

# MAINE STATE LEGISLATURE

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ONE - HUNDRETH LEGISLATURE

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Legislative Document

No. 1594

H. P. 1157

House of Representatives, May 9, 1961

Reported by Mr. Knight from Committee on Judiciary. Printed under Joint Rules No. 10.

HARVEY R. PEASE, Clerk

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-ONE

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AN ACT Creating a District Court to Integrate Activities of Municipal Courts  
and Trial Justices.

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Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., c. 108-A, additional. The Revised Statutes are amended by adding a new chapter to be numbered 108-A, to read as follows:

**Chapter 108-A.**

**District Court.**

Sec. 1. District Court established. There is established a District Court for the State of Maine.

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 the effective date of this act, 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 original jurisdiction, concurrent with that of the probate court, of actions for separation.

All fees and costs payable in and to municipal courts prior to the effective date of this act shall thereafter be payable in and to the District Court in those cases initiated in a District Court after such date.

Sec. 3. Judicial divisions. The State is divided into 33 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 municipality and unorganized territory known as Grand Isle, T<sub>11</sub> R<sub>9</sub>, T<sub>12</sub> R<sub>9</sub>, T<sub>13</sub> R<sub>8</sub>, T<sub>14</sub> R<sub>7</sub>, T<sub>15</sub> R<sub>6</sub>, T<sub>16</sub> R<sub>5</sub>, T<sub>17</sub> R<sub>4</sub>, and all municipalities and unorganized territory in Aroostook County lying to the west of these. The District Court for Western Aroostook shall be held at Madawaska.

**IV. Eastern Aroostook.** Eastern Aroostook includes the municipalities and unorganized territory known as T<sub>13</sub> R<sub>7</sub>, Portage Lake, T<sub>13</sub> R<sub>5</sub>, Wade, Washburn, Caribou, Fort Fairfield 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 Bridgewater, Oxbow Plt., TD R<sub>2</sub>, T<sub>9</sub> R<sub>3</sub>, T<sub>9</sub> R<sub>4</sub>, T<sub>9</sub> R<sub>5</sub>, T<sub>9</sub> R<sub>7</sub>, T<sub>9</sub> R<sub>8</sub> 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 Casco, 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. Northern Franklin.** Northern Franklin consists of Kingfield, Madrid, Mt. Abraham, T<sub>4</sub> R<sub>1</sub>, Twp. E and all municipalities and unorganized territory in Franklin County lying to the north of these. The District Court for Northern Franklin shall be held at Rangeley.

**XI. Southern Franklin.** Southern Franklin consists of all municipalities and unorganized territory in Franklin County not included within the division of Northern Franklin. The District Court for Southern Franklin shall be held at Farmington.

**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, Readfield, 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. Northern Somerset.** Northern Somerset consists of the municipalities and unorganized territory known as Bowtown T<sub>1</sub> R<sub>4</sub>, East Moxie T<sub>2</sub> R<sub>4</sub>, Flagstaff T<sub>4</sub> R<sub>4</sub>, Pierce Pond T<sub>2</sub> R<sub>4</sub>, T<sub>3</sub> R<sub>4</sub>, The Forks Plt. and all municipalities and unorganized territory in Somerset County lying to the north of these. The District Court for Northern Somerset shall be held at Jackman.

**XXVII. Southern Somerset.** Southern Somerset consists of all municipalities and unorganized territory in the County of Somerset not included within the division of Northern Somerset. The District Court for Southern Somerset shall be held at Skowhegan.

**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, T<sub>26</sub> E.D., T<sub>36</sub> M.D., T<sub>37</sub> 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.

**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.

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).

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), Western York (Sanford) and Southern York (Kittery).

XI. Eleventh District. The 11th district consists of the divisions of Northern Franklin (Rangeley), Southern Franklin (Farmington), Northern Oxford (Rumford) and Southern Oxford (South Paris).

XII. Twelfth District. The 12th district consists of the divisions of Northern Somerset (Jackman), Southern Somerset (Skowhegan) and Western Penobscot (Newport).

XIII. Thirteenth District. The 13th district consists of the divisions of Piscataquis (Dover-Foxcroft), Northern Penobscot (Millinocket) and Central Penobscot (Lincoln).

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

II. Forcible entry and detainer; replevin; trustee process. An action for forcible entry and detainer or replevin or any action commenced by trustee process shall be brought in the division in which 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.

IV. Other civil actions. Any other civil action or proceeding shall be brought in the division where any 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, shall 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.

Sec. 6. Service of process and 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.

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.

#### 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. 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.

Sec. 8. Appeal. Any appeal shall be taken to the Superior Court for the county embracing the division in which the judgment was rendered.

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 13 judges. At least one judge shall be appointed in each district who shall be a resident 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.

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 196, sections 3 and 4, now applicable to Justices of the Superior Court, are made applicable to Judge of the District Court.

Sec. 10. Clerks; appointment; compensation. For each division and for the office of the Chief Judge, the Chief Judge may employ one chief clerk and such other clerks as may be necessary. Each clerk shall be compensated by the State, as determined by the Chief Judge. If the business in any division does



not require the full-time service of a clerk, the Chief Judge may employ a part-time clerk for such division.

**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.

**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.

**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."

**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.

**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 at Augusta; 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.'

**Sec. 2. 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.

**Sec. 3. Repealer.** All acts or parts of acts and rules inconsistent with this act are repealed or amended to conform hereto.

**Sec. 4. Appropriation.** 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 Un-appropriated Surplus of the General Fund, the sum of \$50,000 to carry out the purposes of this act. On June 30, 1964 there shall be returned to the General Fund the sum of \$50,000.