

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

House Document

No. 5

H. P. 9

House of Representatives, Jan. 10, 1929.

Referred to Committee on Legal Affairs and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Ashby of Fort Fairfield.

STATE OF MAINE

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

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; 2 eligibility and qualification of judge and recorder. A municipal court is hereby established in the town of Fort 3 Fairfield, in the county of Aroostook, which shall be called 4 the Fort Fairfield Municipal Court and it shall be a court 5 of record and have a seal. Said court shall consist of one 6 judge, who shall be a member of the bar of this state, who 7 shall reside during his continuance in said office in said town 8 of Fort Fairfield and who shall be appointed, qualified and 9

10 hold his office as provided by the constitution of this state,
11 and he shall be ex-officio a justice of the peace for the state ;
12 and of a recorder who shall reside during his continuance
13 in office in said town of Fort Fairfield, who shall be ap-
14 pointed by the governor with the advice of the council and
15 shall hold his office for the term of four years and be duly
16 commissioned and qualified, and shall before entering upon
17 the duties of his office give a bond to the county of Aroos-
18 took, to be approved by the county commissioners of said
19 county, in the sum of ten hundred dollars, conditioned to
20 faithfully perform all the duties of his office as recorder of
21 said court.

Sect. 2. Jurisdiction. Said court shall have original
2 jurisdiction concurrent with trial justices in all such civil
3 and criminal matters within the county of Aroostook, as
4 are by law within the jurisdiction of trial justices within
5 said county, including the right to renew executions issued
6 by trial justices in the same way and manner as trial jus-
7 tices ; and warrants issued by any trial justice within said
8 county may be returned before said court ; and shall have
9 original jurisdiction concurrent with the supreme judicial
10 court and the other municipal courts of said county, of all
11 other crimes, offenses and misdemeanors committed in said
12 county, which are by law punishable by fine not exceeding
13 fifty dollars and by imprisonment not exceeding three
14 months, and where the property in question or injury done
15 is not alleged to exceed thirty dollars in value ; and shall

16 have exclusive jurisdiction over all offenses committed
17 against the ordinances or by-laws of the town of Fort Fair-
18 field and over all such criminal offenses committed within
19 the limits of the same as are cognizable by trial justices ;
20 and no trial justice or justice of the peace shall take cogni-
21 zance over any crime or offense committed within the limits
22 of said town of Fort Fairfield, or any civil action over which
23 said court has exclusive 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 chap-
6 ter ninety-nine of the revised statutes, when the sum de-
7 manded for the penalty, forfeiture or damages, or the value
8 of the goods or chattels replevined does not exceed two
9 hundred dollars ; in which any person summoned as trustee
10 resides within the territorial jurisdiction district ; of said
11 court, as hereinafter defined, or if a corporation, has an
12 established place of business in said district ; or, in which,
13 any action not commenced by trustee process, any defendant
14 resides in said district, or if no defendant resides within the
15 limits of this state, any defendant is served with process in
16 said district, or the goods, estate or effects of any defendant
17 are found within said district and are attached on the origi-
18 nal writ ; but this jurisdiction shall not include proceedings
19 under 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, section 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
3 portion of Aroostook county which lies north of the follow-
4 ing described line, to wit: Commencing on the east line of
5 the state at the southeast corner of Bridgewater, thence
6 running westerly on the south lines of Bridgewater and
7 Township "Letter D," Range two (2) to the west line of
8 said Township "Letter D," Range two (2); thence north-
9 erly on said west line to the southeast corner of Township
10 numbered nine (9), Range three (3); thence westerly on
11 the south lines of Township numbered nine (9), Range
12 three (3), four (4), five (5), six (6), and seven (7) to the
13 west line of Township nine (9), Range seven (7); thence
14 northerly on said west line to the southeast corner of Town-
15 ship numbered nine (9), Range eight (8); thence westerly
16 on the south line of Township nine (9), Range eight (8)
17 to the southwest corner thereof; thence northerly on the
18 west line of Townships numbered nine (9) and ten (10),
19 Range eight (8), to the southeast corner of Township num-
20 bered eleven (11), Range nine (9); thence westerly on the
21 south line of said county of Aroostook to the west line of
22 the state.

Sect. 5. Appeals and removal of actions. Any party may

2 appeal from any judgment or sentence of said court to the
3 supreme judicial court in the same manner as from a judg-
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
15 motion and all other papers in the case to be filed in the
16 office of the clerk of said, supreme judicial court, and shall
17 pay the entry fee thereof, and said action shall be entered
18 on the docket of the term next preceeding said filing, unless
19 said court shall then be in session, in which case it shall be
20 entered forthwith. If no such motion is filed, the said mu-
21 nicipal court shall proceed and determine said action, sub-
22 ject to the right of appeal in either party as now provided
23 by law. The pleading in such cases shall be the same as in
24 the 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 prop-
4 erty, the value of which does not exceed twenty dollars, the

5 costs shall be taxed and allowed as in similar actions before
6 trial justices, except that the plaintiff shall have two dollars
7 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
5 as in similar actions before trial justices.

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

Sect. 7. Referees. Actions pending in this court may be
2 referred to one referee in the same manner as in the su-
3 preme judicial court, and on report of the referee to said
4 court, judgment may be rendered in the same manner and
5 with like effect as in the supreme judicial court.

Exceptions may be alleged and cases certified on an agreed
2 statement of facts, or upon evidence reported by the judge,
3 in all civil actions, as in the supreme judicial court, and the
4 same shall be entered, heard and determined in the law term
5 thereof, as if the same had originated in the supreme judi-
6 cial court for the county of Aroostook; and decisions of the
7 law court in such cases shall be certified to the judge of

8 said municipal court for final disposition, with the same
9 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 ap-
4 plicable to actions in this court.

Sect. 9. Authority. Said court is hereby authorized to
2 administer oaths, render judgments, issue executions, cer-
3 tify copies of its records; punish for contempt, and compel
4 attendance, as in the supreme judicial court, and to make
5 all 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 judgment 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 judi-
12 cial court, and all provisions of law relative to the practice
13 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
8 filled. If the judge and recorder are both necessarily ab-
9 sent, the judge may designate some trial justice in said

10 county to perform the duties of the recorder ; and if said
11 judge shall not so designate a trial justice, the recorder may
12 designate one.

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

Sect. 14. Location and necessary expenditures ; compen-
2 sation 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 ;
7 and all expenses of said court, including seal, blank books
8 of record, dockets and all blanks necessary for the use of
9 said court shall be paid from the treasury of the county of
10 Aroostook. The judge of said court shall receive as com-
11 pensation a salary of thirteen hundred dollars a year ; and

12 the recorder shall receive as compensation a salary of four
13 hundred dollars a year to be paid quarterly from the treas-
14 ury of the county of Aroostook. A condition precedent to
15 the payment of said salaries as aforesaid shall be the rend-
16 ering by said judge and recorder of a correct statement to
17 the county commissioners of said county of Aroostook, and
18 the payment over by said judge and recorder to the county
19 treasurer, of all fees both civil and criminal, collected by
20 said court for the preceeding quarter or fractional part
21 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
6 criminal cases shall be taxed the same as in trial justice
7 courts, except that every warrant issued by said court shall
8 be taxed at one dollar.

Sect. 16. Disposition of fines, penalties, etc. All fines
2 and forfeitures and fees of the judge and recorder of said
3 court, imposed and collected by said court, in all criminal
4 cases, and all fees of said judge and recorder of said court,
5 in civil and criminal cases, received by either or both, shall
6 be accounted for and paid over quarterly into the treasury
7 of said county of Aroostook, for the use of said county; and
8 all fees of said court paid after any commitment to any
9 jailer 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 effected. Nothing in this act shall be construed to limit
3 or effect 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
6 jurisdiction of said Fort Fairfield Municipal Court over any
7 portion of the county of Aroostook now within jurisdiction
8 of other municipal courts within said county shall be con-
9 current with said other municipal courts.

Sect. 19. This act shall become a law and take effect im-
2 mediately when signed by the governor.