

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1412

H.P. 1020

House of Representatives, March 11, 1997

An Act to Reinstate Municipal Courts for Specific Traffic Infractions.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative LEMKE of Westbrook.

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

4 **Sec. 1. 4 MRSA c. 8 is enacted to read:**

6 **CHAPTER 8**

8 **MUNICIPAL COURT**

10 **§421. Establishment**

12 A municipality, either alone or with one or more other
14 participating municipalities, may establish a Municipal Court by
16 official act of each participating municipality's legislative
18 body.

20 **§422. Jurisdiction**

22 The Municipal Court has concurrent jurisdiction with the
24 District Court and Superior Court over all traffic infractions
26 that are defined in a participating municipality's ordinance
28 adopted under Title 29-A, section 557 and Title 30-A, section
30 3009 and that are enforced by a participating municipality's law
32 enforcement officers. A citation or a summons and complaint
34 issued for a violation of a participating municipality's
36 ordinance must indicate the court in which the citation or
38 summons and complaint will be filed.

40 **§423. Municipal Court Judges**

42 1. Selection. The municipal officers of the participating
44 municipalities jointly shall employ one or more attorneys to
46 serve as Municipal Court Judges.

48 2. Qualifications. Municipal Court Judges must be
50 attorneys admitted to the bar of this State and in good standing.

3. Oath, rules and ethics. Before taking office, each
Municipal Court Judge shall take the same oath administered to
other judges in this State. Municipal Court Judges are governed
by the rules of conduct and the code of judicial ethics adopted
by the Supreme Judicial Court.

4. Compensation. The participating municipalities shall
provide compensation to the Municipal Court Judges on an hourly
basis or salary basis.

§424. Facilities and support staff

1. Facilities. The participating municipalities shall
provide suitable facilities for the orderly processing of traffic
infractions.

2 2. Support staff. The participating municipalities shall
4 provide adequate staff to support the work of the Municipal Court
Judges.

6 **§425. Court session**

8 The Municipal Court Judges may hold court sessions when
10 necessary, but not less than once a month.

12 **§426. Rules**

14 The Maine Rules of Civil Procedure and the Maine Rules of
16 Evidence apply to proceedings in the Municipal Court.

18 **§427. Appeals**

20 A party aggrieved by a decision of the Municipal Court may
22 appeal to the Superior Court as if from a District Court decision.

24 **§428. Prosecutors**

26 The municipal officers of the participating municipalities
28 jointly shall employ one or more attorneys to prosecute traffic
30 infractions in the Municipal Court.

32 **§429. Municipal Court fund**

34 1. Municipal Court fund. The participating municipalities
36 shall establish a Municipal Court fund. Notwithstanding all
38 other laws, all fines collected under this chapter must be
deposited in the Municipal Court fund.

40 2. Treasurer; expenditures. The municipal officers of the
42 participating municipalities jointly shall employ a treasurer to
44 administer the Municipal Court fund and provide at least a
quarterly accounting. The treasurer may make expenditures from
the Municipal Court fund only to provide for the Municipal Court.

46 4. Excess. Any excess in the Municipal Court fund must be
48 distributed annually to the participating municipalities in an
equitable manner as determined by the participating
municipalities.

SUMMARY

This bill authorizes one or more municipalities to establish
a Municipal Court to handle traffic infractions established by

2 municipal ordinance. The municipalities may hire attorneys to
serve as Municipal Court Judges. The municipalities must provide
4 suitable facilities and support staff. Fines collected are to be
deposited in a fund to pay for the costs of the Municipal Court.
6 Any money in the fund after paying the expenses is distributed to
the participating municipalities on an equitable basis. The
Municipal Court Judges are governed by the bar rules and the code
8 of judicial ethics adopted by the Supreme Judicial Court. The
Maine Rules of Civil Procedure, Rule 80F applies. Appeals may be
10 made to the Superior Court.