

# MAINE STATE LEGISLATURE

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## CHAPTER 5

## DISTRICT COURT

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**§ 151. Establishment; court of record; seal**

A District Court for the State of Maine, as heretofore established, shall be a court of record and the Chief Judge shall establish a seal.

1961, c. 386, § 1; c. 395, §§ 40, 58.

**§ 152. Jurisdiction**

The District Court shall possess the civil and criminal jurisdiction exercised by all trial justices and municipal courts in the State on September 16, 1961, and in addition, original jurisdiction, concurrent with that of the Superior Court of all civil ac-

tions in which neither damages in excess of \$1,200 nor equitable relief is demanded, of actions for divorce or annulment of marriage and of proceedings under Title 19 and original jurisdiction, concurrent with that of the probate court, of actions for separation.

1961, c. 386, § 1; 1963, c. 402, § 145.

### § 153. Judicial divisions

The State is divided into 31 judicial divisions, named and defined as follows, and with places for holding court therein as follows:

**1. Northern Androscoggin.** Northern Androscoggin consists of the municipalities of Leeds, Livermore, Livermore Falls and Turner. The District Court for Northern Androscoggin shall be held at Livermore Falls.

**2. Southern Androscoggin.** Southern Androscoggin consists of all municipalities in Androscoggin County not included within the division of Northern Androscoggin. The District Court for Southern Androscoggin shall be held at Lewiston.

**3. Western Aroostook.** Western Aroostook consists of the municipalities and unorganized territory known as Hamlin Plt., Cyr Plt., T17 R3, T17 R4, T16 R5, T15 R6, Winterville Plt., T15 R8, T15 R9, T14 R10, T14 R11, T14 R12, T14 R13, T14 R14, T14 R15, T14 R16, and all municipalities and unorganized territory in Aroostook County lying to the west and north of these. The District Court for Western Aroostook shall be held at Madawaska for criminal and civil business and at Fort Kent solely for criminal business.

1961, c. 395, §§ 41, 58; 1963, c. 339; c. 357, § 1.

**4. Eastern Aroostook.** Eastern Aroostook includes the municipalities and unorganized territory known as Limestone, Caribou, Washburn, Wade, T13 R5, and all municipalities and unorganized territory in Aroostook County lying to the north of these up to the boundary of the division of Western Aroostook. The District Court for Eastern Aroostook shall be held at Caribou.

1963, c. 339.

**5. Central Aroostook.** Central Aroostook includes the municipalities and unorganized territory known as Blaine, TD R2, T9 R3, T9 R4, T9 R5, Oxbow, T9 R7, T9 R8, T10 R8, T11 R9, T11 R10, T11 R11, T11 R12, T11 R13, T11 R14, T11 R15, T11 R16,

T11 R17, and all municipalities and unorganized territory, including the City of Presque Isle in Aroostook County lying to the north of these up to the boundary of the division of Western Aroostook and the boundary of the division of Eastern Aroostook. The District Court for Central Aroostook shall be held at Presque Isle.

1963, c. 339.

**6. Southern Aroostook.** Southern Aroostook consists of all municipalities and unorganized territory in Aroostook County not included within the divisions of Western Aroostook, Eastern Aroostook and Central Aroostook. The District Court for Southern Aroostook shall be held at Houlton.

**7. Eastern Cumberland.** Eastern Cumberland consists of the municipalities of Brunswick, Freeport, Harpswell, Pownal and Yarmouth. The District Court for Eastern Cumberland shall be held at Brunswick.

**8. Southern Cumberland.** Southern Cumberland consists of the municipalities of Raymond, Windham, Standish and all municipalities lying to the south and east of these in Cumberland County up to the boundaries of the division of Eastern Cumberland. The District Court for Southern Cumberland shall be held at Portland.

**9. Northern Cumberland.** Northern Cumberland consists of all municipalities in the County of Cumberland not included within the divisions of Eastern and Southern Cumberland. The District Court for Northern Cumberland shall be held at Bridgton.

**10. Franklin.** Franklin consists of the entire County of Franklin. The District Court for Franklin shall be held at Farmington.

1963, c. 402, § 148-A.

**11. Central Hancock.** Central Hancock consists of the entire County of Hancock except Bar Harbor, Mount Desert, Cranberry Isles, Southwest Harbor, Trenton, Swan's Island, Long Island Plantation and Tremont. The District Court for Central Hancock shall be held at Ellsworth.

**12. Southern Hancock.** Southern Hancock shall consist of Bar Harbor, Mount Desert, Cranberry Isles, Southwest Harbor, Trenton, Swan's Island, Long Island Plantation and Tremont. The District Court for Southern Hancock shall be held at Bar Harbor.

**13. Northern Kennebec.** Northern Kennebec consists of the municipalities of Albion, Belgrade, Fayette, Mount Vernon, Sidney, Vassalboro, Wayne, Winslow and all municipalities in Kennebec County lying to the north of these. The District Court for Northern Kennebec shall be held at Waterville.

1961, c. 395, §§ 42, 58.

**14. Southern Kennebec.** Southern Kennebec consists of all municipalities in Kennebec County not included within the division of Northern Kennebec. The District Court for Southern Kennebec shall be held at Augusta.

**15. Knox.** Knox consists of the entire County of Knox. The District Court for Knox shall be held at Rockland.

**16. Lincoln.** Lincoln consists of the entire County of Lincoln. The District Court for Lincoln shall be held at Wiscasset.

**17. Northern Oxford.** Northern Oxford consists of Gilead, Bethel, Milton Plt., Peru, Canton and all municipalities and unorganized territory in Oxford County lying to the north of these. The District Court for Northern Oxford shall be held at Rumford.

**18. Southern Oxford.** Southern Oxford consists of all municipalities and unorganized territory in Oxford County not included in the division of Northern Oxford. The District Court for Southern Oxford shall be held at South Paris.

**19. Northern Penobscot.** Northern Penobscot consists of the municipalities and unorganized territory of Hopkins Academy Grant, Long A, Medway, TA R7, TA R8 and TA R9 and all municipalities and unorganized territory in Penobscot County lying to the north of these. The District Court for Northern Penobscot shall be held at Millinocket.

**20. Central Penobscot.** Central Penobscot consists of the municipalities and unorganized territory of Burlington, Edinburg, Lakeville Plt., LaGrange, Lowell, Passadumkeag, T3 R1, T5 R1 and all municipalities and unorganized territory in Penobscot County lying to the north of these up to the boundary of the division of Northern Penobscot. The District Court for Central Penobscot shall be held at Lincoln.

**21. Southern Penobscot.** Southern Penobscot consists of the municipalities of Alton, Glenburn, Hampden, Hermon, Old Town and all municipalities and unorganized territory lying east of these and south of the division of Central Penobscot. The District Court for Southern Penobscot shall be held at Bangor.



**22. Western Penobscot.** Western Penobscot consists of all municipalities in Penobscot County not included within the divisions of Northern, Central or Southern Penobscot. The District Court for Western Penobscot shall be held at Newport.

**23. Piscataquis.** Piscataquis consists of the entire County of Piscataquis. The District Court for Piscataquis shall be held at Dover-Foxcroft.

**24. Sagadahoc.** Sagadahoc consists of the entire County of Sagadahoc. The District Court for Sagadahoc shall be held at Bath.

**25. Somerset.** Somerset consists of the entire County of Somerset. The District Court for Somerset shall be held at Skowhegan.

1963, c. 402, § 148-F.

**26. Waldo.** Waldo consists of the entire County of Waldo. The District Court for Waldo shall be held at Belfast.

**27. Northern Washington.** Northern Washington consists of the municipalities and unorganized territory known as Charlotte, Cooper, Crawford, Pembroke, Perry, Eastport, T26 E.D., T36 M.D., T37 M.D. and all municipalities and unorganized territory in Washington County lying to the north of these. The District Court for Northern Washington shall be held at Calais.

**28. Southern Washington.** Southern Washington consists of all municipalities and unorganized territory in the County of Washington not included within the division of Northern Washington. The District Court for Southern Washington shall be held at Machias.

**29. Eastern York.** Eastern York consists of the municipalities of Hollis, Kennebunk, Lyman, Wells and all municipalities in York County lying to the east of these. The District Court for Eastern York shall be held at Biddeford or Saco, exact site to be determined by the Chief Judge with the approval of the Chief Justice of the Supreme Judicial Court.

1963, c. 402, § 148-H.

**30. Southern York.** Southern York consists of the municipalities of Eliot, Kittery, South Berwick and York. The District Court for Southern York shall be held at Kittery.

**31. Western York.** Western York consists of all municipalities in York County not included within the division of Eastern

York and Southern York. The District Court for Western York shall be held at Sanford.

1961, c. 386, § 1; c. 395, §§ 41, 42, 58; 1963, c. 402, §§ 148-A, 148-B, 148-E, 148-F, 148-G, 148-H; c. 339; c. 357, § 1.

### § 154. Districts

The judicial divisions are organized into 13 districts, as follows, with the place for holding court shown in parentheses after the name of each division:

**1. First District.** The first district consists of the divisions of Eastern Aroostook (Caribou) and Western Aroostook (Mada-waska and Fort Kent).

1963, c. 357, § 2.

**2. Second District.** The 2nd district consists of the divisions of Central Aroostook (Presque Isle) and Southern Aroostook (Houlton).

**3. Third District.** The 3rd district consists of the division of Southern Penobscot (Bangor).

**4. Fourth District.** The 4th district consists of the divisions of Northern Washington (Calais) and Southern Washington (Machias).

**5. Fifth District.** The 5th district consists of the divisions of Central Hancock (Ellsworth), Southern Hancock (Bar Harbor) and Waldo (Belfast).

**6. Sixth District.** The 6th district consists of the divisions of Sagadahoc (Bath), Lincoln (Wiscasset) and Knox (Rockland).

**7. Seventh District.** The 7th district consists of the divisions of Northern Kennebec (Waterville), Southern Kennebec (Augusta) and Northern Androscoggin (Livermore Falls).

**8. Eighth District.** The 8th district consists of the divisions of Southern Androscoggin (Lewiston), Eastern Cumberland (Brunswick) and Northern Cumberland (Bridgton).

**9. Ninth District.** The 9th district consists of the division of Southern Cumberland (Portland).

**10. Tenth District.** The 10th district consists of the divisions of Eastern York (Biddeford or Saco) as above determined, Western York (Sanford) and Southern York (Kittery).

1963, c. 402, § 148-I.

**11. Eleventh District.** The 11th district consists of the divisions of Franklin (Farmington), Northern Oxford (Rumford) and Southern Oxford (South Paris).

1963, c. 402, § 148-C.

**12. Twelfth District.** The 12th district consists of the divisions of Somerset (Skowhegan) and Western Penobscot (Newport).

1963, c. 402, § 148-J.

**13. Thirteenth District.** The 13th district consists of the divisions of Piscataquis (Dover-Foxcroft), Northern Penobscot (Millinocket) and Central Penobscot (Lincoln).

1961, c. 386, § 1; 1963, c. 357, § 2; c. 402, §§ 148-C, 148-I, 148-J.

## § 155. Venue

**1. Juvenile proceeding or criminal prosecution.** A juvenile proceeding or criminal prosecution, including traffic, shall be brought in the division in which the offense charged took place, but if the proceeding involves 2 or more offenses committed in different divisions, it may be brought in any one of them.

**2. Forcible entry and detainer; replevin; trustee process; attachment.** An action for forcible entry and detainer or replevin shall be brought in the division in which the property involved is located. Any action commenced by trustee process shall be brought in accordance with Title 14, chapter 501. Any action involving attachment shall be brought in the division where the plaintiff resides or where the defendant resides or where the property involved is located.

1961, c. 395, §§ 43, 58.

**3. Divorce, separation, annulment, support.** An action or proceeding for divorce, separation, annulment of marriage or for support may be brought in the division where either the plaintiff or the defendant resides. Such action or proceeding may be removed to the Superior Court by the defendant. The rules of municipal courts now in effect for removal of actions to the Superior Court shall apply.

**4. Other civil actions.** Any other civil action or proceeding shall be brought in the division where any plaintiff or defendant

resides, but if all defendants are nonresidents of the State, it may be brought in any division of the plaintiff's choice.

1963, c. 402, § 148-D.

**5. Corporation.** A corporation shall be deemed a resident of any district in which it maintains a place of business.

**6. Brought in any division with consent.** Notwithstanding subsections 1 to 5, all parties, with the approval of any district judge, may consent to any action, proceeding or prosecution being brought and determined in any division.

**7. Improper venue.** If any action or proceeding, civil or criminal, is brought in the wrong division, the court, upon motion or on its own initiative, may transfer it to a proper division. Any objection to improper venue is waived unless asserted by motion to transfer the case made before the commencement of trial or, in the event of default in appearance or answer, before the entry of judgment.

1961, c. 395, §§ 44, 58.

**8. Transfer of any case.** The court may, upon motion or its own initiative, transfer any case to another division for the convenience of parties or witnesses or in the interest of justice.

1961, c. 386, § 1; c. 395, §§ 43, 44, 58; 1963, c. 402, § 148-D.

## § 156. Rules

**1. Pending new rules.** Pending promulgation of new rules as provided in subsection 2:

**A.** The rules of procedure now in effect for cases and proceedings within the jurisdiction vested by this chapter in the District Court shall apply.

**B.** Appeals from the District Court shall be heard de novo in the Superior Court.

**2. Rules.** The Supreme Judicial Court is empowered to make and amend rules of procedure for the District Court and for appeals from the District Court.

1961, c. 386, § 1.

## § 157. Judges; appointment; salary; retirement

The Governor, with the advice and consent of the Council, shall appoint to the District Court 2 judges at large and 14 judges.

At least one judge shall be appointed in each district who shall be a resident thereof, except that in District 9 there shall be 2 judges appointed who shall be residents thereof. Each shall have a term of office of 7 years. Each judge shall receive an annual salary of \$12,000. The Chief Justice of the Supreme Judicial Court shall designate one of the judges as Chief Judge who shall receive as additional compensation annually for his service as Chief Judge, the sum of \$1,000. Each judge shall be reimbursed for his expenses actually and reasonably incurred by him in performing his duties, upon presentation to the State Controller of a detailed statement of such expenses approved by the Chief Judge.

To be eligible for appointment as a district judge, a person must be a member of the bar of the State. The term "district judge" shall include the Chief Judge and the judges at large.

A district judge shall devote full time to his judicial duties. He shall not practice law during his term of office, nor shall he during such term be the partner or associate of any person in the practice of law. Sections 103 and 104, now applicable to Justices of the Superior Court, are made applicable to Judges of the District Court.

1961, c. 386, § 1.

**§ 158. Ex officio, justice of peace; may administer oaths**

Judges and clerks of the District Court are, ex officio, justices of the peace, and all their official acts, attested by them in either capacity, except those pertaining to the exclusive jurisdiction of Judges and clerks of District Courts, are of equal effect. Judges and clerks of the District Court may administer all oaths required by law, unless another officer is specifically required to do it.

R.S.1954, c. 111, § 10; 1963, c. 402, § 155.

**§ 159. Clerks, clerical assistants; appointment; compensation**

For each division and for the office of the Chief Judge, the Chief Judge shall appoint such clerks and employ such clerical assistants as may be necessary. Clerks and clerical assistants shall be compensated as determined by the Chief Judge. If the business of any division does not require the full-time service of a clerk, the Chief Judge may appoint a part-time clerk for such division. Whenever a clerk is absent or temporarily unable to perform his duties as clerk and an existing or immediate session of

the court renders it necessary, the judge may designate a clerk pro tempore who shall have the same powers and duties of the clerk.

1961, c. 386, § 1; 1963, c. 402, § 155-A.

**§ 160. Clerks, taking of bail authorized**

Clerks of the District Court, during the hours when the clerk's office is open for business, as provided by the rules of the District Court, may, subject to the control of the District Judge of such clerk's district, fix and take bail for the appearance of a respondent at a day and hour not more than 14 days from the day of taking bail. No fee shall be charged for the taking of bail.

The clerk may in his discretion accept the recognizance without sureties of an accused charged with an offense for which the maximum penalty does not exceed a fine of \$100 or imprisonment for 90 days, or both.

1963, c. 402, § 156.

**§ 161. Complaint justice; appointment; tenure and salary**

Complaint justices shall be appointed and commissioned by the Governor, with the advice and consent of the Council, to act within the county of residence of the complaint justice, and shall hold their office for 4 years from the date of their commissions and shall receive such salary as shall be determined by the Chief Judge and paid as an expense of the District Court.

A complaint justice shall be a lawyer admitted to practice in this State and as many shall be appointed as in the discretion of the Governor are needed to be readily available for issuance of warrants of arrest.

1961, c. 386, § 1.

**§ 162. Place for holding court; suitable quarters**

In each division, the place for holding court shall be located in a state, county or municipal building designated by the Chief Judge, who, with the advice and approval of the Bureau of Public Improvements, is empowered to negotiate on behalf of the State, the leases, contracts and other arrangements he considers necessary, within the limits of the budget and the funds available under section 163, subsection 3, to provide suitable quarters, adequately furnished and equipped for the District Court in each division.

The facilities of the Superior Court in each county when that court is not in session shall be available for use by the District Court of that division in which such facilities are located. Arrangements for such use shall be made by the Chief Judge.

If the Chief Judge is unable to negotiate the leases, contracts and other arrangements as provided in the preceding paragraph, he may, with the advice and approval of the Bureau of Public Improvements, negotiate on behalf of the State, the leases, contracts and other arrangements he considers necessary, within the limits of the budget and funds available under section 163, subsection 3, to provide suitable quarters, adequately furnished and equipped for the District Court in privately owned buildings.

1961, c. 386, § 1; 1963, c. 402, § 157.

### § 163. District Court funds

**1. District Court Fund.** All fines, bail forfeitures and fees collected in the District Court of any division shall be paid to a clerk thereof, who shall deposit them in a special account within 72 hours of their receipt. Once each month, he shall remit such sums to the Treasurer of State, who shall deposit them in a special fund, to be known as the "District Court Fund." Every clerk shall give bond to the State in such sum and with such sureties as the Chief Judge shall approve, conditioned that he will, during his continuance in office, faithfully perform, as the law requires, all his duties relating to the collection and payment over of all fines, fees and forfeitures which may come into his hands by virtue of his office.

**2. Expenses.** Out of such fund, the Treasurer of State shall pay, in accordance with a budget submitted each year by the Chief Judge, the expenses of the District Court; and pay all sums of money produced by cases brought in the District Court which shall become due to state departments and agencies, municipalities, and state, county and municipal officers. Any sums heretofore payable to counties by reason of such cases shall be paid to them not under this subsection, but under subsection 4.

**3. District Court Building Fund.** After paying such expenses or providing sufficient reserves for their payment, the Treasurer of State shall establish a special "District Court Building Fund" to be used solely for the building, remodelling and furnishing of quarters for the District Court, as determined and certified by the Chief Judge. The sum of \$3,000 per month shall be deposited in this fund until the Chief Judge certifies to the Treasurer of

State that physical facilities for the District Court throughout the State are such that further deposits in said special building fund are no longer necessary.

**4. Balance to counties.** After paying or setting aside the sums described in this section, the Treasurer of State shall pay semi-annually the balance remaining in the District Court Fund to the counties of the State in the proportion which the population of each bears to the total population of the State, according to the latest available Federal Census.

1961, c. 386, § 1.

### § 164. Duties of Chief Judge

The Chief Judge shall be responsible to the Chief Justice of the Supreme Judicial Court for the operation of the District Court and shall serve as Chief Judge at the pleasure of the Chief Justice. To this end the Chief Judge shall:

**1. Hold court when necessary.** Hold court in any division when he deems it necessary by reason of illness, absence or disability of the judge regularly assigned or by reason of an excessive case load in any district;

**2. Assign judges at large.** Assign judges at large to hold court in any division where, in his judgment, they are needed;

**3. Days and hours for holding court.** Fix the days and hours for holding court in each division;

**4. Vacations.** Determine the times for the taking of vacations by all district judges;

**5. Assign judges.** Assign a judge to hold court for a temporary period in a district or division outside of his own district;

**6. Records and reports.** Prescribe the records to be kept and destroyed and the reports to be made by each district judge;

**7. Statistics.** Collect and publish such statistics pertaining to the business of the District Court as he deems desirable;

**8. Budget.** Prepare and submit an annual budget for the District Court;

**9. Report.** Render to the Chief Justice of the Supreme Judicial Court an annual report on the state of business in the Dis-



trict Court and on the conferences held pursuant to subsection 11;

**10. Courtroom facilities.** Make necessary arrangements for proper courtroom facilities for all branches of the District Court pursuant to section 162; establish his own headquarters with appropriate facilities; and establish quarters and facilities for the judges at large;

1961, c. 395, §§ 45, 58.

**11. Conference of judges.** Convene at least once annually at such place as he may deem appropriate, a conference of District Court Judges to consider and take action upon or make recommendations with respect to current problems in the operation of the District Court. The expenses of District Court Judges attending this conference shall be an expense of the District Court;

**12. Traffic Violations Bureau.** In addition to the above duties the Chief Judge may authorize for any division the establishment of a "Traffic Violations Bureau" in accordance with the "Model Rules Governing Procedure in Traffic Cases" promulgated by the National Conference of Commissioners on Uniform State Laws in 1957.

1961, c. 386, § 1; c. 395, §§ 45, 58.

**§ 165. Criminal jurisdiction; fines, penalties and costs paid over**

The District Court shall have jurisdiction, and concurrent jurisdiction with the Superior Court, of all crimes and offenses including violations of any statute or bylaw of a town, village corporation or local health officer, or breaches of the peace, not punishable by imprisonment in the State Prison, and complaints for desertion and non-support or non-support of dependents where either the spouse, dependent or the respondent resides and may for such crimes and offenses impose any of the fines or sentences provided by law to be imposed therefor. 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.

R.S.1954, c. 146, § 2; 1957, c. 112; 1959, c. 75, § 3; c. 342, § 16; 1963, c. 402, § 237.

**§ 166. —Terms of court**

The District Court shall have terms for the transaction of criminal business, which terms shall commence on the return days

of the civil terms and shall continue to and include the days prior to the next civil return days.

R.S.1954, c. 146, § 1; 1963, c. 402, § 236.

**§ 167. —Bail**

All recognizances or bail given in the District Court, in compliance with any provision of law to secure the appearance of a respondent in a criminal prosecution, shall continue in force until the case pending against such respondent is finally disposed of, either by sentence or the finding of probable cause, and need not be renewed, and the sureties on such recognizances or bail shall be responsible on their original recognizance or bail for the appearance of the principal at any and all times to which the case in which said recognizance or bail was given is continued. This provision shall not apply to bail or recognizances given before bail commissioners.

R.S.1954, c. 146, § 3; 1963, c. 402, § 239.

**§ 168. Examination to determine sanity of accused**

A Judge of the District Court may order a person, who is accused of an offense, to be examined by a physician on the same day as the order, to determine whether or not such person is insane. The cost of such examination shall be paid from the treasury of the county in which the action is pending.

1961, c. 246; 1963, c. 402, § 240.

**§ 169. Administration of oaths**

Judges of the District Court and justices of the peace may administer all oaths required by law, unless another officer is specially required to do it.

R.S.1954, c. 146, § 11; 1963, c. 402, § 242.

**§ 170. Commanding assistance for arrest**

Upon view of an affray, riot, assault or battery, Judges of the District Court may, without warrant, command the assistance of any sheriff, deputy sheriff, constable or person present to repress the same and to arrest all concerned therein.

R.S.1954, c. 146, § 12; 1963, c. 402, § 243.

**§ 171. Duty on receipt of complaints**

When complaint is made to the proper officer of the District Court charging a person with the commission of an offense, he shall carefully examine, on oath, the complainant, the witnesses by him produced and the circumstances and, when satisfied that the accused committed the offense, shall, on any day, Sundays and holidays not excepted, issue a warrant for his arrest, stating therein the substance of the charge.

He may, and on complaint shall, cause to be arrested persons found within his county charged with offenses; and those having committed offenses therein who have escaped therefrom; and all persons charged with felonies, offenses and misdemeanors, and all affrayers, rioters, breakers of the peace and violators of the law, and may require such offenders to find sureties for keeping the peace; and when the offense on examination is found to be one not within his jurisdiction for trial, he may cause them to recognize with sufficient sureties to appear before the Superior Court, and, in default thereof, shall commit them.

He may try those brought before him for offenses within his jurisdiction, although the penalty or fine accrues wholly or partly to his town.

Warrants issued by such judges in criminal cases shall be under seal and be signed by them at the time they are issued.

R.S.1954, c. 146, § 13; 1963, c. 402, § 244.

**§ 172. Judge unable to attend; continuance**

Whenever a District Judge is unable to attend court, any clerk of the District Court may continue any case in such court for a period of not more than 14 days.

R.S.1954, c. 146, § 14; 1959, c. 42, § 2; 1963, c. 402, § 245.

**§ 173. Costs and fees; criminal**

The following provisions shall apply to the District Court:

**1. Definitions and limitations.** This section applies only to costs and fees arising from the criminal proceedings in the District Court. When any criminal case is appealed from such court to the Superior Court, the latter may tax and impose costs from its proceeding which may not include any fees or costs arising from the proceedings or arrest in the lower court.

Nothing in this section shall be interpreted to prohibit a court from filing a case upon payment of costs without a conviction.

Nothing in this section shall be interpreted to deprive a law enforcement officer of compensation for his services and expenses, but this section may shift the responsibility for providing such compensation.

The term "law enforcement officer" shall include a state police officer, game warden, state liquor inspector, sheriff, deputy sheriff, municipal police officer, constable and any person whose duty it is to enforce any criminal law of this State by making arrests.

1963, c. 402, § 238.

**2. Respondent not to be sentenced to pay costs of court as such.** The District Court may not, in any criminal proceeding, sentence any respondent to pay costs of court as such, but may take the costs into consideration and include in any fine imposed a sum adequate to cover all or any part of them without reference to such costs and without taxing them, provided the maximum fine for the particular offense is not exceeded.

1963, c. 402, § 238.

**3. Reports and records of costs and fees.** Such court need not tax total costs in a criminal proceeding, but shall tax and itemize witness fees which are payable by the county or the State as provided in this section. A law enforcement officer, when acting as the arresting officer, shall itemize his fees on the warrant return.

The court shall at the end of each month file with the monthly report to the Treasurer of State an itemized statement of all witness fees and to whom they are payable and the amount of any fine imposed and to whom they are payable. All such fines and fees shall be examined and corrected by the Treasurer of State and they shall be paid according to law.

The court shall within 15 days after the end of each month file either a copy of the monthly report to the Treasurer of State, or a separate report, the form for which shall be prescribed by the State Auditor, with each state department having fees or fines due from such court. The court need not file a bill of costs in any case for any reason.

1957, c. 429, § 86-A; 1963, c. 402, § 238.

**4. Distribution of fees and fines.** All fines collected by the court shall be paid to the Treasurer of State monthly.

A deputy sheriff shall be paid by the county the fees as are provided under Title 30, section 1051, unless such deputy is paid a salary in lieu of such fees.

Municipalities shall be reimbursed by the county for all reasonable expenses incurred by police officers and constables for travel within the State between their employing municipality and any other place within the State when such travel is as a consequence of an arrest, or for the purpose of making an arrest on a criminal warrant or to commit and transport a person to any jail or institution within the State.

The county upon the approval of the county attorney shall pay the municipality for reasonable expenses incurred by the latter's law enforcement officers for out of state travel involving a crime for which the law provides for extradition of the offender. The Treasurer of State, except in the case of a municipal ordinance violation, shall pay the municipality \$4 each time one of the latter's law enforcement officers duly signs, as arresting officer, the return of a criminal warrant, issued by the District Court. Such fees shall be paid only upon final disposition of the case and only in those cases in which the sentence imposed, or a portion thereof, includes the imposition of a fine. In the event of an appeal from the decision of the District Court no such fees are to be paid except when such appeal is withdrawn and the original sentence is imposed by the District Court. Neither the county nor the Treasurer of State shall be required to pay any fee for the services or expense of any municipal law enforcement officer before such a court in any criminal proceeding; as an aid, as a witness or in any other capacity.

The Treasurer of State, except in a case where any part of any fine collected shall accrue to the State Highway Commission, shall pay the latter \$4 each time a state police officer duly signs, as arresting officer, the return of a criminal warrant issued by the District Court. Such fees shall be paid only upon final disposition of the case and only in those cases in which the sentence imposed, or a portion thereof, includes the imposition of a fine. In the event of an appeal from the decision of the District Court no such fees are to be paid except when such appeal is withdrawn and the original sentence is imposed by the District Court. Neither the county nor the Treasurer of State shall be required to pay any fee for the services or expense of any state police officer, as an aid, a witness or in any other capacity.

The Treasurer of State, except in the case of a county ordinance violation, shall pay the county \$4 each time the latter's law enforcement officers duly sign as arresting officer, the return of a criminal warrant issued by the District Court. Such fees shall be paid only upon final disposition of the case and only in those

cases in which the sentence imposed, or a portion thereof, includes the imposition of a fine. In the event of an appeal from the decision of the District Court no such fees are to be paid except when such appeal is withdrawn and the original sentence is imposed by the District Court.

In cases involving criminal liability for non-support of dependent children who are wards of the State and of dependent children who are recipients of aid from the State as such dependent children, expense incurred for travel shall be borne between the county and the State, but shall not be a charge against the District Court Fund, in the proportion that the expense of public aid involved is borne between the municipality concerned and the State. Neither the court nor the Treasurer of State shall be required to pay any fee for the services or expense of any other law enforcement officer before such courts in any criminal proceeding as arresting officer, as an aid, as a witness or in any other capacity. (1957, c. 436; 1959, c. 75, § 4; 1963, c. 402, § 238.)

1957, c. 334, § 10; c. 429, § 86-A; c. 436; 1959, c. 75, § 4; 1963, c. 402, § 238.

#### § 174. Civil and criminal; overcharging costs

The costs and fees taxed and allowed in all the District Courts shall be as follows:

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

To plaintiffs who prevail:

**1. Damages \$20 or more.** Where the damages recovered amount to \$20 or more;

Summons	\$3.50
Entry	1.00
Officers' fees for serving summons and writ of attachment, as allowed by the court	—
Attendance	3.50
Travel	.66
Witness fees, as allowed by the court	—

**2. Damages less than \$20.** Where the damages recovered amount to less than \$20;

Summons	\$2.00
Entry	1.00
Officers' fees for serving summons and writ of attachment, as allowed by the court	—

Attendance	2.00
Travel	.66
Witness fees, as allowed by the court	—
To defendants who prevail:	
Pleadings	\$2.00
Witness fees as allowed by the court	—
Attendance	2.00
Travel	.66
To trustees who make disclosure:	
Disclosure	\$1.00
Attendance	2.00
Travel	.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 \$33

Copies of papers for removal or appeal to the Superior Court, to be paid by the appellant to the District Court and taxed in his cost by the Superior Court if he finally prevails \$5.00

If any attorney at law or other person demands or takes for a writ of attachment with a summons or for an original summons and complaint, returnable before a Judge of a District 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 judge 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 a civil action, but nothing herein contained shall be so construed as to reduce the fees of District Courts otherwise established by law.

Fees in criminal cases.

Receiving a complaint and issuing a warrant \$5.00

The aforesaid fees when received shall be disposed of as provided by the public laws.

R.S.1954, c. 108, § 10; 1957, c. 334, § 9; 1959, c. 317, § 97; 1963, c. 402, § 146.

**§ 175. Fees of court**

The fees of the District Courts shall be as follows:

For every blank document with or without seal	\$ .10
Filing of action	1.00
Copy of summons, complaint, writ of other process, or abstract thereof, together with copy of order of notice thereon, not less than	1.00
Exemplifying copies, not less than	1.00
Copy of decree of divorce or certificate of same not less than	1.00
Computing damages and taxing costs	1.00
Writ of execution or renewal	1.00
Every other writ and seal	1.00
Subpoena	.10
Removal or appeal of court action to Superior Court including entry fee	7.00

1963, c. 402, § 147.

**§ 176. Fees for entering appeal**

No Judge of a District 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.

R.S.1954, c. 108, § 11; 1963, c. 402, § 148.

**§ 177. Service of process statewide**

All process of the District Court shall run throughout the State, and may be served outside of the division from which issued with the same effect as if served within such division.

1961, c. 386, § 1.