

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

NEW DRAFT

EIGHTY-FOURTH LEGISLATURE

House Document

No. 728

H. P. 1674 House of Representatives, March 22, 1929.

Reported by Mr. Williamson from Committee on Judiciary
and laid on table to be printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

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

AN ACT to Amend the Act Establishing the Caribou Municipal Court and the Amendments Thereto.

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

Section 1. Section one of chapter three hundred fifty-two of the private and special laws of nineteen hundred and three five is hereby amended by adding after the word "judge" in the fifth line thereof the words 'or recorder' so that said section as amended shall read as follows:

'Section 1. A municipal court is hereby established in the town of Caribou, which shall be called the Caribou municipal court and it shall be a court of record with a seal.

4 All the original processes issuing from said court shall
5 be under the teste of the judge and signed by the judge
6 or recorder and shall have the seal of said court affixed.'

Sect. 2. Section three of chapter three hundred fifty-two
2 private and special laws of nineteen hundred and five is
3 hereby amended by striking out all of said section after
4 the word "court" in the eighth line thereof and inserting
5 in lieu thereof, the following: 'On or before the tenth day
6 of April, July, October and January of each year during
7 the term of office of said judge it shall be the duty of said
8 judge to make and return to the county commissioners for
9 their approval a true statement of all fees, fines and for-
10 feitures received by said court, except such fines, fees and
11 costs as are required by law to be accounted for, and paid
12 over to, departments of state, and at the same time to de-
13 posit with the county treasurer of said county all moneys
14 collected for said county for the preceding quarter or frac-
15 tional part thereof; so that said section as amended shall
16 read as follows:

'Sect. 3. The judge shall give a bond to the county of
2 Aroostook, approved by the county commissioners of said
3 county, in the sum of one thousand dollars, before en-
4 tering upon the duties of his office. It shall be the
5 duty of said judge to keep all the records of said
6 court. Said judge shall keep a correct account of all
7 civil and criminal fees paid into said court. On or be-
8 fore the tenth day of April, July, October and January of

9 each year during the term of office of said judge, it shall
10 be the duty of said judge to make and return to the county
11 commissioners, for their approval, a true statement of all
12 fees, fines and forfeitures received by said court, except
13 such fines, fees and costs as are required by law to be
14 accounted for, and paid over to, departments of state, and
15 at the same time to deposit with the treasurer of said coun-
16 ty all moneys collected for said county for the preceding
17 quarter or fractional part thereof.'

Sect. 3. Section five of chapter three hundred fifty-two
2 of private and special laws of nineteen hundred and five,
3 as amended by chapter four hundred forty of private and
4 special laws of nineteen hundred and seven, and further
5 amended by chapter three hundred fifty-seven of private
6 and special laws of nineteen hundred and nine, and further
7 amended by chapter eighty-three of private and special laws
8 of nineteen hundred twenty-five, is further amended by
9 adding the letter 's' to the word "execution" in the fourth
10 line and further amended by striking out, after the word
11 "actions" in the sixth line of said section all of said section
12 down to and including the word "beginning" in the twenty-
13 ninth line of said section, and inserting in lieu thereof the
14 following: 'all of said Aroostook county which lies north
15 of the following line: beginning at the southeast corner of
16 Bridgewater, thence running west on the south lines of
17 Bridgewater and township Letter D, range two, to the west
18 line of said township Letter D, range two; thence north

19 on said west line to the southeast corner of township nine,
20 range three; thence west on the south lines of township
21 nine, ranges three, four and five to the northeast corner
22 of Penobscot county; thence following the line between the
23 county of Aroostook and the counties of Penobscot, Pis-
24 cataquis and Somerset to the west line of the state, and
25 adding at the end of said section, the following: 'Nothing
26 in this act shall be construed to limit or affect the territorial
27 jurisdiction of other municipal courts in said county as
28 established by their respective acts, but the jurisdiction of
29 the Caribou municipal court over any portion of the county
30 of Aroostook, within the above territorial limits, now with-
31 in the territorial jurisdiction of other municipal courts, shall
32 be concurrent with said other municipal courts,' so that said
33 section shall read as follows:

'Sect. 5. Said court shall have original and concurrent
2 jurisdiction with trial justices in all civil matters within the
3 county of Aroostook as are by law within the jurisdiction
4 of trial justices within said county, including the right to
5 renew executions issued by trial justices in the same way
6 and manner as trial justices. For the purpose of estab-
7 lishing a territorial jurisdiction for said court in all other
8 civil actions, all of said Aroostook county which lies north
9 of the following line: beginning at the southeast corner
10 of Bridgewater, thence running west on the south lines
11 of Bridgewater and township Letter D, range two, to the
12 west line of said township Letter D, range two; thence

13 north on said west line to the southeast corner of township
14 nine, range three; thence west on the south lines of town-
15 ship nine, ranges three, four and five to the northeast cor-
16 ner of Penobscot county; thence following the line between
17 the county of Aroostook and the counties of Penobscot,
18 Piscataquis and Somerset to the west line of the state shall
19 be within the civil jurisdiction of said court, as follows:
20 first, of all civil actions wherein the debt or damage de-
21 manded does not exceed two hundred dollars in which any
22 person summoned as trustee resides within said jurisdic-
23 tional district, or if a corporation has an established place
24 of business in said district; or, in which if any actions are
25 not commenced by trustee process, any defendant resides in
26 said district; or, if no defendant resides within the limits
27 of this state, any defendant is served with process in said
28 district, or the goods, estates or effects of any defendant
29 are found within said district and are attached on the origi-
30 nal writ; but no proceedings under the laws relating to
31 divorce shall be included within the jurisdiction of said
32 court. Nothing in this act shall be construed to limit or
33 affect the territorial jurisdiction of other municipal courts
34 in said county as established by their respective acts, but
35 the jurisdiction of the Caribou municipal court over any
36 portion of the county of Aroostook, within the above terri-
37 torial limits, now within the territorial jurisdiction of other
38 municipal courts shall be concurrent with said other mu-
39 nicipal courts.'

Sect. 4. Section seventeen of chapter three hundred fifty-
2 two of private and special laws of nineteen hundred and
3 five, as amended by chapter ninety-four of private and spe-
4 cial laws of nineteen hundred eleven, and as further amend-
5 ed by chapter seventeen of private and special laws of nine-
6 teen hundred fifteen, is hereby further amended by insert-
7 ing the words, 'fifteen hundred' in place of the words "one
8 thousand" in the second line of said section; by inserting
9 the words 'for said county' after the word "court" in the
10 eighth line of said section and by adding at the end of said
11 section the following words: "The recorder of said court
12 shall receive an annual salary of five hundred dollars to
13 be paid by said county in the same manner as the judge's
14 salary is paid," so that said section as amended, shall read
15 as follows:

'Sect. 17. The judge of said municipal court shall receive
2 as compensation a salary of fifteen hundred dollars a year,
3 to be paid quarterly from the treasury of the county of
4 Aroostook. A condition preceding the payment of said sal-
5 ary, as aforesaid, shall be the rendering by said judge, of
6 a correct statement to the county commissioners and the
7 payment over by said judge to the county treasurer, of all
8 fees, both civil and criminal, collected by said municipal
9 court for said county for the preceding quarter or frac-
10 tional part thereof. All costs in criminal cases shall be
11 taxed the same and paid into court in the same manner as
12 in trial justice courts, except that every warrant issued by

13 said judge shall be taxed at one dollar. The recorder of
14 said court shall receive an annual salary of five hundred
15 dollars to be paid by said county in the same manner as
16 the judge's salary is paid.'

Sect. 5. The provisions of this act shall relate to January
2 first, nineteen hundred twenty-nine, so that the increase in
3 salaries herein provided shall take effect as of that date.