

MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

HOUSE

NO. 273

House of Representatives, Feb. 14, 1917.

Printed under Joint Rules.

W. R. ROIX, Clerk.

STATE OF MAINE

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

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, in the county of Aroostook, which
3 shall be called the Presque Isle Municipal Court and it shall
4 be a court of record and have a seal. Said court shall con-
5 sist of one judge who shall be a member of the bar of this
6 state, who shall reside during his continuance in said office
7 in said town of Presque Isle and who shall be appointed,
8 qualified and hold his office as provided by the constitution
9 of this state, and he shall be ex-officio a justice of the peace
10 for the state; and of a recorder who shall be an attorney

11 at law and who shall reside during his continuance in office
12 in said town of Presque Isle, who shall be appointed by
13 the governor with the advice of the council and shall hold
14 his office for the term of four years and be duly commis-
15 sioned and qualified, and shall before entering upon the
16 duties of his office give a bond to the county of Aroostook,
17 to be approved by the county commissioners of said county,
18 in the sum of ten hundred dollars, conditioned to faithfully
19 perform all the duties of his office as recorder of said court.

Sect. 2. Said court shall have original jurisdiction con-
2 current with trial justices in all such civil and criminal
3 matters within the county of Aroostook, as are by law
4 within the jurisdiction of trial justices within said county,
5 including the right to renew executions issued by trial jus-
6 tices in the same way and manner as trial justices; and war-
7 rants issued by any trial justice within said county may be
8 returned before said court; and shall have original jurisdic-
9 tion concurrent with the supreme judicaill court and the other
10 municipal courts of said county, of all other crimes, offences
11 and misdemeanors committed in said county, which are by
12 law punishable by fine not exceeding fifty dollars and by im-
13 prisonment nor exceeding three months, and where the
14 property in question or injury done is not alleged to exceed
15 thirty dollars in value; and shall have exclusive jurisdiction
16 over all offences committed against the ordinances or by-
17 laws of the town of Presque Isle, and over all such criminal
18 offences committed within the limits of the same as are cog-

19 nizable by trial justices ; and no trial justice or justice of the
20 peace shall take cognizance over any crime or offence com-
21 mitted within the limits of said town of Presque Isle, or any
22 civil action over which said court has exclusive jurisdiction.

Sect. 3. Said court shall have concurrent jurisdiction with
2 the supreme judicial court in all personal actions where the
3 debt or damage demanded, exclusive of costs, is over twenty
4 dollars, and not over two hundred dollars, and in all actions
5 of replevin under chapter ninety-nine of the revised statutes,
6 when the sum demanded for the penalty, forfeiture or dam-
7 ages, or the value of the goods or chattels replevined does
8 not exceed two hundred dollars ; in which any person sum-
9 moned as trustee resides within the territorial jurisdiction
10 district of said court, as hereinafter defined, or, if a corpor-
11 ation, has an established place of business in said district ; or,
12 in which in any action not commenced by trustee process, any
13 defendant resides in said district, or if no defendant resides
14 within the limits of this state, any defendant is served with
15 process in said district, or the goods, estates or effects of any
16 defendant are found within said district and are attached on
17 the original writ ; but this jurisdiction shall not include pro-
18 ceedings under the divorce laws or complaints under the mill
19 act, so called, nor jurisdiction over actions in which the title
20 to real estate, according to the pleadings filed in the case by
21 either party, is in question ; except as provided in chapter
22 ninety-seven, sections six and seven, of the revised statutes.

Sect. 4. The territorial jurisdiction of said court, in civil

2 actions, shall comprise all that portion of Aroostook county
3 which lies north of the following described line, to wit:
4 commencing on the east line of the state at the southeast
5 corner of Bridgewater, thence running westerly on the south
6 lines of Bridgewater and Township "Letter D," Range two
7 (2) to the west line of said Township "Letter D," Range
8 two (2); thence northerly on said west line to the southeast
9 corner of Township numbered nine (9) Range three (3);
10 thence westerly on the south lines of Townships numbered
11 nine (9) Ranges three (3); four (4), five (5), six (6), and
12 seven (7) to the west line of Township nine (9), Range
13 seven (7); thence northerly on said west line to the south-
14 east corner of Township numbered nine (9), Range eight
15 (8); thence westerly on the south line of Township nine
16 (9), Range eight (8) to the southwest corner thereof;
17 thence northerly on the west line of Townships numbered
18 nine (9) and ten (10), Range eight (8) to the southeast
19 corner of Township numbered eleven (11), Range nine (9);
20 thence westerly on the south line of said county of Aroostook
21 to the west line of the state.

Sect. 5. 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 judgment or sentence of a trial jus-
4 tice. And if any defendant, his agent or attorney, in any
5 civil action in said court, in which the debt or damage de-
6 manded or claimed in his writ exceeds twenty dollars, shall,
7 on or before the first day of the second term of said action,

8 file in said court a written motion for the removal of said
9 action to the supreme judicial court and deposit with the
10 recorder the sum of sixty-five cents for entry fee in said
11 supreme judicial court, the said action shall be removed into
12 the supreme judicial court for said county, and the recorder
13 shall forthwith cause certified copies of the writ, officers'
14 return and defendant's motion and all other papers in the
15 case to be filed in the office of the clerk of said supreme
16 judicial court, and shall pay the entry fee thereof, and said
17 action shall be entered on the docket of the term next pre-
18 ceding said filing, unless said court shall then be in session,
19 in which case it shall be entered forthwith. If no such mo-
20 tion is filed, the said municipal court shall proceed and de-
21 termine said action, subject to the right of appeal in either
22 party as now provided by law. The pleading in such cases
23 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
3 over twenty dollars, or property, the value of which does not
4 exceed twenty dollars, the costs shall be taxed and allowed as
5 in similar actions before trial justices, except that the plain-
6 tiff shall have two dollars for his writ.

Where the defendant prevails in any action in which the
2 sum claimed in the writ is not over twenty dollars, or prop-
3 erty, the value of which does not exceed twenty dollars, he
4 shall recover one dollar for his pleadings and other costs as in
5 similar actions before trial justices.

In actions where the amount recovered by the plaintiff, exclusive of costs, exceed twenty dollars, or property, the value of which exceeds twenty dollars, or the amount claimed or the value of the property recovered exceeds twenty dollars where the defendant prevails, the costs of the parties, trustees and witnesses shall be the same as in the supreme judicial court.

Sect. 7. Actions pending in this court may be referred to one referee in the same manner as in the supreme judicial court, and on report of the referee to said court, judgment may be rendered in the same manner and with like effect as in the supreme judicial court.

Exceptions may be alleged and cases certified on an agreed statement of facts, or upon evidence reported by the judge, in all civil actions, as in the supreme judicial court, and the same shall be entered, heard and determined in the law term thereof, as if the same had originated in the supreme judicial court for the county of Aroostook; and decisions of the law court in such cases shall be certified to the judge of said municipal court for final disposition, with the same effect as in cases originating in said supreme judicial court.

Sect. 8. All the provisions of the statutes of this state relative to the attachment of real estate and personal property, and the levy of executions shall be applicable to actions in this court.

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 into
7 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 the recorder, shall be four
3 cents, and all other fees in civil cases shall be the same as are
4 taxable by a trial justice, except as otherwise provided in
5 sections five and six of this act. All writs and processes in
6 civil matters shall be in the name of the state, bear the teste
7 of said judge, under the seal of said court, and signed by the
8 judge or recorder, be served in time and manner as now
9 provided by law in cases of writs issued by trial justices,
10 except that writs in which the debt or damage demanded ex-
11 ceeds twenty dollars, shall be served in time and manner as
12 similar writs returnable to the supreme judicial court, and
13 no writ shall be made returnable at a term of the court to
14 begin more than three months after the commencement of
15 the action.

Sect. 11. A term of said court for the transaction of civil
2 business shall be held on the second Tuesday of each month
3 at ten o'clock in the forenoon, and said court may adjourn
4 from time to time; provided, however, that for the cogniz-
5 ance of criminal offences and for the entry of actions of
6 forcible entry and detainer said court shall be considered in

7 constant session; and said actions of forcible entry and de-
8 tainer shall be in order for trial at the return day thereof, and
9 judgment in such actions may be entered on the day when
10 the same are defaulted or heard and determined. Pleadings
11 shall be the same as in the supreme judicial court, and all
12 provisions of law relative to the practice and proceedings in
13 civil actions in the supreme judicial court are hereby made
14 applicable and extended to this court, except so far as they
15 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 authority to exercise all the powers of the judge.
4 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 the
7 vacancy is filled. If the judge and recorder are both neces-
8 sarily absent, the judge may designate some trial justice in
9 said county to perform the duties of the recorder; and if
10 said judge shall not so designate a trial justice, the recorder
11 may designate 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 all criminal matters and in accusation
4 in bastardy, draw all complaints and sign all warrants, take
5 bail and make and sign all processes of commitment, but
6 the same shall be heard and determined as now provided
7 by law; such bail may be taken by the judge, and such com-

8 complaints, accusations, warrants and processes of commitment
9 drawn and signed by the judge of said court shall be equally
10 valid. All processes issued by said recorder in criminal
11 matters shall have the seal of said court and be signed by
12 said recorder and have the same authority as if issued and
13 signed by said judge.

Sect. 14. Said court shall be held in the said town of
2 Presque Isle, within the limits of the village thereof, and
3 the county commissioners of said county of Aroostook shall
4 provide some suitable place for the holding of said court,
5 at the expense of said county; and all expenses of said
6 court, including seal, blank books of record, dockets and all
7 blanks necessary for the use of said court shall be paid from
8 the treasury of the county of Aroostook. The judge of said
9 court shall receive as compensation a salary of ten hundred
10 dollars a year; and the recorder shall receive as compensa-
11 tion a salary of four hundred dollars a year to be paid
12 quarterly from the treasury of the county of Aroostook. A
13 condition precedent to the payment of said salaries as afore-
14 sad shall be the rendering by said judge and recorder of a
15 correct statement to the county commissioners of said
16 county of Aroostook, and the payment over by said judge
17 and recorder to the county treasurer, of all fees both civil
18 and criminal, collected by said court for the preceding quar-
19 ter or fractional part thereof.

Sect. 15. 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
5 costs in criminal cases shall be taxed the same as in trial
6 justice courts, except that every warrant issued by said
7 court shall be taxed at one dollar.

Sect. 16. 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
6 quarterly into the treasury of said county of Aroostook,
7 for the use of said county; and all fees of said court paid
8 after any commitment to any jailer shall be paid by him
9 monthly into said treasury.

Sect. 17. Trial justices in said town of Presque Isle are
2 hereby prohibited from exercising any jurisdiction in said
3 town over any matters, civil or criminal, except such as are
4 within the jurisdiction of justices of the peace, provided
5 that until such judge and recorder of said court shall enter
6 upon the duties of their office, any trial justice shall have
7 and exercise the same jurisdiction as though this said
8 municipal court had never been established; and all actions
9 entered and pending before any trial justice at the time said
10 judge and recorder of said court enter upon the duties of
11 their office as aforesaid, shall be finally disposed of by said
12 trial justices; and nothing in this act shall be construed to
13 interfere with such actions returnable before a trial justice
14 as shall be commenced before this act takes effect.

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Sect. 18. Nothing in this act shall be construed to limit
2 or effect the territorial jurisdiction, in civil or criminal
3 matters, of the other municipal courts in said county of
4 Aroostook, as is established by their respective acts; but
5 the jurisdiction of said Presque Isle Municipal Court over
6 any portion of the county of Aroostook now within the
7 territorial jurisdiction of other municipal courts within said
8 county shall be concurrent with said other municipal courts.

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