

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-SEVENTH LEGISLATURE

HOUSE

NO. 239

House of Representatives, Feb. 18, 1915.

Ordered, That five hundred copies be printed and that the same be referred to the Committee on Judiciary.

Committee on Reference.

Presented by Mr. Greenlaw of Presque Isle.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND FIFTEEN

AN ACT to establish the Presque Isle 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 Presque Isle which shall be called the Presque Isle
3 municipal court and it shall be a court of record with a
4 seal.

Said court shall consist of one judge, who shall be a mem-
6 ber of the bar of this state, who shall be appointed in the
7 manner and for the term provided by the constitution of
8 this state, and of a recorder, who shall be appointed by the
9 governor, by and with the advice of the council, and shall

10 hold his office for the term of four years, and be duly com-
11 missioned and qualified.

All original processes issuing from said court shall be
13 under the teste of said judge, or of the recorder thereof,
14 and shall have the seal of the 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 jus-
4 tices, justices of the peace and quorum may exercise and
5 under similar restrictions and limitations; and exclusive
6 jurisdiction over all offenses committed against the ordi-
7 nances or by-laws of the towns within the Presque Isle
8 municipal court district; and concurrent jurisdiction with
9 trial justices over all criminal offenses committed within
10 the limits of the same as are cognizable by trial justices;
11 and shall have original jurisdiction with the supreme judi-
12 cial court and all municipal courts of all other crimes, of-
13 fenses and misdemeanors committed in said county of
14 Aroostook, which are by law punishable by fine not ex-
15 ceeding fifty dollars, and by imprisonment not exceeding
16 three months, and where the property in question or injury
17 done is not alleged to exceed thirty dollars in value. Said
18 court shall have concurrent jurisdiction with the supreme
19 judicial court in all personal actions where the debt or dam-
20 age demanded, exclusive of costs is over twenty dollars
21 and not over two hundred dollars and in all actions of
22 replevin under chapter ninety-eight of the revised statutes
23 when the sum demanded for the penalty, forfeiture or dam-

24 ages, or the value of the goods or chattels replevined does
25 not exceed two hundred dollars; in which any person sum-
26 moned as trustee resides within the territorial jurisdiction
27 district of said court, as hereinafter defined, or, if a cor-
28 poration has an established place of business in said dis-
29 trict, or, in which, in any actions not commenced by trustee
30 process, any defendant resides in said district, or if no de-
31 fendant resides in said district, or if no defendant resides
32 within the state, any defendant is served with process in
33 said district, or the goods, estates or effects of any defend-
34 ant are found within said district and are attached on the
35 original writ; but this jurisdiction shall not include pro-
36 ceeding under the divorce laws or complaints under the mill
37 act, so called, nor jurisdiction over actions, in which the
38 title to real estate, according to the pleadings filed in the
39 case by either party is in question, except as provided in
40 chapter ninety-six and seven of the revised statutes.

Sect. 3. The territorial jurisdiction of said court, in civil
2 actions shall comprise all of said Aroostook county which
3 lies within the limits of the following lines: Beginning at
4 the southeast corner of Blaine in said county, thence west
5 on the south lines of Blaine, "E" plantation, townships 10
6 in range three and four, Masardis and township 10, range
7 six (6), to the southwest corner of township 10, range 6;
8 thence north on the west lines of township 10, range 6,
9 Garfield plantation, Nashville plantation to the northwest
10 corner of Nashville plantation; thence east on the north
11 lines of Nashville plantation, Sheridan, Castle Hill, Maple-

12 ton, to the northeast corner of Mapleton; thence north along
13 the west line of Presque Isle to the northwest corner of
14 Presque Isle; thence east along the north line of Presque
15 Isle to the northeast corner of Presque Isle; thence north
16 along the west line of Fort Fairfield to the northwest cor-
17 ner of Fort Fairfield; thence east along the north line of
18 Fort Fairfield to northeast corner of Fort Fairfield; thence
19 south on the east lines of Fort Fairfield, Easton, Mars Hill
20 and Blaine to the southeast corner of Blaine or place of
21 beginning.

Sect. 4. Any party may appeal from any judgment or
2 sentence of said court to the supreme judicial court, in the
3 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 writ,
11 officer's return, and defendant's motion and all other papers
12 in the case to be filed in the clerk's office of the supreme
13 judicial court, and shall pay the entry fee thereof, and said
14 action shall be entered on the docket of the term next pre-

15 ceding said filing, unless said court shall then be in session,
16 in which case it shall be entered forthwith. If no such
17 motion is filed, the said municipal court shall proceed and
18 determine said action subject to the right of appeal of either
19 party as now provided by law. The pleadings in such cases
20 shall be the 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, of 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 the plain-
6 tiff shall have two dollars for his writ. Where the defend-
7 ant prevails in any action in which the sum claimed in the
8 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
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 may be referred to one referee
2 in the same manner as in the supreme judicial court, and
3 on the report of the referee to said court, judgment may

4 be rendered in the same manner and with like effect as in
5 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 judi-
11 cial court for the county of Aroostook; and decisions of
12 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 the supreme judicial court.

Sect. 8. All the provisions of the statutes of this state
2 relative to the attachment of real and personal property,
3 and the levy of executions, shall be applicable to actions in
4 this court, provided that property may be attached equal
5 in value 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
5 and regulations, not repugnant to law, as may be necessary
6 for the prompt administration of justice and for the carry-
7 ing 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 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 on the first Tuesday of each
3 month at ten o'clock in the forenoon. Said court may ad-
4 journ from time to time. For the cognizance of criminal
5 actions said court shall be in constant session. All civil
6 actions in said court shall be entered on the first day of
7 the term and not afterward, except by special permission;
8 and they shall be in order for trial, except actions of forcible
9 entry and detainer and at the next regular monthly
10 after the entry if not otherwise disposed of. When a de-
11 fendant legally summoned fails to enter his appearance by
12 himself or his attorney before twelve o'clock, noon, on the
13 first day of the return term he shall be defaulted; but if
14 he afterward appear during said term the court may for
15 sufficient cause permit the default to be taken off. Judg-
16 ment in such actions may be entered on the day when the
17 same are defaulted, or heard and determined. Pleadings
18 shall be the same as in the supreme judicial court, and all

19 provisions of law relative to practice and proceedings in
20 civil actions, in the supreme judicial court are hereby made
21 applicable and extended to this court, except so far as they
22 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 he
3 shall have the authority to exercise all the powers of the
4 judge. In case of the absence of the recorder, or a vacancy
5 in his said office, the judge may appoint a recorder who shall
6 be 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
10 perform the duties of the recorder; and if the judge shall
11 not so designate a trial justice the recorder may designate
12 one.

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

All processes issued by the recorder or said judge in crim-
11 inal matters shall have the seal of the court and may be

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

Sect. 14. Said court shall be held at the office of the
2 judge or any quarters as shall be designated by the county
3 commissioners of said county of Aroostook at the expense
4 of the county, and all expenses of said court, including blank
5 books of records, dockets and blanks necessary for the use
6 of said court shall be paid from the treasury of the county
7 of Aroostook.

Sect. 15. The judge of said court shall receive as com-
2 pensation a salary of eight hundred dollars a year; and the
3 recorder shall receive a salary of two hundred dollars a year
4 to be paid quarterly from the treasury of Aroostook. A
5 condition precedent to the payment of said salaries as afore-
6 said shall be the rendering by such judge and recorder of
7 a correct statement, to the county commissioners of said
8 county of Aroostook, and 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 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 judge or recorder;
5 and all costs in criminal cases shall be taxed the same as
6 in trial justice courts except that all warrants issued by said
7 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 any
8 commitment to any jailer shall be paid by him monthly into
9 said treasury.

Sect. 18. So much of the act establishing the Caribou
2 municipal court as gives it jurisdiction within the limits of
3 the Presque Isle municipal court as established by this act
4 is hereby repealed.