

MAINE STATE LEGISLATURE

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EIGHTY-SECOND LEGISLATURE

S. P. No. 12

S. D. No. 8

In Senate, Jan. 20, 1925.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Hussey of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-FIVE

AN ACT to Establish the Fort Fairfield Municipal Court.

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

Section 1. *Fort Fairfield Municipal Court established; eligibility and qualification of judge and recorder.*—A municipal court is hereby established in the Town of Fort Fairfield, in the County of Aroostook, which shall be called the Fort Fairfield Municipal Court and it shall be a court of record and have a seal. Said court shall consist of one judge, who shall be a member of the bar of this state, who shall reside during his continuance in said office in said Town of Fort Fairfield and who shall be appointed, qualified and hold his office as provided by the constitution of this state, and he shall be ex-officio a justice of the peace

12 for the state; and of a recorder who shall reside during his
13 continuance in office in said Town of Fort Fairfield, who
14 shall be appointed by the governor with the advice of the
15 council and shall hold his office for the term of four years
16 and be duly commissioned and qualified, and shall before
17 entering upon the duties of his office give a bond to the
18 County of Aroostook, to be approved by the county com-
19 missioners of said county, in the sum of ten hundred dollars,
20 conditioned to faithfully perform all the duties of his office
21 as recorder of said court.

Sect. 2. *Jurisdiction.*—Said court shall have original jur-
2 isdiction concurrent with trial justices in all such civil and
3 criminal matters within the county of Aroostook, as are by
4 law within the jurisdiction of trial justices within said coun-
5 ty, including the right to renew executions issued by trial
6 justices in the same way and manner as trial justices; and
7 warrants issued by any trial justice within said county may
8 be returned before said court; and shall have original jur-
9 isdiction concurrent with the supreme judicial court and
10 the other municipal courts of said county, of all other crimes,
11 offenses and misdemeanors committed in said county, which
12 are by law punishable by fine not exceeding fifty dollars and
13 by imprisonment not 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 offenses committed against the ordinances or by-
17 laws of the Town of Fort Fairfield and over all such crim-

18 inal offenses committed within the limits of the same as are
19 cognizable by trial justices; and no trial justice or justice
20 of the peace shall take cognizance over any crime or offense
21 committed within the limits of said Town of Fort Fair-
22 field, or any civil action over which said court has exclusive
23 jurisdiction.

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

22 either party, is in question; except as provided in chapter
23 ninety-seven, sections six and seven, of the revised statutes.

Sect. 4. *Territorial jurisdiction.*—The territorial jurisdic-
2 tion of said court in civil actions shall comprise all that por-
3 tion of Aroostook County which lies north of the following
4 described line, to wit: commencing on the east line of the
5 state at the southeast corner of Bridgewater, thence running
6 westerly on the south lines of Bridgewater and Township
7 “Letter D,” Range two (2) to the west line of said Town-
8 ship “Letter D,” Range two (2); thence northerly on said
9 west line to the southeast corner of Township numbered
10 nine (9) Range three (3); thence westerly on the south
11 lines of Township numbered nine (9) Range three (3), four
12 (4), five (5), six (6), and seven (7) to the west line of
13 Township nine (9), Range seven (7); thence northerly on
14 said west line to the southeast corner of Township num-
15 bered nine (9), Range eight (8); thence westerly on the
16 south line of Township nine (9), Range eight (8), to the
17 southwest corner thereof; thence northerly on the west line
18 of Townships numbered nine (9) and ten (10), Range eight
19 (8), to the southeast corner of Township numbered eleven
20 (11), Range nine (9); thence westerly on the south line of
21 said county of Aroostook to the west line of the state.

Sect. 5. *Appeals and removal of actions.*—Any party may
2 appeal from any judgement or sentence of said court to the
3 supreme judicial court in the same manner as from a judge-
4 ment or sentence of a trial justice. And if any defendant,

5 his agent or attorney, in any civil action in said court, in
6 which the debt or damage demanded or claimed in his writ
7 exceeds twenty dollars, shall, on or before the first day of
8 the second term of said action, file in said court a written
9 motion for the removal of said action to the supreme judi-
10 cial court and deposit with the recorder the sum of sixty-
11 five cents for entry fee in said supreme judicial court, the
12 said action shall be removed into the supreme judicial court
13 for said county, and the recorder shall forthwith cause cer-
14 tified copies of the writ, officer's return and defendant's mo-
15 tion and all other papers in the case to be filed in the office
16 of the clerk of said supreme judicial court, and shall pay
17 the entry fee thereof, and said action shall be entered on
18 the docket of the term next preceding said filing, unless said
19 court shall then be in session, in which case it shall be en-
20 tered forthwith. If no such motion is filed, the said municipi-
21 pal court shall proceed and determine said action, subject
22 to the right of appeal in either party as now provided by
23 law. The pleading in such cases shall be the same as in the
24 supreme judicial court.

Sect. 6. *Costs, by whom recovered.*—In any action in this
2 court, in which the plaintiff recovers for the penalty, for-
3 feiture, debt or damage, not over twenty dollars, or property,
4 the value of which does not exceed twenty dollars, the costs
5 shall be taxed and allowed as in similar actions before trial
6 justices, except that the plaintiff shall have two dollars for
7 his writ.

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

In actions where the amount recovered by the plaintiff, exclusive of costs, exceeds 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. *Referees.*—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, judgement may be redereed 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. *Attachments.*—All the provisions of the statutes

2 of this state relative to the attachment of real estate and
3 personal property, and the levy of executions shall be applic-
4 able to actions in this court.

Sect. 9. *Authority.*—Said court is hereby authorized to ad-
2 minister oaths, render judgements, issue executions, certify
3 copies of its records; punish for contempt, and compel at-
4 tendance, as in the supreme judicial court, and to make all
5 such rules and regulations, not repugnant to law, as may
6 be necessary for the prompt administration of justice and
7 for the carrying into effect of the provisions of this act.

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

Sect. 11. *Civil terms.*—A term of said court for the trans-
2 action of civil business shall be held on the third Tuesday

3 of each month at ten o'clock in the forenoon, and said court
4 may adjourn from time to time; provided, however, that
5 for the cognizance of criminal offenses and for the entry
6 of actions of forcible entry and detainer said court shall be
7 considered in constant session; and said actions of forcible
8 entry and detainer shall be in order for trial at the return
9 day thereof, and judgement in such actions may be entered
10 on the day when the same are defaulted or heard and deter-
11 mined. Pleadings shall be the same as in the supreme ju-
12 dicial court, and all provisions of law relative to the prac-
13 tice and proceedings in civil actions in the supreme judicial
14 court are hereby made applicable and extended to this court,
15 except so far as they are modified by the provisions of this
16 act.

Sect. 12. *Absence of judge or recorder, or both.*—When
2 the judge is absent from the court room, or is interested, it
3 shall be the duty of the recorder and he shall have authority
4 to exercise all the powers of the judge. In case of the ab-
5 sence of the recorder, or a vacancy in his said office, the
6 judge may appoint a recorder who shall be sworn by said
7 judge and act during his absence or until the vacancy is filled.
8 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. *Duties of recorder.*—The recorder shall record
2 the doings of said court and shall have the power to admin-

3 ister oaths; he shall hear complaints in all criminal matters
4 and in accusation in bastardy, draw all complaints and sign
5 all warrants, take bail and make and sign all processes of
6 commitment, but the same shall be heard and determined as
7 now provided by law; such bail may be taken by the judge,
8 and such complaints, accusations, warrants and processes
9 of commitment drawn and signed by the judge of said court
10 shall be equally valid. All processes issued by said recorder
11 in criminal matters shall have the seal of said court and be
12 signed by said recorder and have the same authority as if
13 issued and signed by said judge.

Sect. 14. *Location and necessary expenditures; compensa-*
2 *tion of judge and recorder; proviso.*—Said court shall be
3 held in the said town of Fort Fairfield, within the limits of
4 the village thereof, and the county commissioners of said
5 county of Aroostook shall provide some suitable place for
6 the holding of said court, at the expense of said county; and
7 all expenses of said court, including seal, blank books of
8 record, dockets and all blanks necessary for the use of said
9 court shall be paid from the treasury of the county of Aroos-
10 took. The judge of said court shall receive as compensa-
11 tion a salary of ten hundred dollars a year; and the recorder
12 shall receive as compensation a salary of four hundred dol-
13 lars a year to be paid quarterly from the treasury of the
14 county of Aroostook. A condition precedent to the pay-
15 ment of said salaries as aforesaid shall be the rendering by
16 said judge and recorder of a correct statement to the county

17 commissioners of said county of Aroostook, and the pay-
18 ment over by said judge and recorder to the county treas-
19 urer, of all fees, both civil and criminal; collected by said
20 court for the preceding quarter or fractional part thereof.

Sect. 15. *Fines, penalties, costs, etc., to whom paid.*—All
2 fines, penalties and costs paid into said court, upon convic-
3 tions and sentences in criminal matters, together with all
4 fees allowed by law in the transaction of criminal and civil
5 business, shall be paid to said recorder; and all costs in crim-
6 inal cases shall be taxed the same as in trial justice courts,
7 except that every warrant issued by said court shall be taxed
8 at one dollar.

Sect. 16. *Disposition of fines, penalties, etc.*—All fines and
2 forfeitures and fees of the judge and recorder of said court,
3 imposed and collected by said court, in all criminal cases,
4 and all fees of said judge and recorder of said court, in civil
5 and criminal cases, received by either or both, shall be ac-
6 counted for and paid over quarterly into the treasury of
7 said county of Aroostook, for the use of said county; and
8 all fees of said court paid after any commitment to any jailer
9 shall be paid by him monthly into said treasury.

Sect. 17. *Jurisdiction of trial justices limited; proviso.*—
2 Trial justices in said town of Fort Fairfield are hereby pro-
3 hibited from exercising any jurisdiction in said town over
4 any matters, civil or criminal, except such as are within the
5 jurisdiction of justices of the peace, provided that until such
6 judge and recorder of said court shall enter upon the duties

7 of their office, any trial justice shall have and exercise the
8 same jurisdiction as though this said municipal court had
9 never been established, and all actions entered and pending
10 before any trial justice at the time said judge and recorder
11 of said court enter upon the duties of their office as afore-
12 said, shall be finally disposed of by said trial justices; and
13 nothing in this act shall be construed to interfere with such
14 actions returnable before a trial justice as shall be com-
15 menced before this act takes effect.

Sect. 18. *Territorial jurisdiction of other municipal courts*
2 *not affected*.—Nothing in this act shall be construed to limit
3 or affect the territorial jurisdiction, in civil or criminal mat-
4 ters, of the other municipal courts in said county of Aroos-
5 took, as is established by their respective acts; but the juris-
6 diction of said Fort Fairfield Municipal Court over any por-
7 tion of the county of Aroostook now within jurisdiction of
8 other municipal courts within said county shall be concur-
9 rent with said other municipal courts.