

# MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

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House Document

No. 80

H. P. 244. House of Representatives, Jan. 29, 1929.

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

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. O'Connell of Millinocket.

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STATE OF MAINE

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

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AN ACT to Further Amend Chapter Three Hundred and  
Ninety-three of the Private and Special Laws of Nine-  
teen Hundred and Nine, Relating to the Millinocket  
Municipal Court.

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

Section one of chapter three hundred and ninety-three of  
2 the private and special laws of nineteen hundred and nine  
3 is hereby amended by inserting after the second paragraph  
4 of said section the following paragraph:

'If the judge and recorder are both necessarily absent, the  
2 judge may designate some trial justice in said county to

3 perform the duties of the recorder; and if said judge shall  
4 not so designate a trial justice, the recorder may designate  
5 one. Said trial justice shall have authority to exercise all  
6 the powers of the recorder as given in the act'; so that  
7 section as amended, shall read as follows:

• 'Section 1. A municipal court is hereby established in and  
2 for the towns of Millinocket, East Millinocket, Medway, the  
3 Indian townships, and all the territory lying north thereof  
4 within the limits of Penobscot county, to be dominated and  
5 styled as the Millinocket municipal court, which shall be a  
6 court of record and have a seal; said court shall consist of  
7 one judge who shall reside during his continuance in said  
8 office in said town of Millinocket, who shall be an attorney  
9 at law in good standing, or a trial justice who shall have  
10 been in active practice for at least seven years, who shall  
11 be appointed, qualified and hold his office as provided in  
12 the constitution, and who shall be ex-officio a justice of the  
13 peace for the state, and have and exercise a concurrent  
14 authority and jurisdiction throughout the county of Penob-  
15 scot, and such authority and jurisdiction additional thereto  
16 as is hereinafter conferred upon him by this act.

The governor, by and with the advice and consent of the  
2 council, may appoint a recorder of said court, who at the  
3 time of his appointment, shall be a resident of Millinocket,  
4 duly qualified, who shall keep the records of said court  
5 when requested to do so by the judge; and in case of ab-  
6 sence from the court room, or sickness of the judge, or

7 when the office of judge shall be vacant, the recorder shall  
8 have and exercise all the powers of the judge, and perform  
9 all the duties required of the judge by this act, and shall  
10 be empowered to sign and issue all processes and papers,  
11 and do all acts as fully and with the same effect as the  
12 judge could do were he acting in the premises; and the  
13 signature of the recorder as such shall be sufficient evidence  
14 of his right to act instead of the judge, without any recital  
15 of the provision of this act hereinbefore authorizing him  
16 to act. When the office of judge is vacant, the recorder  
17 shall be entitled to a salary at the same rate as the judge's  
18 salary during said vacancy only. He shall be ex-officio a  
19 justice of the peace throughout the state.

If the judge and recorder are both necessarily absent, the  
2 judge may designate some trial justice in said county to  
3 perform the duties of the recorder; and if said judge shall  
4 not so designate a trial justice, the recorder may designate  
5 one. Said trial justice shall have authority to exercise all  
6 the powers of the recorder as given in the act.

Both judge and recorder shall hold their offices for four  
2 years.'