

# MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE  
STATE OF MAINE

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VOLUME I



By the Authority of the Legislature

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May; the 4th of July; the 1st Monday of September; the day of the state election; Armistice day, November 11th; or on Christmas day; and when the time fixed for a term of court falls on any of said days, it shall stand adjourned until the next day, which shall be deemed the 1st day of the term for all purposes. The public offices in county buildings may be closed to business on the above-named holidays. When any one of the above-named holidays falls on Sunday, the Monday following shall be observed as a holiday, with all the privileges applying to any of the days above named.

78 Me. 502, 582.

**Sec. 56. Adjournment of courts because of danger from infection. R. S. c. 22, § 88. 1933, c. 25.** When a malignant infectious distemper prevails in any town wherein the supreme judicial court, the superior court, or court of county commissioners is to be held, said courts may be adjourned and held in any town in said county, by proclamation made in such public manner as such courts judge best, as near their usual place of meeting as they think that safety permits.

83 Me. 116.

**Sec. 57. Surety bonds authorized in civil and criminal cases. 1935, c. 72.** In any civil or criminal action or mesne process or other process where a bail bond, recognizance, or personal sureties, or other obligation is required, or whenever any person is arrested and is required or permitted to recognize with sureties for his appearance in court, the court official or other authority authorized by law to accept and approve the same shall accept and approve in lieu thereof, when offered, a good and sufficient surety bond duly executed by a surety company authorized to do business in this state.

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## CHAPTER 96.

### MUNICIPAL COURTS.

**Sec. 1. Appointment of municipal judges; all fees to be paid over; disposition of fines, costs, and forfeitures. R. S. c. 144, § 1. 1933, c. 118, §§ 1, 3. 1939, c. 293, § 1. 1943, c. 282.** Judges of municipal courts shall be appointed and shall hold their offices as provided in the constitution. All fines, penalties, and costs imposed by such courts, paid to the jailer after commitment of a respondent, shall be paid over by him, monthly as provided in section 5 of chapter 137.

Every judge of a municipal court shall maintain a bank account in the name of the court in which all fines, costs, and forfeitures received shall be deposited within 72 hours after their receipt.

See Const. of Me., Art. VI, § 8, re appointment and tenure.

**Sec. 2. Qualification of judges. R. S. c. 144, § 2. 1933, c. 118, §§ 1, 4.** No person shall be eligible for appointment as judge of any municipal court unless he shall be a member of the bar of this state and a resident of the county in which such court is located.

See c. 16, § 3, sub-§ IV, re authority of department of audit.

**Sec. 3. Recorder acting as judge, salary.** 1937, c. 42. In the event of the death or resignation or any vacancy in the position of a judge of a municipal court, the recorder shall, as acting judge, receive the salary of the judge in lieu of salary as recorder and shall further be paid for such clerk hire as shall be necessary on account of the additional duties.

**Sec. 4. Jurisdiction of municipal courts.** R. S. c. 97, § 10. 1933, c. 118, § 1. 1937, c. 114. A municipal court shall not have jurisdiction in any civil matter unless a defendant resides within the county in which such court is established, or is a non-resident of the state and has personal service within the county, or a party summoned as trustee resides within the county, or property of the defendant is attached within the county in which such court is established; but in case of such personal service, trustee, or attachment, such court shall have jurisdiction concurrent with the superior court and with all other municipal courts in the same county wherein it is established of all civil actions in which the debt or damages demanded do not exceed \$300; any action in which the judge of such municipal court may be interested, either by relationship, as counsel, or otherwise, may be brought by such judge before any other court, superior or municipal, in the same county in the same manner and with like effect as other actions therein.

See c. 99, § 16, re action against defendants residing in different counties; 96 Me. 348.

**Sec. 5. Municipal court writs, when returnable.** R. S. c. 97, § 6. 1933, c. 118, § 1. Writs in civil actions before any municipal court may be made returnable at any term thereof, to be held not less than 7, nor more than 65 days from their date.

84 Me. 240; 86 Me. 345; \*114 Me. 441.

**Sec. 6. Signature of recorder or clerk, evidence of authority.** R. S. c. 97, § 7. 1933, c. 118, § 1. The signature of the recorder or clerk of any municipal court to a complaint, warrant, mittimus, writ, or other document, purporting to come from the court of which he is recorder or clerk, shall be sufficient evidence of his authority to issue the same, without in any way accounting for the absence or presence of the judge of said court.

See c. 99, § 3, re writs signed.

**Sec. 7. Writs issued by a municipal court, returnable before another in same county.** R. S. c. 97, § 11. 1933, c. 118, § 1. Writs issued from any municipal court may be made returnable to any other municipal court in any county, but nothing in the provisions of this section shall be construed as permitting a defendant in 1 county to be summoned into a municipal court in another county unless one or more trustees of the principal defendant reside in a county other than the county in which said defendant resides as provided in section 84 of chapter 101.

**Sec. 8. Judge not to act in cases within jurisdiction of his court or in his county.** R. S. c. 97, § 33. 1933, c. 118, § 1. 1943, c. 337. No judge of any municipal court shall act as counsel or attorney in any case, cause, matter, or thing which depends upon or relates to any cause exclusively cognizable by the court over which he presides, or act as counsel or attorney in any case, cause, matter, or thing, either in the municipal court over which he presides or in any other municipal court in his county.

134 Me. 469.

**Sec. 9. Costs and fees; penalty for overcharging costs.** R. S. c. 126, § 27. 1933, c. 118, § 1. 1937, c. 112, § 1. 1939, c. 293, § 3. 1943, c. 82. The costs

and fees taxed and allowed in all the municipal and trial justice courts shall be as follows:

**Costs in civil actions.** Costs to parties and attorneys in civil actions shall be:

To plaintiffs who prevail:

I. Where the damages recovered amount to \$20 or more;

Writ	\$3.54
Entry	.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
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

To defendants who prevail:

Pleadings	2.00
Witness fees, as allowed by the court	—
Attendance, each term	2.00
Travel, each term	.66

To trustees who make disclosure at the return term:

Disclosure	\$1.00
Attendance, each term	2.00
Travel, each term	.66
Witness fees, as allowed by the court	—

If the prevailing party actually travels more than 10 miles for the special purpose of attending court in any such action, he may be allowed by the court for every 10 miles so traveled, but not exceeding 40 miles .33

The allowance for travel and attendance to parties recovering costs shall be limited to 2 terms, except that the court, for good and sufficient cause, may order allowance for additional terms.

Copies of papers for removal or appeal to the superior court, to be paid by the appellant to the municipal court and taxed in his costs by the superior court if he finally prevails 2.00

If any attorney at law or other person demands or takes for a writ of attachment with a summons or for an original summons with the declaration, returnable before a trial justice, judge, or recorder of a municipal court, more than the costs and fees allowed in the preceding paragraphs of this section from the defendant; or, in the taxation of costs, such justice, judge, or recorder taxes or allows more than that sum for the same, he forfeits to the defendant not less than \$5, nor more than \$10, to be recovered in an action of debt, but nothing herein contained shall be so construed as to reduce the fees of municipal courts otherwise established by law.

**Fees in criminal cases.**

Receiving a complaint and issuing a warrant	\$1.00
Entering a complaint, swearing witnesses, filing papers, and 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	.50
Mittimus for the commitment of any person	1.00
Issuing a subpoena separate from the warrant	.10
Taxing costs	.25
Copies of papers for the superior court	2.00
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 the acts establishing the respective courts.

**Sec. 10. Fees for entering appeal.** R. S. c. 126, § 25. 1933, c. 118, § 1. No trial justice, or judge, or other officer of any municipal court shall demand or receive any fees for entering an appeal or taking a recognizance to prosecute it, in a criminal case. The legal fees therefor may be taxed in the bill of costs, and certified and paid like other fees.

See c. 133, § 25, re limitation of fees of magistrates in criminal cases.

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## CHAPTER 97.

### TRIAL JUSTICES. JUSTICES OF THE PEACE. NOTARIES PUBLIC.

Sections 1-11	Trial Justices; Appointment, Qualification, and Jurisdiction.
Section 12	Executions.
Section 13	Scire Facias.
Sections 14-19	Records.
Section 20	Trial Justices not to be of Counsel.
Section 21	Justices of the Peace.
Section 22	Fees of Trial Justices and Justices of the Peace.
Sections 23-31.	Notaries Public and Protests.

#### Trial Justices; Appointment, Qualification, and Jurisdiction

**Sec. 1. Trial justices, appointment, and tenure.** R. S. c. 97, § 1. Trial justices shall be appointed and commissioned by the governor, with the advice and consent of the council, to act within the county for which they are appointed, and shall hold their offices for 7 years from the date of their commissions.

See c. 16, § 3, sub-§ IV, re authority of department of audit; 63 Me. 268; 64 Me. 197; 96 Me. 498.

**Sec. 2. Jurisdiction in civil actions.** R. S. c. 97, § 2. 1933, c. 118, § 1. Every trial justice may hold a court in his county, as provided in this chapter,