

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-SIXTH LEGISLATURE

HOUSE

NO. 587

House of Representatives, March 20, 1913.

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

W. R. ROIX, Clerk.

STATE OF MAINE

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

AN ACT to amend the act which constitutes the Police Court
for the City of Rockland.

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

Section 1. Section one of chapter one hundred and four-
2 teen of the Private and Special Laws for the year 1903, as
3 amended by chapter two hundred sixty-four of the Private
4 and Special Laws of 1911, is hereby amended by inserting
5 after the word "law" in the ninth line, the following words,
6 'who shall have his office in the police court room, or in
7 some room in the city building to be designated by the city
8 government of the city of Rockland, which office he shall

9 keep open from nine o'clock to twelve A. M. and from two
10 o'clock to five o'clock P. M. on all legal days for the accom-
11 modation of the bar and the police,' so that said section shall
12 read as follows:

'Section 1. There is hereby established in the city of
14 Rockland, a court to be denominated the police court for
15 the city of Rockland, to consist of one judge, who shall be
16 appointed, commissioned and qualified in the manner pro-
17 vided by the constitution of this state, and be a citizen of
18 Knox county, and so continue while he remains in office.
19 Also one recorder who shall be a citizen of Knox county,
20 to be appointed by the governor, by and with the consent
21 of the council, commissioned and qualified in the manner
22 provided by law, who shall have his office in the police court
23 room, or in some room in the city building to be designated
24 by the city government of the city of Rockland, which office
25 he shall keep open from nine o'clock to twelve o'clock A. M.
26 and from two o'clock to five o'clock P. M. on all legal days
27 for the accommodation of the bar and the public. Said
28 police court shall be a court of record with a seal to be
29 affixed to all original processes issued therefrom. The pres-
30 ent judge shall continue in office until the end of the term
31 for which he was appointed.'

Sect. 2. Section two of chapter one hundred and four-
2 teen of the Private and Special Laws of 1903 as amended
3 by section two of chapter three hundred and sixty-eight of
4 Private and Special Laws of 1909, is hereby amended so
5 that said section shall read as follows:

‘Sect. 2. Said court shall, except where interested, exercise concurrent jurisdiction with justices of the peace and trial justices, in all such matters and things, civil and criminal, within the county of Knox, as are within the jurisdiction of justices of the peace or trial justices; and exclusive jurisdiction in all such matters and things where both parties interested, or the plaintiff and the person or persons summoned as trustees, shall be inhabitants or residents in said city; and said court shall also have exclusive jurisdiction over all such criminal offences committed within the limits of said city, as are cognizable by justices of the peace or trial justices and under similar restrictions and limitations; and said court shall have concurrent jurisdiction with the supreme judicial court in all personal actions where the debt or damage demanded, exclusive of costs, is over twenty dollars and not over three hundred dollars, and in all actions of replevin when it appears that the sum demanded for the penalty, forfeiture or damages does not exceed three hundred dollars, or that the property in the beasts or other chattels is in question and the value thereof does not exceed three hundred dollars and either defendant or the person summoned as trustees is resident in Knox county; but this jurisdiction shall not include proceedings under the divorce laws or complaints under the mill act, so called, nor jurisdiction over actions in which the title to real estate according to the pleadings filed in the case by either party is in question except as provided in chapter ninety-four, sec-

33 tions six and seven of the Revised Statutes. If any defend-
34 ant, in any action in said court where the amount claimed
35 in the writ exceeds twenty dollars or his agent or attorney
36 shall, on the return day of the writ, file in said court a mo-
37 tion asking that said cause be removed to the supreme ju-
38 dicial court and deposit with the judge the sum of two dol-
39 lars for copies and entry fee in said supreme court, to be
40 taxed in his costs if he prevails, the said action shall be re-
41 moved into the supreme judicial court for said county, and
42 the judge shall forthwith cause certified copies of the writ,
43 officer's return and defendant's motion to be filed in the
44 clerk's office of the supreme judicial court, and shall pay the
45 entry fee thereof, and said action shall be entered on the
46 docket of the term next preceding said filing, unless said
47 court shall then be in session, when it shall be entered forth-
48 with, and shall be in order for trial at the next succeeding
49 term. If no such motion is filed, the said police court shall
50 proceed and determine said action, subject to the right of
51 appeal in either party as hereinafter provided. The plead-
52 ings in such case shall be the same as in the supreme judi-
53 cial court. In any action in which the plaintiff recovers
54 not over twenty dollars, debt or damage, the cost to be taxed
55 shall be the same as before trial justices, except that the
56 plaintiff shall have two dollars for his writ. Where the de-
57 fendant prevails in any action in which the sum claimed in
58 the writ is not over twenty dollars, he shall recover two dol-
59 lars for his pleadings and other costs as before trial justices.

60 In actions where the amount recovered by the plaintiff, ex-
61 clusive of costs, exceeds twenty dollars, or the amount
62 claimed exceeds twenty dollars, where the defendant pre-
63 vails, the costs of parties, trustees and witnesses shall be the
64 same as in the supreme judicial court, except that the costs
65 to be taxed for attendance shall be two dollars and fifty
66 cents for each term not exceeding three terms, and for trial
67 of issue eighty cents. All the provisions of the statutes of
68 the state relative to the attachments of real and personal
69 property and the levy of executions, shall be applicable to
70 actions in this court, and executions on judgments rendered
71 therein. Actions may be referred and judgments on the
72 referees' report may be rendered in the same manner and
73 with the same effect as in the supreme judicial court.'

Sect. 3. Section three of chapter one hundred and four-
2 teen of the Private and Special Laws of the state of Maine
3 for 1903, is hereby amended by changing the word "two"
4 after the word "thirty" in line seven to 'three'; the word
5 "four" after the word "section" in line eleven to 'six' and
6 the word "one" after the word "forty" in line twelve to 'two,'
7 so that said section, as amended, shall read as follows:

'Sect. 3. Said judge shall have jurisdiction in all cases of
9 simple larceny when the property alleged to have been stolen
10 shall not exceed in value the sum of fifty dollars, and on
11 conviction award sentence of imprisonment in the county
12 jail or house of correction not exceeding one year, or fine
13 not exceeding one hundred dollars; of offenses described in

14 section four of chapter one hundred and thirty-three of the
15 Revised Statutes, where they are not of a high and aggra-
16 vated nature, and on conviction may punish by fine not ex-
17 ceeding fifty dollars, or by imprisonment in the county jail
18 for a term not exceeding six months, and all violations of
19 the tramp law, and of offenses described in section six of
20 chapter one hundred and forty two of the Revised Stat-
21 utes and on conviction, may be punished by imprisonment
22 in the county jail or house of correction not exceeding six
23 months. And shall have exclusive jurisdiction of all of-
24 fences against the ordinances and by-laws of said city
25 though the penalty therefor may accrue to said city; and in
26 the prosecutions on any such ordinances or by-laws, or any
27 special law of the state relating to said city, such by-law,
28 ordinance or special law need not be recited in the com-
29 plaint or process, nor the allegations therein be more par-
30 ticular than in prosecutions on a public statute.'

Sect. 4. Section six of chapter one hundred and fourteen
2 of the Private and Special Laws of 1903 as amended by
3 section three of chapter three hundred and sixty-eight of
4 the Private and Special Laws of 1909, is hereby amended
5 by adding after the word "otherwise" in the fifth line the
6 words 'in the city of Rockland,' so that said section as
7 amended shall read as follows:

'Sect. 6. The several justices of the peace in said city
9 shall continue to have and exercise all the power and au-
10 thority vested in them by the laws of the United States:

11 but no justice of the peace, nor any trial justice of said
12 Knox county shall exercise any civil or criminal jurisdic-
13 tion otherwise in the city of Rockland except as hereinafter
14 provided, unless in civil cases where the said judge or re-
15 corder is interested, under a penalty of twenty dollars for
16 each offense, to be recovered by indictment in any court
17 proper to try the same; but nothing in this act shall be con-
18 strued to prevent said justices of the peace or trial justices
19 administering oaths, taking acknowledgments of deeds, and
20 other writings, acting as arbitrators or referees, or doing
21 any business other than that especially devolving upon said
22 court.'

Sect. 5. Section nine of chapter one hundred and four-
2 teen of the Private and Special Laws of 1903 as amended
3 by section five of chapter three hundred and sixty-eight of
4 the Private and Special Laws of 1909 is hereby amended
5 by adding after the word "keep" in the eleventh line the
6 words 'accurate and complete docket entries, in books to
7 be furnished by the city, which shall always, together with
8 the seal, be kept in said court room, also,' so that said sec-
9 tion as amended shall read as follows:

'Sect. 9. Said police court shall be holden on the first Tues-
11 day of each month, at nine o'clock in the forenoon, for the
12 transaction of civil business, except for actions of forcible
13 entry and detainer which shall be held on each Tuesday at
14 the hour aforesaid, and all civil processes shall be made
15 returnable accordingly; said court shall be considered in
16 constant session for the trial of criminal offenses; and said

17 court may be adjourned from time to time at the discretion
18 of the judge or recorder. Said court to be held at such
19 places as such city shall provide for that purpose. It shall
20 be the duty of the recorder of said court to make and keep
21 accurate and complete docket entries, in books to be fur-
22 nished by the city, which shall always, together with the seal,
23 be kept in said court room, also the records of said court, or
24 cause the same to be done and to perform all other duties
25 required of similar tribunals; the copies of the records of
26 said court, duly certified by the judge or recorder shall be
27 legal evidence in any court of this state. The fees in all
28 cases, civil and criminal before said court, except as provided
29 in section two of this act, shall be the same as are now tax-
30 able by justices of the peace or trial justices. The price of
31 blank writs and summonses with the seal of the court and
32 signed by the recorder, shall be three cents; for every war-
33 rant issued in criminal cases there shall be allowed one dol-
34 lar. All writs and processes in civil matters shall be in the
35 name of the state, bear the teste of the judge under seal of
36 said court, and signed by the recorder, be served in time and
37 manner as now provided by law in cases of writs issued
38 by trial justices and be obeyed and executed throughout the
39 state. The recorder shall keep an account of said fees and
40 pay the same quarterly into the treasury of the county of
41 Knox.'

Sect. 6. Section 14 of chapter one hundred and fourteen
2 of the Private and Special Laws of 1903 as amended by

3 section nine of chapter three hundred and sixty-eight of
4 the Private and Special Laws of 1909, is hereby amended
5 by substituting for the word "five" in the eighth line the
6 word 'nine,' so that section, when amended, shall read as
7 follows:

'Sect. 14. The governor, by and with the consent of the
9 council, shall appoint a recorder of said court who shall
10 be a resident of Knox county and an attorney-at-law, who
11 shall qualify in the manner provided by law and who shall
12 give bond to the county of Knox in the sum of five hun-
13 dred dollars to be approved by the county commissioners of
14 said county. Said recorder shall be appointed for the term
15 of four years and shall receive a salary of nine hundred dol-
16 lars per year, to be paid quarterly from the treasury of said
17 county of Knox. The recorder may administer oaths. He
18 shall keep the records of said court. The signature of the
19 recorder as such shall be sufficient evidence of his right to
20 act instead of the judge in accordance with the provisions
21 of this act or with the provisions relating to trial justices
22 not conflicting with this act.'