

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1316

S. P. 465

In Senate, March 16, 1955

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

CHESTER T. WINSLOW, Secretary

Presented by Senator Chapman of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

AN ACT Relating to Municipal Court Costs.

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

Sec. 1. R. S., c. 146, § 2-A, additional. Chapter 146 of the revised statutes is hereby amended by adding thereto a new section to be numbered section 2-A and to read as follows:

'Sec. 2-A. Costs and fees. No municipal court or trial justice court shall, in any criminal proceeding, sentence a respondent to pay court costs as such, or any costs of prosecution as such, but such courts may take said costs into consideration and include in any fine imposed a sufficient sum to cover all or any part of said costs, such as officer, aid and witness fees, and \$3 for receiving the complaint and issuing the warrant, without reference to any such fees or costs and without taxing any such fees or costs.

In all cases where such courts have no discretion as to the amount of the fine to be imposed, by reason of a set, specific sum or sums having been provided by statute as the only fine for the specific offense, and where previous to the enactment of this statute such court could, in addition to such fine, sentence the respondent to pay costs, then such courts may, in their discretion, impose a fine of not more than \$7 greater than said set fine. Any trial justice court may in like manner increase the maximum fine provided for such court by \$7 in accordance with the provisions of section 8. In all cases before such courts when any fine imposed and paid would accrue to the State, or municipality, or any other department of government other than the county, then the county shall be entitled to retain \$3 of said fine to cover the county's costs.

No such courts need tax total costs in any criminal complaint, All sheriffs, deputy sheriffs, constables, state police officers, police officers, game wardens, coastal wardens and all other law enforcement officers, when acting as arresting officer, shall itemize their fees, as are provided by law on the warrant return. All witnesses for the State shall be listed on the complaint, and when such witness is due a fee the court shall itemize said fee. The court shall also itemize on the complaint any civilian aid fees due.

The said court shall at the end of each month file with the monthly report an itemized bill of costs showing all witness and civilian aid fees due with the county commissioners. Said fees shall be paid by the county treasurer to the persons entitled thereto. The court shall not be required to file a bill of costs in any other case at any time for any reason.

The said courts shall not be required to file a monthly report with any State department. Every State police officer shall make a report in triplicate to the State Highway Commission showing all fines and all his officer fees due the Highway Commission on each case, in each court. One copy shall be retained by the officer, the original and a copy shall be sent to the Highway Commission. The Commission shall keep the original and send a copy with its monthly bill to the county commissioners for all fines and fees due the Highway Commission from the county.

All other State law enforcement officers shall likewise report to their State departments, and such department heads shall likewise bill the county commissioners.

Constables and police officers shall likewise report to their city or town treasurer, and such treasurer shall likewise bill the county commissioners.

Sheriffs and deputy sheriffs shall bill the county directly for any fees which may be due them.

Each county shall pay monthly all amounts due on aforesaid bills.

In any case where any fine imposed and collected by any municipal or trial justice court would be payable to or credited to the State or any State department or any municipality except in the cases where the State police are the officers rendering the service, no fees shall be due from the county for the arresting officer or for the law enforcement officer for any reason. In any case before any court where any fine imposed and collected would not be so payable, or where the State police are the officers rendering the service, the State or department shall be entitled to \$4, regardless of the final disposition of the case, for the service of the warrant for any State police officer, game warden, or coastal warden when any of said officers are acting as the arresting officer. The State or State department shall not, however, be entitled to any sum for said officers for travel, attending court, or for any other reason. The State or State department shall not be entitled to any fee for State police officer, game warden or coastal warden for serving as an aid, witness, or in any other capacity before any court except as arresting officer as aforesaid. Where any city or town has a trial justice, municipal or Superior Court there situated, then such city or town shall likewise be entitled to \$4 for service of the warrant by its officers or constables

before any such court so situated. Such city or town shall likewise not be entitled to any fees for such officers or constables before such court for any other reason or in any other capacity; except where out-of-state travel by such officers or constables is involved, the county shall reimburse the city or town for actual, reasonable expenses incurred.'

Sec. 2. R. S., c. 108, § 10, amended. The last two paragraphs of section 10 of chapter 108 of the revised statutes are hereby amended to read as follows:

'Fees in criminal cases.

Receiving a complaint and issuing a warrant	\$1.00	\$3.00
Entering a complaint, swearing witnesses, filing papers and certifying costs to the county commissioners		
certifying costs to the county commissioners	.75	
Trial of an issue, each day		3.00
Recognizing parties charged with crimes for appearance at the Superior Court, certifying and returning the same		
the Superior Court, certifying and returning the same	.50	
Mittimus for the commitment for any person	1.00	
Issuing a subpoena separate from the warrant	.10	
Taxing costs	.25	
Copies of papers for the Superior Court		
Witnesses in civil and criminal cases:		
For each day's attendance		2.00
For each mile's travel going and returning home		.06.

The aforesaid fees when received shall be disposed of as provided by the public laws or by acts establishing their respective courts.'

Sec. 3. R. S., c. 149, § 1, amended. The last two sentences of section 1 of chapter 149 of the revised statutes are hereby amended to read as follows:

'Nothing above in this section shall be construed in any way to affect the right of the court to place the respondent on probation as to both fine and costs and imprisonment. In all cases where a fine is imposed he may be sentenced to pay the costs of prosecution, except before a municipal or trial justice court in which courts he may be sentenced to pay a fine sufficient to cover said costs as provided by section 2-A of chapter 146; and except before trial justice and municipal courts, for violations of the provisions of sections 66, 68, 84 and 89 of chapter 61, and of sections 145 to 152, inclusive, of chapter 100, he shall be sentenced to pay such costs.'

Sec. 4. R. S., c. 38, § 114, amended. Section 114 of chapter 38 of the revised statutes is hereby amended by adding at the end thereof the following:

'Except that in the case of either short or long lobsters aforesaid, where the respondent is not sentenced to pay costs of court, the court may in its discretion, add to the fines above provided the sum of \$7 on each complaint to be included in any fine imposed to cover said costs without taxing such costs and without reference to such costs.'

Sec. 5. R. S., c. 22, § 111, amended. The first sentence of section 111 of chapter 22 of the revised statutes is hereby amended to read as follows:

'Any person who violates any provision of section 109 shall be guilty of a misdemeanor on account of each such violation, and for each violation of which

convicted shall be punished by a fine and costs of court which fine and costs of court shall not be suspended **except that municipal and trial justice courts shall in lieu of costs of court sentence the respondent to pay a fine \$7 larger than otherwise provided,** of

\$20 and costs of court when the gross weight is in excess of the limits prescribed in section 109, provided such excess is 1,000 pounds or over but less than 2,000 pounds;

\$40 and costs of court when such excess is 2,000 pounds or over but less than 3,000 pounds;

\$80 and costs of court when such excess is 3,000 pounds or over but less than 4,000 pounds;

\$150 and costs of court when such excess is 4,000 pounds or over but less than 5,000 pounds;

\$200 and costs of court when such excess is 5,000 pounds or over but less than 6,000 pounds;

\$250 and costs of court when such excess is 6,000 pounds or over but less than 8,000 pounds;

\$300 and costs of court when such excess is 8,000 pounds or over but less than 10,000 pounds;

Not less than \$350, and costs of court and not more than \$500 and costs of court when such excess is 10,000 pounds or over.'

Sec. 6. R. S., c. 146, § 8, amended. Section 8 of chapter 146 of the revised statutes is hereby amended by inserting after the second paragraph thereof the following new paragraph:

'Provided, however, that in lieu of sentencing a respondent to pay costs in addition to any of the above fines, such court may, in its discretion, sentence any respondent to pay a fine \$7 greater than any of the above maximum fines to cover such costs, without reference to or taxing such costs.'

Sec. 7. R. S., c. 22, § 163, amended. Section 163 of chapter 22 of the revised statutes is hereby amended by adding at the end thereof the following sentence: **'Provided, however, that the county shall retain \$3 of each such overload fine collected before a trial justice or municipal court.'**

Sec. 8. R. S., c. 37, § 129, amended. The second and third sentences of section 129 of chapter 37 of the revised statutes are hereby amended to read as follows:

'All officers' fees taxed against a respondent, if any, under any provision of this chapter, which are not paid or recovered from the respondent shall not be assumed or paid by the county where the offense was committed. All fees, fines and penalties recovered, except where fines are recovered in any trial justice or municipal court, in which cases the county shall retain \$3 of said fine to cover costs, and money received or collected shall be paid to the Treasurer of State and credited to the Department of Inland Fisheries and Game for the operation of fish hatcheries and feeding stations for fish, for the protection of fish, game and birds, information and education on conservation and for printing the report of said Commissioner and other expenses incident to the administration of said Department, and shall be expended by the said Commissioner for the purposes for which said Department is created.'

Sec. 9. R. S., c. 91, § 86, amended. The first sentence of section 86 of chapter 91 of the revised statutes is hereby amended to read as follows:

'Towns, cities and village corporations may make by-laws or ordinances, not inconsistent with law, and enforce them by suitable penalties and when such penalties are recovered by fine imposed in a trial justice or municipal court \$3 of such fine shall accrue to the county and the remainder shall accrue to the city, town or village, for the purposes and with the limitations following:

I. For managing their prudential affairs, with penalties of not more than \$5 for one offense, subject to the approval of the county commissioner or a judge of the Superior Court.'

Sec. 10. R. S., c. 15, § 5, amended. The last sentence of section 5 of chapter 15 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Whenever a member of the State police is arresting officer in any proceeding before any court, the State shall be entitled to \$4 for the service of the warrant in the manner and with the limitations as provided in section 2-A of chapter 146.'

Sec. 11. R. S., c. 37, § 24, amended. The first sentence of the third paragraph of section 24 of chapter 37 of the revised statutes is hereby amended to read as follows:

'The wardens shall have the authority to serve criminal processes on offenders of the law, and to arrest and prosecute camp trespassers or persons committing larceny from any cottage, camp or other building, and shall be allowed the same fees as sheriffs and their deputies for like services, all such fees to be paid to the commissioner but shall be allowed fees only as arresting officer for service of the warrant in the manner and with the limitations as provided by section 2-A of chapter 146, such fees to go to the Commissioner in the manner and subject to the limitations as provided by section 2-A of chapter 146, and the wardens shall have the same rights as sheriffs to require aid in executing the duties of their office.'

Sec. 12. R. S., c. 38, § 8, amended. The fifth paragraph of section 8 of chapter 38 of the revised statutes is hereby amended to read as follows:

'They shall be allowed the same fees as sheriffs and their deputies for like service only as arresting officer for service of the warrant in the manner and with the limitations as provided by section 2-A of chapter 146, all such fees to be paid to the Commissioner; and the coastal wardens shall have the same right as sheriffs to require aid in executing the duties of their office. Coastal wardens appointed under the provisions of this section shall hold no other State, county or town office from which they receive compensation.'

Sec. 13. R. S., c. 146, § 28, amended. Section 28 of chapter 146 of the revised statutes is hereby amended to read as follows:

'Sec. 28. Allowance of costs by the county commissioners. When a party accused is acquitted by the magistrate and is not sentenced to pay costs, or does not pay them when so sentenced, and on all legal search warrants, the Com-

missioners of the same county shall examine and correct the bills of and costs and the bills from any State Department or municipality, including the fees of officers, witnesses and others, and order the same to be paid out of the county treasury to the persons entitled thereto; but when such magistrate, or other person interested in such bill of costs, is one of the commissioners for such county, the Superior Court shall have the same powers as the commissioners in other cases.'

Sec. 14. R. S., c. 150, § 5, amended. The second sentence of section 5 of chapter 150 of the revised statutes is hereby repealed as follows:

~~'A certified bill of costs for each case heard in a municipal or trial justice court shall accompany such remittance.'~~

Sec. 15. R. S., c. 37, § 137, amended. Section 137 of chapter 37 of the revised statutes is hereby amended to read as follows:

'Sec. 137. Result of court cases reported to Commissioner. Every magistrate or the clerk of the court **except trial justice and municipal courts** before whom any prosecution under the provisions of this chapter is commenced or shall go on appeal, within 20 days after the trial or dismissal thereof, shall report in writing the result thereof and the amount of fines collected, if any, and disposition thereof, to the Commissioner.'

Sec. 16. R. S., c. 146, §§ 26, 27 and 29, repealed. Sections 26, 27 and 29 of chapter 146 of the revised statutes are hereby repealed.

Sec. 17. R. S., c. 108, § 10, amended. Section 10 of chapter 108 of the revised statutes is hereby amended by adding after that part which pertains to civil fees and before that part which pertains to criminal fees the following paragraph:

'Every attorney shall pay the municipal court an entry fee of \$1.50 for each civil writ entered. There shall be no charge to any attorney by said court for blank writs, for issuing any executions, any execution renewals, any writs of possession or for taxing costs.'

Sec. 18. R. S., c. 108, § 10, sub-§§ I and II, amended. Subsections I and II of section 10 of chapter 108 of the revised statutes are hereby amended to read as follows:

I.	Where the damages recovered amount to \$20 or more ;		
	Writ	\$3.54	\$3.50
	Entry	.50	1.50
	Officers' fees for serving writ, as allowed by the court	
	Attendance, each term		3.50
	Travel, each term		.66
	Witness fees, as allowed by the court	
	Taxing costs	.25	
II.	Where the damages recovered amount to less than \$20;		
	Writ		2.00
	Entry	.50	1.50
	Officers' fees for serving writ, as allowed by the court	
	Attendance, each term		2.00

Travel, each term	.66
Witness fees, as allowed by the court
Taxing costs	.25