

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 509

House of Representatives, Mar. 10, 1911.

*Reported by Mr. Pelletier from committee on Legal Affairs
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 Northern Aroostook Municipal Court.

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

Section 1. A municipal court is hereby established in and
2 for the Northern part of the County of Aroostook, which
3 shall be called the Northern Aroostook Municipal Court,
4 and which shall be a court of record with a seal.

Said Court shall consist of one judge, who shall be a mem-
6 ber of the bar of this state, who shall be an inhabitant re-
7 siding during his continuance in said office within the limits
8 of the said Northern Aroostook Municipal Court District
9 as hereinafter defined, and who shall be appointed, qualified,

10 and hold his office as provided by the Constitution of this
11 State, and of a Recorder, who shall be appointed by the
12 Governor, by and with the advice of the Council, and shall
13 hold his office for the term of four years, and be duly com-
14 missioned and qualified.

All original processes issuing from said Court shall be
16 under the teste of said judge, or of the recorder thereof,
17 and signed by said judge or recorder thereof, and shall have
18 the seal of said Court affixed.

Sect. 2. Said Court shall exercise concurrent jurisdiction
2 with Trial Justices over all such matters and things, civil
3 and criminal, within the County of Aroostook, as Trial
4 Justices, Justices of the Peace and Justices of the peace and
5 quorum may exercise and under similar restrictions and limi-
6 tations; and exclusive jurisdiction over all offenses com-
7 mitted against the ordinances or by-laws of the towns with-
8 in the Northern Aroostook Municipal Court District; and
9 concurrent jurisdiction with Trial Justices over all such
10 criminal offenses committed within the limits of the same
11 as are cognizable by Trial Justices; and shall have original
12 jurisdiction concurrent with the Supreme Judicial Court
13 and all Municipal Courts of all other crimes, offenses and
14 misdemeanors committed in said County of Aroostook, which
15 are by law punishable by fine not exceeding fifty dollars,
16 and by imprisonment not exceeding three months, and where
17 the property in question or injury done is not alleged to
18 exceed thirty dollars in value. Said Court shall have con-

19 current jurisdiction with the Supreme Judicial Court in all
20 personal actions where the debt or damage demanded, ex-
21 clusive of costs, is over twenty dollars, and not over two
22 hundred dollars and in all actions of replevin under Chap-
23 ter Ninety-eight of the Revised Statutes, when the sum
24 demanded for the penalty, forfeiture or damages, or the
25 value of the goods or chattels replevined does not exceed
26 two hundred dollars; in which any person summoned as
27 trustee resides within the territorial jurisdiction District
28 of said Court, as hereinafter defined, or, if a corporation,
29 has an established place of business in said District; or,
30 in which, in any actions not commenced by trustee process,
31 any defendant resides in said district, or if no defendant
32 resides within the limits of this State, any defendant is
33 served with process in said district, or the goods, estates
34 or effects of any defendant are found within said district
35 and are attached on the original writ; but this jurisdiction
36 shall not include proceedings under the divorce laws or
37 complaints under the Mill act, so called, nor jurisdiction
38 over actions, in which the title to real estate, according to
39 the pleadings filed in the case by either party is in question,
40 except as provided in Chapter Ninety-six, Sections six and
41 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 is included and which composes the Northern Aroos-
4 took Registry District.

Sect. 4. Any party may appeal from any judgment or
2 sentence of said Court to the Supreme Judicial Court, in
3 the same manner as from a sentence or judgment of a Trial
4 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 the first day of the second term of said action file in said
5 Court a motion for the removal of said action to the Su-
6 preme Judicial Court, and deposit with the Judge or Re-
7 corder the sum of two dollars for copies and entry fee in
8 said Supreme Court, the said action shall be removed into
9 the Supreme Judicial Court for said county, and the Judge
10 or Recorder shall forthwith cause certified copies of the
11 writ, officer's return, and defendant's motion and all other
12 papers in the case to be filed in the Clerk's office of said
13 Supreme Judicial Court, and shall pay the entry fee thereof,
14 and said action shall be entered on the docket of the term
15 next preceding said filing, unless said Court shall then be
16 in session, in which case, it shall be entered forthwith. If
17 no such motion is filed, the said Municipal Court shall pro-
18 ceed and determine said action, subject to the right of ap-
19 peal in either party as now provided by law. The plead-
20 ing in such cases shall be the same as in the Supreme Judicial
21 Court.

Sect. 6. In any action in this Court, in which the plain-
2 tiff recovers for the penalty, forfeiture, debt or damage,

3 not over twenty dollars, or property, the value of which
4 does not exceed twenty dollars, the costs shall be taxed and
5 allowed as in similar actions before Trial Justices, except
6 that the Plaintiff shall have two dollars for his writ. Where
7 the defendant prevails in any action in which the sum
8 claimed in the writ is not over twenty dollars, or property,
9 the value of which does not exceed twenty dollars, he shall
10 recover one dollar for his pleadings and other costs as in
11 similar actions before Trial Justices.

In actions where the amount recovered by the Plaintiff,
13 exclusive of costs, exceeds twenty dollars, or property, the
14 value of which exceeds twenty dollars, or the amount
15 claimed, or the value of the property recovered exceeds
16 twenty dollars where the defendant prevails, the costs of
17 the parties, trustees and witnesses shall be the same as in
18 the Supreme Judicial Court.

Sect. 7. Actions pending in this court may be referred
2 to one referee in the same manner as in the Supreme Judicial
3 Court, and on the report of the Referee to said court, judg-
4 ment may be rendered in the same maner, and with like effect
5 as in the Supreme Judicial Court.

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 the
9 same shall be entered, heard and determined in the law term
10 thereof, as if the same had originated in the Supreme Ju-
11 dicial 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 value
5 to double the ad damnum, and provided also that no execu-
6 tion shall be levied on real estate, unless the debt or damage
7 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
5 and regulations, not repugnant to law, as may be necessary
6 for the prompt administration of Justice and for the carrying
7 into effect of the provisions of this act.

Sect. 10. The price of blank writs with the seal of the
2 Court signed by the Judge or by the Recorder, shall be four
3 cents and all other fees in civil cases shall be the same as
4 are taxable by a Trial Justice except as otherwise provided
5 in Sections five and six.

All writs and processes in civil matters shall be in the name
7 of the State, be served in time and manner as now provided
8 by law in case of writs issued by Trial Justices, except that
9 writs in which the debt or damage demanded exceed twenty
10 dollars, shall be served in time and manner as similar writs

11 returnable to the Supreme Judicial Court, and no writ shall
12 be made returnable at a term of the court to begin more than
13 three months after the commencement of the action.

Sect. 11. The terms of said Court for the transaction of
2 civil business shall be held as follows, to wit: In the Town
3 of Van Buren on the second Tuesday of the months of Jan-
4 uary, March, May, July, September and November, and in
5 the Town of Fort Kent on the second Tuesday of the months
6 of February, April, June, August, October and December,
7 at ten o'clock in the forenoon, and said Court may adjourn
8 from time to time. All civil actions in said Court shall be
9 entered on the first day of the term and not afterward, ex-
10 cept by special permission; and they shall be in order for
11 trial, except actions of forcible entry and detainer at the
12 next regular monthly term after the entry if not otherwise
13 disposed of. When a defendant legally summoned fails to
14 enter his appearance by himself or his attorney before twelve
15 o'clock, noon, on the first day of the return term, he shall
16 be defaulted; but if he afterward appear during said term
17 the court may for sufficient cause permit the default to be
18 taken off. Judgment in such actions may be entered on
19 the day when the same are defaulted, or heard and deter-
20 mined; and also, that for the cognizance of criminal of-
21 fenses, said court shall be considered in constant session.
22 Pleadings shall be the same as in the Supreme Judicial Court,
23 and all provisions of law relative to the practice and pro-
24 ceedings in civil actions, in the Supreme Judicial Court, are

25 hereby made applicable and extended to this court, except
26 so far as they are modified by the 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
3 he shall have authority to exercise all the powers of the
4 judge.

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

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

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

All processes issued by said recorder or said judge in
12 criminal matters shall have the seal of said court and may

13 be signed by said recorder and have the same authority as
14 if issued and signed by said judge.

Sect. 14. Said Court shall be held in the said towns of
2 Van Buren and Fort Kent at such places and in such quar-
3 ters as shall be provided by the County Commissioners of
4 said County of Aroostook at the expense of said County,
5 and all expenses of said Court, including blank books of
6 record, dockets and blanks necessary for the use of said
7 court shall be paid from the treasury of the County of Aroos-
8 took.

Sect. 15. The Judge of said court shall receive as com-
2 pensation a salary of ten hundred dollars a year; and the
3 recorder shall receive a salary of two hundred dollars a
4 year to be paid quarterly from the treasury of the County
5 of Aroostook. A condition precedent to the payment of
6 said salaries as aforesaid shall be the rendering by said
7 judge and recorder of a correct statement, to the County
8 Commissioners of said County of Aroostook, and the pay-
9 ment over by said Judge and recorder to the County Treas-
10 urer, of all fees both civil and criminal, collected by said
11 court for preceding quarter or 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 Judge or recorder;
5 and all costs in criminal cases shall be taxed the same as

6 in trial justice courts, except that every warrant issued by
7 said court shall 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
5 by either or both, shall be accounted for and paid over quar-
6 terly into the treasury of said County of Aroostook, for the
7 use of said county; and all fees of said court paid after
8 any commitment to any jailer shall be paid by him monthly
9 into said treasury.

Sect. 18. So much of the Act establishing the Caribou
2 Municipal Court as gives it jurisdiction within the limits
3 of the Northern Aroostook Municipal Court as established
4 by this act is hereby repealed.