

Transmitted by Director of Legislative Research pursuant to joint order.

NINETY-SIXTH LEGISLATURE

Legislative Document

No. 1057

H. P. 969 House of Representatives, February 24, 1953 Referred to the Committee on Judiciary, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Clements of Belfast

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED FIFTY-THREE

AN ACT Amending the Charter of the Waldo County Municipal Court.

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

Sec. 1. P. & S. L., 1941, c. 12, § 2, amended. The 1st sentence of section 2 of chapter 12 of the private and special laws of 1941 is hereby amended to read as follows:

'A municipal court shall be, and hereby is, established in and for the county of Waldo, to be located in the city of Belfast within and for said county, which shall be a court of record, have a seal, consist of one judge and one recorder, and each who shall be an attorney at law and reside in Belfast, and one recorder who shall reside in Belfast, and each shall be appointed by the governor for a term of 4 years, said appointments to be made as in the constitution of this state provided.'

Sec. 2. P. & S. L., 1941, c. 12, § 3, amended. The last sentence of section 3 of chapter 12 of the private and special laws of 1941 is hereby amended to read as follows:

'Trial justices are hereby deprived of jurisdiction over any and all criminal offenses committed within said city except in case of vacancy in both the office of judge and recorder of this court.'

Sec. 3. P. & S. L., 1941, c. 12, § 9, amended. The 2nd paragraph of section 9 of chapter 12 of the private and special laws of 1941 is hereby amended to read as follows:

'Whenever said judge shall be unable for any reason to hold court or the office of the judge shall be vacant said recorder shall have and exercise the same powers and perform the same duties as the judge is authorized to perform in the transaction of criminal business including trial of eases within the jurisdiction of said court and the binding over or discharge of respondents charged with felonies and may sign all necessary processes as recorder acting in the absence of the judge he may appoint any attorney at law resident in Belfast to serve in his absence as judge pro tempore. Said judge pro tempore shall have and shall exercise the same powers and perform the same duties as the judge is authorized to perform in the transaction of criminal business, including trial of cases within the jurisdiction of said court and the binding over or discharge of respondents charged with felonies and may sign all necessary processes as judge pro tempore acting in the absence of the judge. Whenever the judge is absent or unable to attend any civil term of said court the recorder may receive and enter any civil actions, receive and file pleas, motions or other papers and enter up judgments in defaulted actions and may adjourn the court to the next term or to such time as the judge may be able to attend. If the judge and recorder are both necessarily absent the judge may designate in writing some trial justice other person in said county to attend and perform the duties of the recorder until such time as the recorder is able to attend, and if the judge should not so designate a trial justice some other person, the recorder may so designate one.'