

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
101st LEGISLATURE

COMMITTEE AMENDMENT "A" to S. P. 150, L. D. 581, Bill, "An Act Amending Certain Statutes to Conform to the District Court Law."

Amend said Bill in that part designated "Sec. 2-A." of section 146 by striking out in the 8th and 9th lines of subsection I the underlined punctuation and words ", each term"; and by striking out in the 8th, 9th, 14th, 15th, 18th and 19th lines of subsection II the underlined punctuation and words ", each term"; and by striking out in the 16th line of subsection II the underlined words "at the return term"; and by striking out in the 3rd and 4th lines of the 6th paragraph from the end the underlined punctuation and words ", but not exceeding 40 miles"; and by striking out all of the 5th underlined paragraph from the end; and by striking out in the last line of the 4th paragraph from the end the underlined figure "2.00" and inserting in place thereof the underlined figure '5.00'

Further amend said Bill in that part designated "Sec. 2-B." of section 147 by striking out all of the first underlined line and inserting in place thereof the following: "Sec. 2-B. Fees of court. The fees of the District"; and by striking out all of the 3rd and 4th underlined lines and inserting in place thereof the following:

<u>'For every blank document with or without seal</u>	<u>\$ .10</u>
<u>Filing of action</u>	<u>1.00</u> ';

and by striking out all of the 13th underlined line and inserting in place thereof the following:

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'Writ of execution or renewal 1.00';

and by striking out all of the 16th and 17th underlined lines and inserting in place thereof the following:

'Removal or appeal of court action to Superior Court including entry fee 7.00';"

and by striking out all of the 18th and 19th underlined lines.

Further amend said Bill by inserting after section 148-A the following new sections:

"Sec. 148-B. R. S., c. 108-A, §3, amended. The first paragraph of section 3 of chapter 108-A of the Revised Statutes, as enacted by section 1 of chapter 386 of the public laws of 1961, is amended to read as follows:

'The State is divided into ~~33~~ 32 judicial divisions, named and defined as follows, and with places for holding court therein as follows:'

Sec. 148-C. R. S., c. 108-A, §3, sub-§XXVI, repealed and replaced. Subsection XXVI of section 3 of chapter 108-A of the Revised Statutes, as enacted by section 1 of chapter 386 of the public laws of 1961, is repealed and the following enacted in place thereof:

'XXVI. Somerset. Somerset consists of the entire County of Somerset. The District Court for Somerset shall be held at Skowhegan.'

Sec. 148-D. R. S., c. 108-A, §3, sub-§XXVII, repealed. Subsection XXVII of section 3 of chapter 108-A of the Revised Statutes,

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as enacted by section 1 of chapter 386 of the public laws of 1961, is repealed.

Sec. 148-E. R. S., c. 108-A, §3, sub-§XXXI, amended. The last sentence of subsection XXXI of section 3 of chapter 108-A of the Revised Statutes, as enacted by section 1 of chapter 386 of the public laws of 1961, is amended to read as follows:

'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.'

Sec. 148-F. R. S., c. 108-A, §4, sub-§X, amended. Subsection X of section 4 of chapter 108-A of the Revised Statutes, as enacted by section 1 of chapter 386 of the public laws of 1961, is amended to read as follows:

'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).'

Sec. 148-G. R. S., c. 108-A, §4, sub-§XII, amended. Subsection XII of section 4 of chapter 108-A of the Revised Statutes, as enacted by section 1 of chapter 386 of the public laws of 1961, is amended to read as follows:

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

Further amend said Bill by striking out all of that part designated "Sec. 8." of section 149 and inserting in place thereof the following:

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"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."

Further amend said Bill in that part designated "Sec. 9-A." of section 155 by inserting after the underlined word "Judges" in the 2nd, 4th and 5th lines the underlined words 'and clerks'

Further amend said Bill by adding after section 155 a new section to read as follows:

"Sec. 155-A. R. S., c. 108-A, §10, amended. Section 10 of chapter 108-A of the Revised Statutes, as enacted by section 1 of chapter 386 of the public laws of 1961, is amended by adding at the end a new sentence to read as follows:

'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.'"

Further amend said Bill in that part designated "Sec. 10-A." of section 156 by adding at the end of the first paragraph a new underlined sentence to read as follows: 'No fee shall be charged for the taking of bail.'; and by striking out in the first line of the 2nd paragraph the underlined words "or her"

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Further amend said Bill in that part designated "Sec.3." of section 159 by striking out in the 6th and 7th lines the underlined words "to be retained by the court as costs" and inserting in place thereof the following underlined words 'from which the clerk is authorized to expend the costs of giving notice to defendant and the remainder to be retained by the court as costs'

Further amend said Bill in that part designated "Sec. 2-A." of section 238 by striking out all of the first line of the 2nd paragraph of subsection IV and inserting in place thereof the following: 'A deputy sheriff shall be paid by the county the fees as are'; and by inserting after the word "county" in the first line of the 4th paragraph of subsection IV the underlined words 'upon the approval of the county attorney'

Further amend said Bill by adding after section 277 the following new section:

'Sec. 277-A. Rent of municipal courtrooms. All rents heretofore provided by statute for use of municipal courtrooms, payable by the counties to municipalities, shall be repealed whenever a District Court is established for the district where the rented courtroom is located.'

Reported by COMMITTEE on JUDICIARY

Reproduced and distributed pursuant to Senate Rule #11A

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