

MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE

STATE OF MAINE

1954

1955 SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 3

**Place in Pocket of Corresponding
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retary of state to establish and maintain a central register of all persons who have been duly admitted as members of the bar in this state. (1955, c. 446.)

Sec. 26. Preparation.—Said list shall be prepared from information furnished to the secretary of state by the clerk of courts from the several counties, each of whom shall within 3 months after the effective date of sections 25 to 29, inclusive, prepare in writing, certify and mail to the office of the secretary of state, a full, true and complete list of all members of the bar now living who have been admitted in their respective counties. (1955, c. 446.)

Sec. 27. Revision.—It shall likewise be the duty of the clerk of court in each of the several counties to furnish to the secretary of state by registered mail a written certificate setting forth any and all additions to the aforesaid list of members of the bar from his county as well as all deletions by reason of death, resignation, disbarment, suspension or otherwise, and all reinstatements or readmissions not otherwise reported to the secretary of state as and when they occur and thereupon it shall become the duty of the secretary of state, forthwith upon receipt of each amendatory certificate, to revise the central register of attorneys accordingly, to the end that said register may be perpetually maintained with current corrections from each county. A list of persons admitted each year together with the date and place of taking the oath and the date of admission shall be supplied annually to the secretary of the board of bar examiners by the secretary of state. (1955, c. 446.)

Sec. 28. Register as evidence.—If and whenever in any proceeding before any court of civil or criminal jurisdiction within the state of Maine, it becomes an issue as to whether or not any individual is or is not duly admitted to practice law as a member of the bar in the state of Maine, the certificate of the secretary of state as to whether or not his name then appears upon the said central roll or register of attorneys shall be prima facie evidence of the fact. (1955, c. 446.)

Sec. 29. Certificates.—It shall be the duty of the secretary of state upon payment of a fee of \$5 to furnish his certificate in respect of any individual as to whether he is or is not recorded as a member of the bar on the said central register except that such certificate shall be furnished without charge to the attorney general, his deputies and assistants and the county attorneys of the several counties for use in connection with their public duties. (1955, c. 446.)

Chapter 106.

Superior Court.

Superior Court; Constitution, General Jurisdiction and Powers.

Sec. 2. Salary; expenses.—Each of the justices of the superior court shall receive an annual salary of \$11,500. All provisions of section 4 of chapter 103 relating to reimbursement of justices of the supreme judicial court for expenses incurred by them shall apply to justices of the superior court, except that justices of the superior court shall not be entitled to reimbursement for expenses incurred in employing clerical assistance. (R. S. c. 94, § 2. 1945, c. 331, § 2. 1951, c. 403, § 2. 1955, c. 472 § 2.)

Effect of amendment.—The 1955 amendment increased the annual salary of justices of the superior court from \$10,500 to \$11,500.

Sec. 11. Trial terms.

III. Cumberland: At Portland on the 1st Tuesday of every month except July and August; but the criminal business of said county shall be transacted at the terms held on the 1st Tuesdays of January, May and September, to-

gether with civil business. The January, May and September terms of said court may be kept open for criminal business after their final adjournment for civil business for such time as the presiding justice may deem expedient, provided that they shall be finally adjourned at least 7 days before the convening of the next succeeding term in which criminal business may be done and all business having to do with criminal appeal cases and pending indictments may be transacted at Portland on the 1st Tuesday of every month except July and August; and criminal appeal cases from municipal courts and trial justice courts in Cumberland County may be appealed or bailed to the next term of Cumberland County superior court at Portland. (1955. c. 285)

VII. Knox: At Rockland on the 2nd Tuesday of February and the 1st Tuesdays of May and October. (1955, c. 203)

IX. Oxford: At Rumford on the 1st Tuesday of February, and at Paris on the 1st Tuesday of October and on the 2nd Tuesday of May. (1955, c. 203)

XVI. York: At Alfred on the 1st Tuesdays of January, May, September and November. [1955, c. 220] (R. S. c. 94, § 11. 1945, c. 1. 1949, c. 126. 1951, c. 266, § 112. 1953, c. 166; c. 181, § 1. 1955, cc. 203, 220. 285.)

Effect of amendments.—The first 1955 amendment, effective January 1, 1956, substituted "October" for "November" in subsection VII. It also substituted "February" for "March," "May" for "June" and "October" for "November" in subsection IX. The second 1955 amendment, effective January 1, 1956, changed subsection XVI by substituting "1st Tuesdays

of January, May, September and November" for "2nd Tuesday of January and 1st Tuesdays of May and October." The third 1955 amendment, effective on its approval, April 25, 1955, added all that part of subsection III which follows the word "done" in line eight. Only the subsections changed by the amendments are set out.

Sec. 14. Exceptions, in civil and criminal cases; proceedings, if deemed frivolous; motions for new trial.

I. GENERAL CONSIDERATION.

Applied in *State v. Johnson*, 150 Me. 172, 107 A. (2d) 537.

V. SUFFICIENCY OF EXCEPTIONS.

Bill must stand alone.

The bill must be strong enough to stand alone. The court, in considering the exceptions, cannot travel outside of the bill

itself. *Bradford v. Davis*, 150 Me. 420, 114 A. (2d) 244, quoting *Jones v. Jones*, 101 Me. 447, 64 A. 815.

A bill of exceptions which does not include the material required by the docket entry is not complete, and therefore, under Maine practice cannot be considered. *Bradford v. Davis*, 150 Me. 420, 114 A. (2d) 244.

Sec. 15. Motions for new trial on ground of newly discovered evidence.

Applied in *State v. Papalos*, 150 Me. 370, 113 A. (2d) 624.

Sec. 17. Cases heard by presiding justice.

If right to except is reserved.

In accord with 1st paragraph in original. See *Ouelette v. Pageau*, 150 Me. 159, 107 A. (2d) 500.

The reservation of the right to except should be on the docket. *Ouelette v. Pageau*, 150 Me. 159, 107 A. (2d) 500.

But judge's certification that exceptions are allowed is conclusive.—If there has been no express reservation and a bill of exceptions is presented to the justice for his signature and the justice is prepared to sign, the opposing party may object to the

allowance, and call attention to the docket omission. If the judge, however, signs the bill of exceptions, the certification that exceptions are allowed is conclusive, provided there is nothing in the bill of exceptions itself or in the certificate of the judge to show the contrary. *Ouelette v. Pageau*, 150 Me. 159, 107 A. (2d) 500.

The law court has no jurisdiction of a motion for a new trial where a case is heard by the single justice. *Ouelette v. Pageau*, 150 Me. 159, 107 A. (2d) 500.