

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1149

H. P. 811

House of Representatives, March 6, 1959

Referred to the Committee on Judiciary. Sent up for concurrence and 750 copies ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Knight of Rockland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT Creating a Uniform Municipal Court System.

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

Sec. 1. R. S., c. 108-A, additional. The Revised Statutes are amended by adding a new chapter to be numbered 108-A, to read as follows:

CHAPTER 108-A.

Uniform Municipal Courts.

Sec. 1. Uniform municipal courts. Municipal courts as heretofore established are hereby recognized as such courts under the same names and at the same locations. The incumbent official personnel shall continue in office for the remainder of the terms in accordance with the commissions now in force. Each court shall be a court of record and have a seal.

Each judge, recorder or clerk as the case may be shall be a resident of the county in which his court is situated. He shall be appointed and shall give bond in accordance with the constitution and laws of this State. Each recorder or clerk shall be appointed by the Governor with the advice and consent of the Council for a term of 4 years and shall serve until his successor is qualified. The names of the courts and the salaries of their respective judges and recorders are as follows:

Name of Court	Judge	Recorder
Municipal Court of the City of Auburn	\$3,050	\$2,450
Municipal Court for the City of Lewiston	3,400	3,000

Name of Court	Judge	Recorder
Lisbon Municipal Court	\$1,400	None
Livermore Falls Municipal Court	1,400	None
Caribou Municipal Court	3,600	\$1,800
Fort Fairfield Municipal Court	3,200	1,000
Northern Aroostook Municipal Court	3,000	1,100
Houlton Municipal Court	3,600	1,800
Madawaska Municipal Court	1,600	500
Presque Isle Municipal Court	3,600	1,800
Van Buren Municipal Court	3,000	1,100
Northern Cumberland Municipal Court	1,500	600
Municipal Court for the Town of Brunswick	4,000	2,000
Municipal Court of the City of Portland	5,000	4,500
Municipal Court of South Portland	3,000	1,500
Municipal Court for the City of Westbrook	3,000	1,000
Franklin Municipal Court	3,000	None
Bar Harbor Municipal Court	1,700	800
Western Hancock Municipal Court	1,700	800
Ellsworth Municipal Court	2,500	1,000
Municipal Court of the City of Augusta	2,900	1,700
Gardiner Municipal Court	2,100	1,200
Municipal Court of the City of Hallowell	400	None
Municipal Court of Waterville	3,200	1,200
Winthrop Municipal Court	1,600	None
Municipal Court for the City of Rockland	2,200	2,000
Lincoln Municipal Court	2,500	1,800
Western Oxford Municipal Court	1,300	None
Norway Municipal Court	2,700	800
Rumford Falls Municipal Court	3,500	800
Bangor Municipal Court	4,000	3,500
Brewer Municipal Court	2,000	1,200

Name of Court	Judge	Recorder
Municipal Court of Dexter	\$1,700	None
Town of Lincoln Municipal Court	2,500	\$1,600
Millinocket Municipal Court	2,500	1,600
Municipal Court of Newport	1,700	None
Old Town Municipal Court	2,500	1,600
Piscataquis Municipal Court	2,200	800
Bath Municipal Court	3,000	2,400
Western Somerset Municipal Court	3,500	None
Municipal Court of Pittsfield	2,500	None
Waldo County Municipal Court	2,250	1,000
Calais Municipal Court	2,400	600
Eastport Municipal Court	1,800	400
Western Washington Municipal Court	2,400	900
Municipal Court of the City of Biddeford	1,800	1,000
The Kennebunk Municipal Court	2,000	800
Municipal Court of the City of Saco	1,600	750
Sanford Municipal Court	2,000	1,350
The Yorkshire Municipal Court	5,000	3,000

Whenever the office of judge or recorder is vacant and functions of that office are performed by the qualified judge or recorder, the official so acting shall receive the additional salary of the vacant office so long as the duties of that office are performed by him.

The recorder or clerk as well as the judge of each court who performs judicial functions described in this chapter shall be members of the Bar. Any recorder or clerk, who is not a member of the Bar, shall perform ministerial or clerical functions only. In any event, the recorder or clerk shall perform such duties as are normally performed by the clerks of the Superior Court as far as applicable. He shall record the doings of the court in civil and criminal dockets, and he shall keep a separate docket of juvenile delinquency cases. He shall be the custodian of all money paid into court which he shall account for and pay over as required by law, and shall give bond to the county for the faithful performance of his duties in such sum and with such sureties as the county commissioners shall approve.

The recorder, whenever he is a member of the Bar, and the 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 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 courtroom, or is interested, or if the office of judge is vacant, it shall be the duty of the recorder, if he is a member of the Bar, and he shall have authority, to exercise all the powers of the judge. In case of the recorder's absence or of a vacancy in the office of recorder, the judge may appoint a recorder who shall be sworn by the judge and act during such absence or until the vacancy is filled. If the judge and the recorder are both necessarily absent, either may designate some other municipal court judge or justice of the peace, who shall be a member of the Bar, in said county to perform the functions of the court for the time being.

Sec. 2. Jurisdiction. Each court shall have jurisdiction over all matters, civil and criminal, in its respective county in accordance with the law governing municipal courts in this State, and shall have jurisdiction over all offenses arising out of the ordinances, by-laws, or of any special law of the State relating to any municipality in the county; and in the prosecution thereof such ordinances, by-laws or special law need not be recited in the complaint or the process, nor the allegations therein be more particular than in prosecution on a public statute. The court may administer all necessary oaths, render judgment and issue execution, punish for contempt and compel attendance as is done in the Superior Court. All writs and processes shall be in the name of the State and bear the teste of the judge or of the recorder acting as judge, under the seal of the court.

Sec. 3. Terms. A civil term of each court shall be held the first Monday of each month at 10 o'clock in the forenoon, and shall not be adjourned thereafter until at least 3 days have elapsed. A term shall be held every Monday at 10 o'clock in the forenoon for the entry and trial of actions of forcible entry and detainer, which shall be in order for trial at the return day. Writs shall be filed in court on or before noon of the first day of each term, and no civil action shall be entered thereafter unless by consent of the adverse party and by leave of the court, or unless the court shall allow the same upon proof that the entry was prevented by inevitable accident or for other sufficient causes.

The court shall be in constant session for the issuance of criminal process and for matters pertaining to bail. Hearings on all civil and criminal matters may be held daily except Saturdays, Sundays and legal holidays. All pleadings shall be the same as in the Superior Court. The attachment of real and personal property, and the levy of executions thereon, shall be governed by the provisions of the general statute.

Sec. 4. Removal to Superior Court. In any civil action in which the debt or damage demanded exceeds \$20, the defendant or his attorney may, on or before the first day of the 2nd term of said action, file in court a motion for the removal of said action to the Superior Court, and deposit with the recorder \$2, whereupon the recorder shall cause certified copies of the writ, the officer's return, and the defendant's motion and all other papers in the case to be filed immediately in the Superior Court, and shall pay the entry fee thereof. Such

actions shall then be entered on the docket of the term next succeeding such filing, unless the Superior Court is then in session, in which case the action shall be entered forthwith.

If no motion for removal is filed, each municipal court shall proceed to determine such action, subject to the right of appeal in either party as provided by law.

Civil and criminal cases having issues pertaining to the Federal or State Constitution may be transferred to the Supreme Judicial Court for adjudication upon an agreed statement of facts.

Sec. 5. Accommodations and expenses. The municipality or county now providing accommodations shall continue to provide a suitable place for the holding of a court, and all other expenses thereof shall be paid from the county treasury, including such reasonable clerk hire as the judge and recorder may authorize and approve.

Sec. 6. Conferences. The Chief Justice of the Supreme Judicial Court may from time to time call together the several judges of the Maine municipal courts at such place as he may appoint for conference as to the conduct and dispatch of judicial business and interchange of views in matters of practice in said courts. Judges in attendance shall be entitled to reimbursement for actual expenses incurred upon presentation of proper vouchers for the same to the county treasurer.'

Sec. 2. Individual charters, revisions and amendments thereof repealed. The foregoing private and special acts creating or revising municipal court charters and all private and special acts particularly amendatory thereof are hereby repealed, it being the intent to repeal and abolish all existing charters:

Chapter 194 of the private and special laws of 1915	(Auburn)
211	1895 (Bangor)
7	1903 (Bar Harbor)
64	1937 (Bath)
6	1857 (Biddeford)
88	1949 (Brewer)
277	1903 (Brunswick)
57	1945 (Caribou)
260	1883 (Dexter)
219	1903 (Eastport)
298	1876 (Ellsworth)
163	1947 (Fort Fairfield)
93	1878 (Franklin)

Chapter 247 of the private and special laws of	1911	(Gardiner)
63	1945	(Houlton)
15	1923	(Kennebunk)
636	1871	(Lewiston)
239	1913	(Lincoln County)
85	1947	(Lincoln Township)
51	1941	(Lisbon)
120	1899	(Livermore Falls)
74	1955	(Madawaska)
393	1909	(Millinocket)
23	1899	(Newport)
38	1947	(No. Aroostook)
48	1918	(No. Cumberland)
508	1885	(Norway)
177	1887	(Old Town)
166	1911	(Piscataquis)
440	1901	(Pittsfield)
58	1945	(Presque Isle)
164	1955	(Rockland)
43	1899	(Rumford)
346	1867	(Saco)
522	1897	(Sanford)
18	1939	(Van Buren)
12	1941	(Waldo)
325	1897	(Waterville)
119	1903	(Westbrook)
613	1893	(W. Hancock)
115	1945	(W. Oxford)
331	1909	(W. Somerset)
113	1921	(W. Washington)
429	1901	(Winthrop)
279	1911	(Yorkshire)

Sec. 11-16 of Chapter	75 of the private and special laws of 1919	(Augusta)
23-40	325	1883 (Calais)
11-15	413	1850 (Hallowell)
23	242	1895 (So. Portland)
3	204 of the Public Laws of 1856	(Portland)