

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 624**

H. P. 616

House of Representatives, February 10, 1955.

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Stilphen of Rockland.

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**STATE OF MAINE**

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-FIVE

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**AN ACT Relating to the Rockland Municipal Court.**

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**Emergency preamble.** Whereas, there exists at Rockland in the County of Knox a municipal court known as the Police Court for the City of Rockland, and also as the Rockland Municipal Court; and

Whereas, the court room of said Court is located in the City Building at said Rockland, and the facilities thereof are not suitable for the orderly and efficient administration of justice and of matters coming before said Court, and the special acts governing said court as heretofore established do not provide said court with the jurisdiction otherwise provided for municipal courts within the State; and

Whereas, it is necessary that a suitable court room be provided therefor and that said court have the jurisdiction provided for municipal courts in the State, so that justice and other matters coming before said court may be administered and dispensed with in an orderly and efficient manner; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. Amendatory clause.** The former acts of the Legislature of the State of Maine establishing and governing a court known as the Police Court for the City of Rockland, and as the Rockland Municipal Court, are hereby amended and rearranged as follows, but nothing herein shall invalidate the Court as now

constituted, or alter or affect the appointment of the present Judge and Recorder as heretofore made, but the law governing said court hereafter, in addition to the provisions of the Revised Statutes shall be as set forth in this act.

**Sec. 2. Rockland municipal court established.** The Rockland Municipal Court is hereby established as follows:

**Sec. 1. Court established.** There is hereby established in and for the county of Knox a municipal court to be located in the City of Rockland in said county, and to be denominated the Rockland Municipal Court, which said court may also be known as the Police Court for the City of Rockland, which shall be a Court of record, have a seal, consist of one Judge and one Recorder, each of whom shall be an attorney at law and reside in said county while he remains in office, 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. Jurisdiction.** Said court shall have jurisdiction of all matters civil and criminal in the County of Knox as provided in the Revised Statutes of the State of Maine and acts additional thereto and amendatory thereof for municipal courts in this State, and may administer oaths, render judgments, issue executions, certify copies of its records, punish for contempt and compel attendance as the Superior Court, and may make all rules and regulations not repugnant to law that it deems necessary for the prompt administration of justice; and shall have exclusive jurisdiction over all offenses under the Ordinances and By-Laws of said City of Rockland, and in the prosecution of any such ordinance, by-law, or on any special law of the State relating to said City, such ordinance, by-law or special law need not be recited in the complaint or process, nor the allegations therein be more particular than in prosecutions on a public statute.

Trial justices and Justices of the Peace are hereby deprived of jurisdiction over any criminal offenses and civil matters within said County of Knox, but the several Justices of the Peace shall continue to have and exercise all the power and authority vested in them by the laws of the United States, and nothing in this act shall be construed to prevent said Justices of the Peace or Trial Justices, administering oaths, taking acknowledgments of deeds and other writings, acting as arbitrators or referees or doing any business other than that especially devolving upon said court.

**Sec. 3. Motion for jury trial.** Any defendant or his attorney in civil action wherein the debt or damage in the writ, exclusive of costs, or the value of the goods and chattels replevied, exceeds \$20, may file a written motion on the return day of the writ, claiming a jury trial and asking that the cause be removed to the Superior Court, and deposit with this court the sum prescribed by statute for copies thereof and in addition the amount of the entry fee in the Superior Court, to be taxed in his costs if he prevails, and thereupon the said action shall be removed into the Superior Court for said county, and the Judge or Recorder of this court shall forthwith cause certified copies of the writ, officer's return and defendant's motion to be filed in the office of the Clerk of the Superior Court, and shall pay the entry fee therefor, and said action shall be entered on the docket of the following term of Superior Court. If no such

motion is filed, the said municipal court shall proceed and determine said action, subject to the right of appeal by either party as provided by law. The pleadings in such cases shall be the same as in the Superior Court.

**Sec. 4. Application of general law.** All the provisions of the statutes of this State relative to the attachment of real and personal property and the levy of executions shall be applied to actions in this court and executions on judgments rendered therein.

**Sec. 5. Terms; writs; processes.** The terms of said court for civil actions shall be holden on the first Tuesday of each month at nine o'clock in the forenoon at such place in the County Courthouse as the County Commissioners shall provide, except for actions of forcible entry and detainer which shall be held on each Tuesday at the hour aforesaid, and all processes shall be made accordingly. Said Court shall be considered in constant session for the trial of criminal offenses. Said Court may be adjourned from time to time, as justice and convenience may require, at the discretion of the Judge or Recorder.

No writ or other civil process shall be entered after eleven o'clock on the opening day of any term, unless by special leave of Court. Every defendant and every person summoned as trustee shall have 3 days in which to enter his appearance, except in actions of forcible entry and detainer, in which the defendant shall make his appearance at the return day. Pleas and motions in abatement must be filed on the first day of the term to which the action is returnable. Pleas in bar may be filed at any time after the action is entered and before trial, but must be filed before the defendant can ask that day be set for trial. Other actions shall be continued to the next term if the defendant or trustee enters his appearance personally or by attorney.

Provided, however, that petitions or complaints under any child welfare law, complaints regarding disposing of diseased or disabled animals, and applications by parties desiring to be married without delay, may be received by said court at any time and may be proceeded with and disposed of under such orders as said court may issue.

All writs and processes in civil matters shall be in the name of the State, bear the teste of the Judge, under seal of this court, and signed by the Judge or by the Recorder, be served in time and manner as provided by law relating to municipal courts, and be obeyed and executed throughout the State.

The Sheriff of said County, or any of his deputies, shall be in attendance on said court when requested to do so by the Judge or Recorder for the purpose of preserving order and shall execute any legal order or process to him directed by this court.

**Sec. 6. Fees.** The price of blank writs and summons, with the seal of the Court and signed by the Judge or Recorder, charges for executions and other fees of the court shall be the same as provided for the Judicial Courts of the State, except as may be otherwise specifically prescribed for municipal courts. Costs in the court shall be taxed as provided for Municipal Courts of the state.

**Sec. 7. Recorder.** The Recorder of said court shall keep the records of said court, may administer oaths and have such powers and perform such duties as

provided under the general law of this State; shall have the power to hear complaints in criminal matters and accusations in bastardy for the purpose of issuing the warrant, power to draw all complaints, to issue and sign all warrants, and power to draw and sign all commitments, but the same shall be heard and determined as now provided by law; provided, however, that the Judge of said Court shall have authority to draw and sign all such complaints, warrants and processes of any kind in any matter in said Court.

Whenever the said Judge shall be unable for any reason to hold court, or the office of 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 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 Recorder acting in the absence of the Judge.

Whenever the Judge is absent or unable to attend any civil terms 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.

The signature of the Recorder, as such, shall be sufficient evidence of his right to act instead of the Judge in accordance with the provisions of this act or with the provisions of any law relating to municipal courts.

The Recorder shall render an account of and pay over all fines and forfeitures by him received upon convictions and sentences before said court monthly to the Treasurer of the County of Knox, and shall keep an account of all civil fees and pay the same quarter-annually to the Treasurer of said county.

**Sec. 8. Bond.** The Judge and the Recorder shall each give bond to the County of Knox, at the expense of said county, in such sum and with such surety or sureties as may be approved by the County Commissioners of said county.

**Sec. 9. Courtroom.** The County Commissioners of said County of Knox shall have the power and it shall be their duty to provide suitable room or rooms at the County Courthouse in said Rockland in which to hold said court and to furnish the same in an appropriate manner. All expenses of said court, including furniture and equipment of the municipal court room, lights, heat, books of record, dockets, blanks, necessary stationery and postage, and any other necessary supplies for the use of said court shall be paid from the treasury of said County of Knox.

**Sec. 10. Salaries.** The Judge of said Court shall receive an annual salary of \$2,200 and the Recorder shall receive an annual salary of \$2,000, which shall be in full for all fees pertaining to the respective offices, which said salaries shall be paid by said County of Knox as the County Commissioners may designate, but at least quarter-annually at the close of each quarter during the calendar year.

**Sec. 11. Records and papers.** The records and papers of any police or municipal court now or heretofore existing in said Rockland shall be treated as

and be the records and papers of this court, and certified as such. When this act shall take effect, all writs and processes if otherwise properly brought, made returnable to the terms of court held hereunder, shall be valid.'

**Sec. 3. P. & S. L., 1903, c. 114, § 9, amended.** The 2nd sentence of section 9 of chapter 114 of the private and special laws of 1903 is hereby repealed as follows:

~~'Said court to be held at such place as such city shall provide for that purpose.'~~

**Emergency clause.** In view of the emergency cited in the preamble, this act shall take effect when approved.