

MAINE STATE LEGISLATURE

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N I N E T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 436

S. P. 177

In Senate, February 5, 1953

Referred to the Committee on Judiciary, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Kavanagh of Androscoggin

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

AN ACT Relating to Duties of Clerk of Lewiston Municipal Court.

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

Sec. 1. P. & S. L., 1871, c. 636, § 12, amended. Section 12 of chapter 636 of the private and special laws of 1871, as amended by chapter 370 of the private and special laws of 1903, is hereby further amended to read as follows:

'Sec. 12. Recorder, appointment; bond; fees; absence. The governor, by and with the advice of the council, shall appoint a ~~clerk~~ **recorder** of said court, who shall be a citizen of said Lewiston, and who shall hold his office for the term of 4 years, who shall be sworn, and who shall give bond to the treasurer of said city in the sum of \$2,000, to be approved by said judge; and who shall be entitled to demand and receive for his services the same fees allowed by law to trial justices in matters relating to civil business, except the trial fee; provided, that for the entry of an action and recording the same he shall be allowed 60c; for taxing costs, recording judgment in each criminal case, \$1.10; for each recognizance of persons charged with crime for their appearance at the supreme judicial court, and for certifying and returning the same, with or without sureties, 25c; for making and recording each libel for liquors seized, 50c; for making each process of commitment, 25c; said fees to be allowed and paid in the same

manner as fees in criminal matters on approval of the judge of said court. In case of the absence of said ~~clerk~~ recorder, or vacancy in said office, the judge of said court may appoint a ~~clerk~~ recorder, who shall be sworn by said judge, and act during said absence, or till the vacancy is filled.'

Sec. 2. P. & S. L., 1871, c. 636, § 13, repealed and replaced. Section 13 of chapter 636 of the private and special laws of 1871, as amended, is hereby repealed and the following enacted in place thereof:

'**Sec. 13. Recorder, duties; processes to bear seal; absence of judge.** The recorder and judge shall have equal authority in criminal cases to hear and draft complaints, administer oaths, take bail, and sign all processes of commitment. All processes issued by the recorder in civil and criminal matters shall bear the seal of the court and be signed by him, and they shall have the same effect as though signed by the judge. When the judge is absent from the court room, or is interested, or if the office of judge is vacant, it shall be the duty of the recorder and he shall have authority to exercise all the powers of the judge.'