated, with the result that frequently a rather minor traffic violation results in a trial that often will last for more than an hour. In spite of the increased work load, I am happy to report that in none of the courts is there more than the usual unavoidable number of continued cases, however, to accomplish this several of the judges frequently are obliged to hold court into the evening hours.

On the civil side of the court, ordinary civil cases increased by more than 2,000 cases or more than 22% and divorce cases by 497 or 22%.

The increase in the civil and divorce cases is significant from an administrative standpoint, as this type of case proportionately requires much more clerical work than does a criminal case.

In the Portland court, divorces increased during the year by 40%. While a separate record is not kept, it is found that in Portland motions for support and custody pending a hearing on a divorce action, are filed in about 75% of the cases, each motion requiring as much or more clerical work and judge's time as the principal action itself. In the Portland court the above increase has required the services of a full time clerk who works exclusively on divorce matters, as was previously the practice in the Superior Court for Cumberland County. While the figures for the number of divorce cases heard in the Superior Court for the year ending June, 1968, are not available to me, it is my estimate that the District Court heard approximately 90% of all divorce cases tried within the state, during that period. The obvious reason for this, I believe, is that the District Court sits in twice as many locations and is in constant session throughout the year.

The increased civil work has created problems of administration. As in the past, it is extremely difficult to find and train personnel who are competent to do this important part of the court's work. It is even more difficult to find personnel who are qualified and willing to do substitute work during vacations and illnesses, the latter of which the court has had more than its share during the period of this report.

The court has experienced a turn-over of court personnel of 23% during the period, some of which was due to dissatisfaction with the wage scale, some due to a desire for full-time employment and the balance because of health problems or change of residence.

The present increase and the expected continued increase presents not only a personnel problem, which I believe with sufficient funds will be met, but the greater problem, which exists generally in the busier courts, the complete lack of physical space for any additional clerical help to work. This problem is particularly acute in Portland, Lewiston, Saco and Brunswick, the first two being the busiest courts in the system. At the present time I know of no realistic solution to this problem unless the criminal procedure can be streamlined which I will discuss later in this report.

During the year several minor improvements have been made in some of the courts, for the most part directed toward more efficient use of existing facilities. It does not seem necessary to enumerate the improvements in detail, but it should be noted that the expense was met by existing court funds and required no legislation appropriation.

During the year the Court was happy to welcome Ralph H. Ross as an additional judge at large. Judge Ross qualified for the new position on January 25, 1968 and very rapidly adapted to judicial responsibilities, and I believe he will contribute much to the Court. Judge Ross has relieved the pressure on the

Portland and Lewiston judges by assuming part of the work at Bridgton and Brunswick and has been available to assume some of the work in Augusta and Waterville. Unfortunately, Judge Ross has not consistently been available to assume the above work, as it has been necessary to use him to some extent to substitute for other judges while they were on vacation. During the year it was possible to give each judge four weeks of vacation, instead of the previous three, which was a step that I believe was very much needed. It is hoped that the next legislature will authorize another judge at large so that the courts which are overloaded may have consistent assistance and more depth in case of illness, which it presently lacks.

Due to the fact that the District Court must be in constant session, the opportunity of the judges to engage in judicial functions outside of the court are rather limited. During the year, Judges Browne and Smith attended the Institute of Continuing Legal Education Conference in New York City. This conference was directed toward the procedure to be followed in The Juvenile Court as a result of the Gault decision. The above judges were able to brief the other judges in this respect, at a conference of all of the judges held in Bangor on May 24 and 25.

Most of the judges have been called upon to speak in public and to police groups concerning the work of the Court. Within reasonable limits this is desirable, because I believe the Court has a responsibility of cooperating with

all law enforcement agencies and to acquaint the public with our judicial system, which, I am afraid presently, is being unjustly criticized.

The office of the Chief Judge has had a busy year. In May, at the invitation of Dr. Schumacher of the Department of Mental Health, the Chief Judge, with Judge Archibald of the Superior Court, attended an outstanding conference on Drug Abuse conducted by Rutgers University.

During the year the Chief Judge held court the equivalent of twenty weeks to cover vacations, illnesses, or instances where judges felt they should disqualify themselves.

While it was not during the fiscal year being reported, a substantial part of the summer was devoted to the preparation of the budget for the present year and for the next biennium, which was complicated by the transition by the Court from the District Court Fund to an appropriation from the General Fund.

The Chief Judge finds it difficult to hold court for more than two days at a time, due to the many problems that develop in the individual courts, which require prompt attention. Much of the work of the Chief Judge is fixed by Statute but many of his problems he feels should be resolved at the local level, however, he has not had much success in convincing many of the clerks of this need.

It would seem appropriate to discuss briefly the work and the needs of the Court since the end of the fiscal year.

There is a strong indication that there will be an increase in the case load of the Court. In this respect I can report that the Portland Court has handled, in the four month period ending November 1, 1968, twenty-five percent more cases than during the same period the previous year. The increase in the volume of work emphasizes the need for additional space which I have previously mentioned.

A bright spot in this area is the real possibility that new court facilities will be available in Augusta within the next two years. Land for this purpose has been purchased, preliminary plans are now being prepared, and it is hoped that construction may be started next summer. The cost of the construction will be met from District Court Funds.

With continued emphasis upon highway safety, it is reasonable to expect that there will be an increase in traffic cases. During the fiscal year, it has not been uncommon for several of the District Courts to handle more than one hundred traffic cases in one day, some of which were contested. When such a volume occurs on a Monday, which is usually the case, the clerks are faced with a serious problem to prepare the process. It frequently means that the clerks must work on Sunday to prepare the complaints or the court would be unable to handle the volume.

I feel that much time could be saved if traffic violation complaints could be taken out of the requirement that they conform to the rules of common law pleading with its exactness and length. This problem has been met by many

states by providing that complaints alleging misdemeanors are sufficient if reference is made to the section of the statute, which is alleged to have been violated, together with a reference to the offense by its popular name, with the opportunity given the defendant to ask for specifications, if he wishes. This procedure has been used in Connecticut for more than thirty years.

Several states are using the so-called Uniform Traffic Summons which is strongly favored by the American Bar Association. This procedure relieves the Court of preparing any pleadings as a copy of the summons serves this purpose, when sworn to before the clerk and, at the same time, an additional copy serves as a record for the Secretary of State which is one of the present duties of the district court clerks. Another advantage of the Uniform Traffic Summons is that the court copy, when bound, serves as the permanent docket, thus further simplifying the work of the clerk. I realize these procedures may raise constitutional questions but I will predict that such methods will eventually become mandatory.

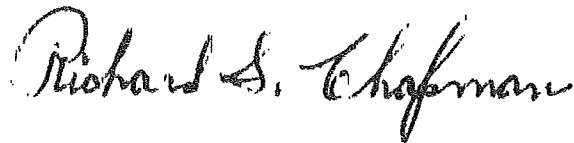
This report would not be complete without mention of the outstanding cooperation which I have received from all of the judges and clerks. I am fully aware that some of the judges and clerks frequently work into the evening hours and some of the clerks on Sundays to keep abreast of their work. I also take note of the fact that there are occasions when the clerks and judges have carried on their work when their health has made it most difficult. T



feel that given such dedication the court is bound to operate reasonably well. Once more, I express my indebtedness to Mrs. Florence M. Maines, the Chief Clerk, who, in many respects, understands the court as well as I, and in some respects much better.

I wish to express my deep appreciation to you for your advise and encouragement on so very many occasions.

Respectfully submitted,

A handwritten signature in cursive script that reads "Richard S. Chapman". The signature is written in dark ink and is positioned above the typed name.

Richard S. Chapman  
Chief Judge, District Court

DISTRICT COURT --- REPORT OF TOTAL CASES --- YEAR ENDING, June 30, 1968

	TRAFFIC	OTHER	JUVENILE	TOTAL CRIMINAL	CIVIL	DIVORCE (PENDING)	SMALL CLAIMS	TOTAL CIVIL	TOTAL CASES
DISTRICT 1									
Caribou	894	520	79	1,493	213	72	101	386	1,879
Fort Kent	568	186	27	781	---	--	---	---	781
Madawaska	469	284	15	768	154	16	355	525	1,293
Van Buren	261	144	33	438	---	--	---	---	438
	<u>2,192</u>	<u>1,134</u>	<u>154</u>	<u>3,480</u>	<u>367</u>	<u>88</u>	<u>456</u>	<u>911</u>	<u>4,391</u>
						(80)			
DISTRICT 2									
Presque Isle	1,484	961	127	2,572	613	92	169	874	3,446
Houlton	1,764	601	35	2,400	237	29	130	396	2,796
	<u>3,248</u>	<u>1,562</u>	<u>162</u>	<u>4,972</u>	<u>850</u>	<u>121</u>	<u>299</u>	<u>1,270</u>	<u>6,242</u>
						(57)			
DISTRICT 3									
Bangor	4,803	1,076	210	6,089	1,445	284	343	2,072	8,161
Newport	663	207	31	901	68	37	174	279	1,180
	<u>5,466</u>	<u>1,283</u>	<u>241</u>	<u>6,990</u>	<u>1,513</u>	<u>321</u>	<u>517</u>	<u>2,351</u>	<u>9,341</u>
						(442)			
DISTRICT 4									
Machias	339	279	7	625	68	36	102	206	831
Calais	453	412	23	888	54	35	235	324	1,212
	<u>792</u>	<u>691</u>	<u>30</u>	<u>1,513</u>	<u>122</u>	<u>71</u>	<u>337</u>	<u>530</u>	<u>2,043</u>
						(56)			
DISTRICT 5									
Belfast	522	407	36	965	125	52	185	362	1,327
Bar Harbor	229	195	15	439	80	25	390	495	934
Ellsworth	727	432	41	1,200	66	51	294	411	1,611
	<u>1,478</u>	<u>1,034</u>	<u>92</u>	<u>2,604</u>	<u>271</u>	<u>128</u>	<u>869</u>	<u>1,268</u>	<u>3,872</u>
						(132)			

DISTRICT COURT --- REPORT OF TOTAL CASES --- YEAR ENDING, June 30, 1968

	TRAFFIC	OTHER	JUVENILE	TOTAL CRIMINAL	CIVIL	DIVORCE (Pending)	SMALL CLAIMS	TOTAL CIVIL	TOTAL CASES
DISTRICT 6									
Rockland	727	370	57	1,154	239	110	362	711	1,865
Wiscasset	723	276	27	1,026	122	47	306	475	1,501
Bath	840	310	43	1,193	282	90	119	471	1,684
	<u>2,290</u>	<u>956</u>	<u>127</u>	<u>3,373</u>	<u>643</u>	<u>247</u> (322)	<u>787</u>	<u>1,677</u>	<u>5,050</u>
DISTRICT 7									
Waterville	1,457	637	74	2,168	757	104	238	1,099	3,267
Augusta	1,767	1,048	90	2,905	485	126	748	1,359	4,264
	<u>3,224</u>	<u>1,685</u>	<u>164</u>	<u>5,073</u>	<u>1,242</u>	<u>230</u> (202)	<u>986</u>	<u>2,458</u>	<u>7,531</u>
DISTRICT 8									
Brunswick	982	314	50	1,346	291	79	65	435	1,781
Lewiston	4,347	1,904	132	6,383	1,702	229	1,483	3,414	9,797
	<u>5,329</u>	<u>2,218</u>	<u>182</u>	<u>7,729</u>	<u>1,993</u>	<u>308</u> (538)	<u>1,548</u>	<u>3,849</u>	<u>11,578</u>
DISTRICT 9									
Portland	5,673	2,264	124	8,061	1,927	574	678	3,179	11,240
Bridgton	484	336	11	831	47	22	71	140	971
	<u>6,157</u>	<u>2,600</u>	<u>135</u>	<u>8,892</u>	<u>1,974</u>	<u>596</u> (706)	<u>749</u>	<u>3,319</u>	<u>12,211</u>
DISTRICT 10									
Saco	3,255	1,040	---	4,295	420	115	279	814	5,109
Sanford	1,744	643	27	2,414	120	72	121	313	2,727
Kittery	2,968	374	12	3,354	78	73	135	286	3,640
	<u>7,967</u>	<u>2,057</u>	<u>39</u>	<u>10,063</u>	<u>618</u>	<u>260</u> (256)	<u>535</u>	<u>1,413</u>	<u>11,476</u>

DISTRICT COURT --- REPORT OF TOTAL CASES --- YEAR ENDING, June 30, 1968

	TRAFFIC	OTHER	JUVENILE	TOTAL CRIMINAL	CIVIL	DIVORCE (Pending)	SMALL CLAIMS	TOTAL CIVIL	TOTAL CASES
DISTRICT 11									
Rumford	1,344	458	68	1,870	116	39	294	449	2,319
So. Paris	1,017	241	27	1,285	409	60	274	743	2,028
Livermore Falls	403	85	26	514	67	11	116	194	708
	<u>2,764</u>	<u>784</u>	<u>121</u>	<u>3,669</u>	<u>592</u>	<u>110</u> (96)	<u>684</u>	<u>1,386</u>	<u>5,055</u>
DISTRICT 12									
Farmington	1,347	421	45	1,813	299	56	431	786	2,599
Skowhegan	1,913	766	63	2,742	851	115	539	1,505	4,247
	<u>3,260</u>	<u>1,187</u>	<u>108</u>	<u>4,555</u>	<u>1,150</u>	<u>171</u> (174)	<u>970</u>	<u>2,291</u>	<u>6,846</u>
DISTRICT 13									
Dover-Foxcroft	399	589	23	1,011	129	62	254	445	1,456
Millinocket	641	301	67	1,009	142	21	232	395	1,404
Lincoln	838	217	16	1,071	150	23	302	475	1,546
	<u>1,878</u>	<u>1,107</u>	<u>106</u>	<u>3,091</u>	<u>421</u>	<u>106</u> (82)	<u>788</u>	<u>1,315</u>	<u>4,406</u>
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TOTALS	46,045	18,298	1,661	66,004	11,756	2,757	9,525	24,038	90,042
	TRAFFIC	OTHER	JUVENILE	TOTAL CRIMINAL	CIVIL	DIVORCE	SMALL CLAIMS	TOTAL CIVIL	TOTAL CASES

DIVORCES PENDING -- 3,143

DISTRICT COURT

REPORT OF REVENUE AND DISTRIBUTION FOR YEAR ENDING JUNE 30, 1968

	<u>REVENUE</u>	<u>DISTRIBUTION</u>
District 1	83,029.94	48,022.59
District 2	98,961.77	37,281.86
District 3	163,491.26	73,309.17
District 4	30,775.48	30,055.64
District 5	59,589.51	45,501.67
District 6	63,297.20	45,412.84
District 7	126,823.36	48,895.26
District 8	113,869.27	59,641.63
District 9	163,816.26	72,046.94
District 10	197,089.40	69,879.64
District 11	73,447.48	44,841.04
District 12	101,531.40	43,523.62
District 13	57,793.17	38,296.29
Chief Judge, Portland		28,822.10
Judge at Large, Eastern Cumberland		6,382.73
Judge at Large, Bangor		17,621.32
Unallocated Charges, Printing		15,619.53
Transferred to District Court Bldg. Fund		36,000.00
Transferred to Pension Account		20,397.00
TOTAL INCOME	\$1,333,515.50	
TOTAL DISTRIBUTION	781,550.87	
GRANTS TO COUNTIES	<u>400,000.00</u>	
BALANCE	\$ 151,964.63	