

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 255

House of Representatives, Feb. 20, 1911.

*Reported by Mr. Trafton from Committee on Judiciary and
ordered printed under joint rules.*

C. C. HARVEY, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND ELEVEN.

AN ACT to establish the Houlton Municipal Court.

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

Section 1. A Municipal Court is hereby established in the
2 town of Houlton, in the county of Aroostook, which shall be
3 called the Houlton Municipal Court, and which shall have
4 a seal, and shall be a court of record.

Said Court shall consist of one judge, who shall be a mem-
6 ber of the bar of this state, who shall reside during his con-
7 tinuance in said office in said town of Houlton, and who shall
8 be appointed, qualified, and hold his office as provided by the
9 Constitution of this State, and of a Recorder, who shall be
10 appointed by the Governor, by and with the advice of the

11 Council; and shall hold his office for the term of four years,
12 and be duly commissioned and qualified.

Sect. 2. Said Court shall exercise jurisdiction over all such
2 matters and things, civil and criminal, within the county of
3 Aroostook, as Trial Justices, Justices of the Peace and Jus-
4 tices of the peace and quorum may exercise and under simi-
5 lar restrictions and limitations and concurrent jurisdiction
6 with Trial Justices in cases of forcible entry and detainer;
7 and exclusive jurisdiction over all offenses committed against
8 the ordinances or by-laws of the Town of Houlton; and over
9 all such criminal offenses committed within the limits of the
10 same as are cognizable by Trial Justices; and no Trial Justice
11 or Justice of the Peace shall take cognizance over any crime
12 or offense committed within the limits of said Town of Houl-
13 ton, or any civil action over which said court has exclusive
14 jurisdiction; and shall have original jurisdiction concurrent
15 with the Supreme Judicial Court and the Caribou Municipal
16 Court of all other crimes, offences and misdemeanors com-
17 mitted in said county of Aroostook, which are by law punish-
18 able by fine not exceeding fifty dollars, and by imprisonment
19 not exceeding three months, and where the property in ques-
20 tion or injury done is not alleged to exceed thirty dollars in
21 value. Said Court shall have concurrent jurisdiction with
22 the Supreme Judicial Court in all personal actions where the
23 debt or damage demanded, exclusive of costs, is over twenty
24 dollars, and not over two hundred dollars and in all actions
25 of replevin under Chapter Ninety-eight of the Revised Stat-

26 utes, when the sum demanded for the penalty, forfeiture or
27 damages, or the value of the goods or chattels replevined does
28 not exceed Two Hundred Dollars ; in which any person sum-
29 moned as trustee resides within the territorial jurisdiction
30 District of said Court, as hereinafter defined, or, if a corpora-
31 tion, has an established place of business in said District ; or,
32 in which, in any actions not commenced by trustee process,
33 any defendant resides in said district, or if no defendant
34 resides within the limits of this State, any defendant is served
35 with process in said district, or the goods, estates or effects of
36 any defendant are found within said district and are attached
37 on the original writ ; but this jurisdiction shall not include
38 proceedings under the divorce laws or complaints under the
39 Mill act, so called, nor jurisdiction over actions, in which the
40 title to real estate, according to the pleadings filed in the case
41 by either party is in question, except as provided in Chapter
42 Ninety-six, Sections six and seven, of the Revised Statutes.

Sect. 3. The territorial jurisdiction of said Court, in civil
2 actions shall comprise all that portion of Aroostook County,
3 which lies south and east of the following lines :—Commenc-
4 ing at the northwest corner of Township Number ten (10),
5 Range eight (8), thence due east on the north line of Town-
6 ship Number ten (10), Range eight (8) to the west line of
7 Township number eleven (11), Range seven (7), thence
8 south on the west line of said Township number eleven (11),
9 Range seven (7), to the northwest corner of Township Num-
10 ber ten (10), Range seven (7), thence east on the north line

11 of Township number ten (10) Range seven (7), on the north
12 line of Township number ten (10), Range six (6), on the
13 north line of the town of Masardis; on the north line of
14 Township Number ten (10), Range four (4), on the north
15 line of Township number ten (10), Range three (3) to the
16 west line of Westfield; thence north on the west line of said
17 Westfield to the southwest corner of Presque Isle, thence
18 east on the south line of Presque Isle and the south line of
19 Easton to the east line of the State.

Sect. 4. Any party may appeal from any judgment or sen-
2 tence of said court to the Supreme Judicial Court, in the same
3 manner as from a sentence or judgment of a Trial Justice.

Sect. 5. If any defendant, his agent or attorney, in any
2 civil action, in said Court, in which the debt or damage de-
3 manded or claimed in his writ exceeds twenty dollars, shall,
4 on or before the first day of the second term of said action
5 file in said Court a motion for the removal of said action to
6 the Supreme Judicial Court, and deposit with the Recorder
7 the sum of sixty-five cents for entry fee in said Supreme
8 Court, the said action shall be removed into the Supreme Ju-
9 dicial Court for said county, and the recorder shall forth-
10 with cause certified copies of the writ, officer's return and
11 defendant's motion and all other papers in the case to be filed
12 in the Clerk's office of said Supreme Judicial Court, and
13 shall pay the entry fee thereof, and said action shall be en-
14 tered on the docket of the term next preceding said filing,
15 unless said court shall then be in session, in which case, it
16 shall be entered forthwith. If no such motion is filed, the

17 said Municipal Court shall proceed and determine said ac-
18 tion, subject to the right of appeal in either party as now
19 provided by law. The pleading in such cases shall be the
20 same as in the Supreme Judicial Court.

Sect. 6. In any action in this court, in which the plaintiff
2 recovers for the penalty, forfeiture, debt or damage, not over
3 twenty dollars, or property, the value of which does not
4 exceed twenty dollars, the costs shall be taxed and allowed
5 as in similar actions before Trial Justices, except that the
6 plaintiff shall have two dollars for his writ. Where the de-
7 fendant prevails in any action in which the sum claimed in
8 the writ is not over twenty dollars, or property, the value of
9 which does not exceed twenty dollars, he shall recover one
10 dollar for his pleadings and other costs as in similar actions
11 before Trial Justices.

In actions where the amount recovered by the Plaintiff, ex-
13 clusive of costs, exceeds twenty dollars, or property, the value
14 of which exceeds twenty dollars, or the amount claimed, or
15 the value of the property recovered exceeds twenty dollars
16 where the defendant prevails, the costs of the parties, trus-
17 tees and witnesses shall be the same as in the Supreme Judi-
18 cial Court, except the costs to be taxed for attendance shall
19 be two dollars and fifty cents for each term.

Sect. 7. Actions pending in this court may be referred to
2 one referee in the same manner as in the Supreme Judicial
3 Court, and on report of the Referee to said court, judgment

4 may be rendered in the same manner, and with like effect as
5 in the Supreme Judicial.

Exceptions may be alleged, and cases certified on an agreed
7 statement of facts, or upon evidence reported by the judge
8 in all civil actions, as in the Supreme Judicial Court, and
9 the same shall be entered, heard and determined in the law
10 term thereof, as if the same had originated in the Supreme
11 Judicial Court for the county of Aroostook; and decisions
12 of the law court in such cases, shall be certified to the judge
13 of said Municipal Court for final disposition, with the same
14 effect as in cases originating in said Supreme Judicial Court.

Sect. 8. All the provisions of the Statutes of this state,
2 relative to the attachment of real and personal property, and
3 the levy of executions, shall be applicable to actions in this
4 Court, provided that property may be attached equal in
5 value to double the ad damnum, and provided also that no
6 execution shall be levied on real estate, unless the debt or
7 damage therein exceed the sum of twenty dollars.

Sect. 9. Said Court is hereby authorized to administer
2 oaths, render judgments, issue executions, certify copies of
3 its records, punish for contempt, and compel attendance, as
4 in the Supreme Judicial Court, and to make all such rules and
5 regulations, not repugnant to law, as may be necessary for
6 the prompt administration of Justice and for the carrying in-
7 to effect of the provisions of this act.

Sect. 10. The price of blank writs with the seal of the
2 Court signed by the Recorder, shall be four cents and all

3 other fees in civil cases shall be the same as are taxable by
4 a Trial Justice except as otherwise provided in Sections five
5 and six.

All writs and processes in civil matters shall be in the name
7 of the State, bear the teste of said Judge, under the seal of
8 said court, and signed by the Recorder, be served in time and
9 manner as now provided by law in case of writs issued by
10 Trial Justices, except that writs in which the debt or damage
11 demanded exceed twenty dollars, shall be served in time and
12 manner as similar writs returnable to the Supreme Judicial
13 Court, and no writ shall be made returnable at a term of the
14 court to begin more than three months after the commence-
15 ment of the action.

Sect. 11. A term of said court for the transaction of civil
2 business shall be held on the First Monday of each month
3 except the month of August at ten o'clock in the forenoon,
4 and said court may adjourn from time to time, provided,
5 however, that said court shall be held on every Monday of
6 each month, except the month of August, for the entry and
7 trial of actions of forcible entry and detainer, which shall be
8 in order for trial at the return term thereof, and judgment
9 in such actions may be entered on the day when the same are
10 defaulted, or heard and determined; and provided also, that
11 for the cognizance of criminal offences, said court shall be
12 considered in constant session. Pleadings shall be the same
13 as in the Supreme Judicial Court, and all provisions of law
14 relative to the practice and proceedings in civil actions, in the

15 Supreme Judicial Court, are hereby made applicable and ex-
16 tended to this court, except so far as they are modified by the
17 provisions of this act.

Sect. 12. When the Judge is absent from the court room,
2 or is interested, it shall be the duty of the Recorder, and he
3 shall have authority to exercise all the powers of the judge.

In case of the absence of the Recorder, or a vacancy in his
5 said office, the Judge may appoint a Recorder who shall be
6 sworn by said Judge, and act during his absence, or until
7 the vacancy is filled.

If the judge and recorder are both necessarily absent, the
9 judge may designate some Trial Justice in said county to per-
10 form the duties of the recorder; and if said Judge shall not
11 so designate a Trial Justice, the recorder may designate one.

Sect. 13. The recorder shall record the doings of said court
2 and shall have the power to administer oaths; he shall hear
3 complaints in all criminal matters and in accusations in bas-
4 tardy, draw all complaints and sign all warrants, take bail
5 and make and sign all processes of commitment, but the same
6 shall be heard and determined as now provided by law; such
7 bail may be taken by the judge, and such complaints, accusa-
8 tions, warrants, and processes of commitment, drawn and
9 signed by the judge of said court, shall be equally valid.

All processes issued by said recorder in criminal matters
11 shall have the seal of said court and be signed by said record-
12 er and have the same authority as if issued and signed by
13 said judge.

Sect. 14. Said court shall be held in the Court house in said
2 town of Houlton, the quarters thereof to be designated by the
3 County Commissioners of said County of Aroostook, or the
4 said County Commissioners at the expense of the county,
5 shall provide some other suitable place for holding said court,
6 in said town of Houlton, and all expenses of said court, in-
7 cluding blank books of record, dockets and blanks necessary
8 for the use of said court shall be paid from the treasury of
9 the County of Aroostook.

Sect. 15. The judge of said court shall receive as compen-
2 sation a salary of twelve hundred dollars a year; and the re-
3 corder shall receive a salary of two hundred dollars a year to
4 be paid quarterly from the treasury of the county of Aroos-
5 took. A condition precedent to the payment of said salaries
6 as aforesaid shall be the rendering by said judge and recorder
7 of a correct statement, to the County Commissioners of said
8 county of Aroostook, and the payment over by said judge and
9 recorder to the county treasurer, of all fees both civil and
10 criminal, collected by said court for the preceding quarter or
11 fractional part thereof.

Sect. 16. All fines, penalties and costs paid into said court,
2 upon convictions and sentences in criminal matters, together
3 with all fees allowed by law in the transaction of criminal
4 and civil business, shall be paid to said recorder; and all costs
5 in criminal cases shall be taxed the same as in trial justice
6 courts, except that every warrant issued by said court shall
7 be taxed at one dollar.

Sect. 17. All fines and forfeitures and fees of the judge
2 and recorder of said court, imposed and collected by said
3 court, in all criminal cases, and all fees of said judge and
4 recorder of said court in civil and criminal cases received by
5 either or both, shall be accounted for and paid over quarterly
6 into the treasury of said county of Aroostook, for the use
7 of said county; and all fees of said court paid after any
8 commitment to any jailer shall be paid by him monthly into
9 said treasury.

Sect. 18. Trial Justices in said Town of Houlton are here-
2 by prohibited from exercising any jurisdiction in said town
3 over any matters, civil or criminal, except such as are within
4 the jurisdiction of Justices of the Peace, provided that until
5 such judge and recorder of said Court shall enter upon the
6 duties of their offices, any Trial Justice shall have and exer-
7 cise the same jurisdiction, as though this said Municipal
8 Court had never been established; and all actions entered and
9 pending before any trial Justice, at the time said judge and
10 recorder of said court enter upon the duties of their office as
11 aforesaid, shall be finally disposed of by said Trial Justices;
12 and nothing in this act shall be construed to interfere with
13 such actions returnable before a Trial Justice as shall be
14 commenced before this act takes effect.

Sect. 19. Before entering upon the duties of his office, the
2 recorder shall give a bond to the County of Aroostook in the
3 sum of one thousand dollars, to be approved by the county
4 commissioners of said county. The condition of said bond

5 shall be the faithful performance of the duties of his office.
6 Neither the judge nor recorder shall act as attorney nor give
7 counsel in any cause or matter within the exclusive jurisdic-
8 tion of said court.