

# National Center for State Courts

NORTHEASTERN REGIONAL OFFICE  
209 Bay State Road  
Boston, Massachusetts 02215  
(617) 247-2102



A MANUAL FOR CLERKS

MAINE DISTRICT COURTS

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March 31, 1975

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March 31, 1975

The Honorable Armand Dufresne  
Chief Justice  
Maine Supreme Judicial Court  
Auburn, Maine 04210

My dear Chief Justice:

We are pleased to transmit to you, "A Manual for Clerks of the Maine District Courts" which was prepared pursuant to a contract between the State of Maine and the National Center for State Courts.

The Manual as prepared by Craig Briggs of our staff reflects current clerical practices in the District Courts throughout the state. We are hopeful that this document will be useful to the clerks and will be valuable as a further step in the already very impressive improvements in judicial administration in the state.

A like manual has also been prepared for the clerks of the Superior Court of Maine. The two manuals serve as a documentation of procedures and should be considered a first step in the development of uniform procedures in both the District and Superior Court clerks' offices.

Very truly yours,



Samuel Domenic Conti  
Regional Director

SDC/jh

Enclosure

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## FOREWORD

This is an in-office operations manual for District Court clerks. It is a composite of procedures currently in use and it encompasses those procedures most frequently used by clerks. It should serve as a handy reference document for the inexperienced as well as the experienced clerk and should be particularly useful for training new clerical personnel.

This manual is a first step toward achieving uniform practices in the clerks' offices. It can be adapted to the users needs and space has been provided for additional notations.

## ACKNOWLEDGMENTS

During the course of this study we were impressed by the dedication and cooperative spirit shown by the people who work in the Maine District Court system.

Without the special help of the following persons, this manual could not have been written. To all go our warmest thanks.

District Court Clerks: Thelma Holmes, Margaret Dorr, Constance Ranger, Yvette Houle and Vivian Hickey and their respective staffs.

District Court Judges: Hon. F. Davis Clark, Hon. Morris G. Pilot, and The Hon. Ralph H. Ross, Chief Judge.

Mr. Robert Barry, Administrative Office, Bangor, Maine.

Mrs. Barbara Butler, Manager of Recording.

## INTRODUCTION

The Maine District Court system was established on September 16, 1961, under 4 MRSA §152. The District Court system is comprised of thirty-one (31) judicial divisions and twelve (12) judicial districts. Each judicial district has at least one resident judge; in districts 3 and 9 there are two resident judges. All District Court judges are appointed by the governor.

District Court judges are appointed to serve a seven-year term and are required by law to devote full time to their judicial duties. The Chief Judge of the District Court is appointed by the Chief Justice of the Supreme Judicial Court. The Chief Judge is responsible for operations in the District Court and is therefore granted certain appointment and rule-making powers.

District Court clerks, deputy clerks and clerks pro tempore are appointed by the Chief Judge. The Office of the Clerk is the major processing center through which virtually all court and case documents flow. The clerk issues, records and files these documents in accordance with Maine Statutes and Maine Rules of Court. It is essential to the efficient and effective operation of the District Court system that these documents be processed accurately and on a timely basis. To that end, the Manual for Clerks of the Maine District Courts should serve as a valuable reference document for both experienced and unexperienced clerical personnel.

## Instructions on How to Use the Manual

This manual is designed to permit questions on procedure to be answered quickly and easily.

The manual is comprised of six (6) major sections and eleven (11) subsections (see Table of Contents). Each subsection contains an Introduction, Flow Chart, Forms List, Description of Procedure, and Sample Forms. The Introductions provide useful background information on the procedures. They should be particularly useful as a quick orientation for new clerical personnel. The Flow Charts present a graphic overview of the various procedures. They are not intended to be exhaustive but do contain the major elements of process with which the clerk should be familiar. The Forms Lists are simply numerical indexes to the Sample Forms included at the end of each subsection. A glossary of terms and general index are provided to aid in locating information quickly.

The Description of Procedure is presented in a format which can be easily followed. A sample and explanation of this format appears on the following page.

(Major Section Heading)  
 (Subsection Heading)  
 (Primary Statute Reference)

CASE REFERENCE NO. \_\_\_\_\_

(This space is provided for the clerk to insert an actual case docket number which best illustrates the procedure.)

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
(The steps within each procedure are sequentially numbered for easy reference.)	(A description of each step is provided.)  <div style="text-align: center;">              (The form column is used to denote the existence of a sample form.)                (The form number is an index to the sample forms found at the end of each subsection.)         </div>			Relevant statutes or rules are referenced for each step in the procedure. All rule citations are to the <u>Maine Rules of Court 1974</u> . Citations to sections of the District Court Rules will appear as D.C. Crim. R. D.C. Civ. R.	(This column provides a detailed description of the procedure to be followed in completing each step of the process.)	(Relevant statements are included to more fully explain the procedure or process.)

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## INTRODUCTION

### Small Claims

Title 14, MRSA Chapter 737 §7451 defines a "small claim," as "any right of action cognizable by a court of law not involving the title to real estate in which the debt or damage claimed does not exceed \$200.00."

Processing a small claim is a relatively simple procedure for both the clerk and the individual filing the claim. It is in fact so simple that the plaintiff will frequently represent himself in the action.

Applications for a small claim may be filed for a variety of reasons; however, the most common of these are: defendant owes the plaintiff money for goods purchased or services rendered, or for damages to the plaintiff's personal property. In any case, the amount of the claim cannot exceed \$200.00.

The first step in the small claims process occurs when the plaintiff or his authorized attorney states the substance of his claim to the clerk. Some clerks will, at this time, question the plaintiff to determine if he or she has contacted the defendant in writing to request payment of the alleged debt. If this has not been done, the clerk may suggest that this avenue of collection be tried before a formal complaint is filed. Clerks who have used this approach report that frequently this procedure results in the collection of the debt. If collection is accomplished

by this method there is, of course, a savings of time and money for both the plaintiff and the court. It appears that by suggesting to the plaintiff that he communicate with the debtor in writing, misunderstandings can often be resolved outside the court.

In some District Courts, the plaintiff is required to submit to the clerk, at the time the complaint is filed, two copies of the itemized bill, or if no bill exists, a detailed written statement of the claim. This would appear to be a worthwhile practice since it removes any possibility of future misunderstanding as to the nature of the claim.

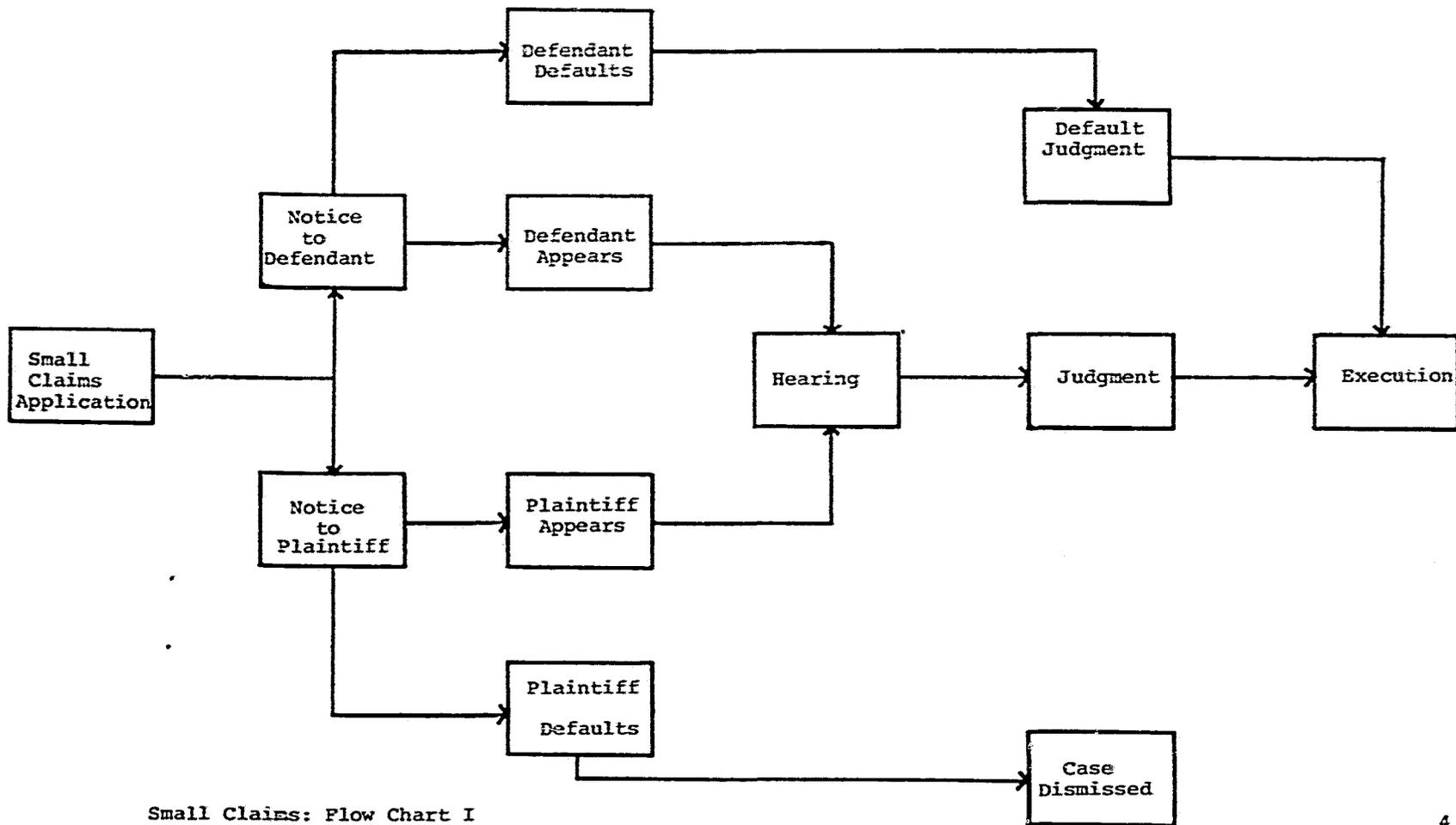
In one District Court, the plaintiff and the defendant are required to appear before the clerk to "sign the docket" before a formal hearing is scheduled. Service is made on both the plaintiff and the defendant notifying them of the "docket-signing date." Frequently, the plaintiff or the defendant fail to appear for the docket signing. If the plaintiff fails to appear, the case is dismissed. If the defendant fails to appear, the plaintiff then enters a request for default judgment by the clerk. Judgment by default is made in favor of the plaintiff, and an Execution is issued. This procedure results in reducing the number of small claims hearings and frees court time for other matters.

The small claims procedure as outlined in this section is the one most generally followed for processing the "small claim."

Forms List

SMALL CLAIMS

- 1 Small Claims Application (SC-1-73 Rev.)
- 2 Notice to Defendant Under Small Claims Law (SC-2-74 Rev.)
- 3 Receipt for Certified Mail
- 4 Notice to Plaintiff
- 5 Notice to Plaintiff - Service by Sheriff (SC-3-66)
- 6 Judgment (Form No.29)
- 7 Affidavit and Request to Clerk for Default and Default Judgment  
(Form No. 33A-71 Rev.)
- 8 Execution (Form No. 30 Rev.72)
- 9 Small Claims Docket



Small Claims: Flow Chart I

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
I	Complete <u>Small Claims Application</u>	Yes	1, 9	D.C.Civ.R3 §7451 §7453	a) Verify amount of claim; must be less than \$200.00. b) Verify court's jurisdiction to hear case (defendant's address, court address). c) Obtain itemized statement of the claim (two [2] copies).  d) Collect and record entry fee. e) Make up case file; flat folder, type docket no., plaintiff's name, defendant's name. f) Enter case in Small Claims docket; index alphabetically; assign docket no., date application was received, plaintiff's name, defendant's name.	c) This step is recommended; however, it is not provided for by law and is not practiced in all courts.
II	Complete and mail <u>Notice to Defendant Under Small Claims Law</u>	Yes	2, 3	D.C.Civ.R4 R4(f) §7453	a) Complete form using <u>Small Claims Application</u> as a source document. b) Assign hearing date in court calendar. c) Clerk must enter signature on form. d) <u>Notice to Defendant</u> is sent with one (1) copy of itemized statement (attached) by certified mail to the defendant (return receipt requested).	d) When <u>Notice to Defendant</u> is delivered, clerk receives receipt (see f, Step II).

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
III	<u>Notice to Plaintiff</u>	Yes	4	§7453	e) Docket is updated by entering the certified notice was mailed f) Upon receiving receipt that the certified notice was delivered, enter N.P. and date in docket.  a) A notice (postcard) is sent to plaintiff or plaintiff's attorney advising plaintiff of hearing date.	f) N.P. (Notice Proven) and date that the notice was delivered to defendant.  a) Plaintiff is advised on the notice that failure to appear will result in dismissal of the case.
IV	<u>Completion of Service</u> (used only when service cannot be made by certified mail)	Yes	5	D.C. Civ. R4(d)	a) If <u>Notice to Defendant</u> is returned by the Post Office, a notice is sent to the plaintiff or his attorney advising them that service must be made by the sheriff if they wish to proceed with the claim. Notation may be made on the bottom of this form as follows: Note: Your appearance will not be necessary until service has been made to the defendant. The following statement may also be typed on the bottom of this form: "I hereby authorize service to be made by the sheriff." Plaintiff's Signature _____ Date _____	a) Plaintiff has 15 days to arrange for service by a sheriff. This is at his expense. If plaintiff does not respond within 15 days, the case is considered withdrawn; and the clerk updates the docket. If plaintiff elects to have service made by the sheriff, his request is returned to the clerk. Acknowledgment that request for service by sheriff has been received and transmitted to the sheriff is sent by the clerk to the plaintiff or the plaintiff's attorney.

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
V	<u>Hearing</u>	Yes	6	D.C. Civ. R55 (b) (1) §7455	<p>b) Send plaintiff notice that service has been made by the sheriff and the new hearing date.</p> <p>a) If defendant fails to appear at the hearing, plaintiff may ask for default judgment (see Step VI).</p> <p>b) <u>Judgment</u> form is completed and signed by clerk, per instructions of the Judge.</p> <p>c) <u>Notice of Judgment</u> is sent to plaintiff and defendant.</p> <p>d) Clerk updates docket to reflect judgment, date judgment was entered, notice of judgment sent, and date on which notice was mailed.</p>	<p>Note: On the date set for the hearing, the plaintiff must appear or the case will be dismissed. If the defendant fails to appear pursuant to proper notice, judgment is usually rendered in favor of the plaintiff.</p> <p>Important: If at any time during the small claims process, the defendant pays or plaintiff withdraws claim, clerk should request verification of such action <u>in writing</u> from the plaintiff. In addition, if the claim has been scheduled for a hearing, clerk must <u>remove</u> this case from the <u>civil court calendar</u>.</p> <p>c) <u>Notice of Judgment</u> may be an attested copy of the <u>Judgment</u>.</p>

Civil Procedure  
 Small Claims  
 14 MRSA §7451 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
VI	<u>Affidavit and Request to Clerk for Default and Default Judgment</u>	Yes	7	D.C. Civ. R55(b) (1)	a) Form is completed and signed by plaintiff or attorney for plaintiff.  b) Filing fee is collected from plaintiff, recorded and receipt issued. c) Case papers are retrieved from case file and attached to Affidavit and Request for Default Judgment. d) Default and Judgment portion of form are completed and signed by clerk.	a) For convenience, this form is usually completed and filed by the plaintiff at the time of the hearing, providing of course that service has been made on defendant and defendant fails to appear for the hearing.  d) Completing this portion causes judgment to be made in favor of the plaintiff. The date of judgment should correspond to the date the Affidavit was filed.
VII	<u>Execution</u>	Yes	8	D.C. Civ. R69(a), 69 77(c) 4MRSA §174, §175	a) Following completion of <u>Affidavit and Request to Clerk for Default and Default Judgment</u> , clerk completes <u>Execution</u> form. b) Costs of court are calculated and added to the amount of the claim.	b) Costs of court are those costs involved with processing and serving papers.

Civil Procedure  
 Small Claims  
 14 MRSR §7451 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
					<p>c) <u>Execution</u> form is signed and dated by clerk.</p> <p>d) Clerk obtains judge's signature on <u>Execution</u> form.</p> <p>e) <u>Execution</u> is mailed to plaintiff.</p> <p>f) Docket is updated; noting Default Judgment entered, <u>Execution</u> issued and date of mailing.</p> <p><u>Note: Mailing of the Execution is last step in Small Claims process. Disclosure is treated as a separate procedure.</u></p>	<p>c) <u>Execution</u> of the judgment can not be entered until ten (10) days after judgment is made (Rule 62[a]).</p> <p>e) It is the responsibility of the plaintiff to contact sheriff and arrange for service of the <u>Execution</u>.  <u>Note: Execution is valid for one (1) year.</u></p>

# State of Maine

....., ss.

DISTRICT COURT  
DISTRICT .....  
DIVISION OF .....

## SMALL CLAIMS APPLICATION

.....  
Plaintiff-Creditor

.....  
Address

versus

.....  
Debtor-Defendant

.....  
Address

THE ABOVE NAMED PLAINTIFF COMPLAINS THAT SAID DEFENDANT IS INDEBTED TO PLAINTIFF IN  
THE SUM OF ..... dollars and ..... cents  
(Insert here brief statement of claim and attach itemized bill, if any)

Amount of claim	\$
Court Costs	\$ 5.00
Total amount due	\$

Date at ....., Maine  
this ..... day of ..... A.D. 19.....

.....  
Plaintiff-Creditor

Court Record

State of Maine

....., ss.

District .....

Division of .....

Application received and entry fee paid

....., 19.....

Notice mailed

....., 19.....

Hearing set for ....., 19.....

SMALL CLAIMS DOCKET NO. ....

VS.

Hearing held on ..... 19.....

Judgment rendered on ..... 19.....

Dismissed .....

Payment to be made: Forthwith

Installments as follows:

Execution issued ..... 19.....

(P1) Creditor did (not) appear  
Debtor did (not) appear

Total \$ .....w/costs

For Plaintiff--For Defendant

Appeal filed by Plaintiff .....

Defendant .....

State of Maine  
DISTRICT COURT

....., SS.

District .....

Division of .....

NOTICE TO DEFENDANT UNDER  
SMALL CLAIMS LAW

.....  
*Plaintiff*

.....  
*Address*

vs.

.....  
*Defendant*

.....  
*Address*

A complaint has been filed in this Court alleging that you are indebted to the Plaintiff for .....  
.....as follows:

Debt	\$	
Cost of Court	\$	5.00
	\$	<u>          </u>
		Total now claimed due

THEREFORE YOU ARE DIRECTED TO APPEAR BEFORE SAID COURT LOCATED AT

..... On .....  
at ..... o'clock in the ..... noon, at which time a hearing on the above claim will  
be held. Upon your failure to appear before said Court at the time specified, judgment will be rendered against  
you for the principal debt and costs.

IF YOU DO NOT WISH TO CONTEST THIS CASE, PAYMENT SHOULD BE MADE DIRECT TO THE ABOVE  
NAMED.....

*Plaintiff*

....., Maine ..... 19.....

.....  
*Clerk of said District Court*

STATE OF MAINE

, ss

On the ..... I made service of the within Notice to Defendant Under Small Claims law upon the Defendant ..... by Delivering a copy of this Notice (to (him/her) in hand OR (to ..... a person of suitable age and discretion residing in the residence of the said .....)

Service .....

Travel .....

.....

Deputy Sheriff

**RECEIPT FOR CERTIFIED MAIL—30c (plus postage)**

SENT TO		POSTMARK OR DATE
STREET AND NO.		<i>Late Mailed</i>
P.O., STATE AND ZIP CODE		
OPTIONAL SERVICES FOR ADDITIONAL FEES		
RETURN RECEIPT SERVICES	1. Shows to whom and date delivered	15c
	With delivery to addressee only	65c
DELIVER TO ADDRESSEE ONLY	2. Shows to whom, date and where delivered	35c
	With delivery to addressee only	85c
SPECIAL DELIVERY (extra fee required)		50c

PS Form 3800 Apr. 1971 NO INSURANCE COVERAGE PROVIDED— (See other side) NOT FOR INTERNATIONAL MAIL ☆ GPO : 1972 O - 400-743

No. 57

**CERTIFIED MAIL**  
No. 3971

**SENDER: Be sure to follow instructions on other side**

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)  
*(Additional charges required for these services)*

Show to whom, date and address where delivered  Deliver ONLY to addressee *Docket No. for*

**RECEIPT**

*Received the numbered article described below* *Convenience*

REGISTERED NO.	SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)
CERTIFIED NO.	
<i>on Red Slip</i> INSURED NO.	
SIGNATURE OF ADDRESSEE'S AGENT, IF ANY	
DATE DELIVERED	<i>Address Only</i>
	SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

V.3

MAINE DISTRICT COURT

Maine, ..... 197.....

DISTRICT

DIVISION

Dear Sir:

Case No. ....

vs. .... has been assigned  
for trial the ..... day of  
..... A. D. 19....., at ..... o'clock  
in the ..... noon, unless just cause is shown for a continuance.

Respectfully,

Clerk.

STATE OF MAINE

DISTRICT COURT

SS

DISTRICT .....

DIVISION OF .....

DOCKET No. ....

TO:

RE: .....

Notice of the above small claim duly sent to the defendant according to law has been returned undelivered. Completion of service by means other than by registered or certified mail will be directed by the Court only if the plaintiff, at his expense, promptly makes arrangements to have the notice of claim served by a deputy sheriff.

Unless the Court is notified within **FIFTEEN** days from the date hereof that such arrangements have been made, the claim will be considered withdrawn. No refund will be made of the entry fee, or any part thereof.

Dated: .....

CLERK, DISTRICT COURT

State of Maine

District Court

\_\_\_\_\_, ss.

District \_\_\_\_\_

Division of \_\_\_\_\_

Civil Action, Docket Number \_\_\_\_\_

vs.

JUDGMENT

This action came on for hearing before the Court, Honorable

\_\_\_\_\_ Presiding, and the Court on \_\_\_\_\_ 19\_\_ having ordered that judgment be entered for the Plaintiff to recover of the Defendant damages in the amount of \_\_\_\_\_

It is ORDERED and ADJUDGED that the Plaintiff recover of the Defendant \_\_\_\_\_ of \_\_\_\_\_, damages in the amount of \_\_\_\_\_ and his costs of action taxed at \_\_\_\_\_

Dated at \_\_\_\_\_, Maine, this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_.

\_\_\_\_\_  
Clerk

, SS.

District  
Division of

Civil Action, Docket Number

AFFIDAVIT AND REQUEST TO  
CLERK FOR DEFAULT AND  
DEFAULT JUDGMENT

vs.

RESPECTFULLY REPRESENTS the Plaintiff in the above entitled action that the Defendant herein has failed to plead or otherwise defend this action as required by the Maine Rules of Civil Procedure or by law;

That the Defendant is not an infant or incompetent person; and

That the Defendant has failed to appear; and

That the Plaintiff's claim against the Defendant is for a sum certain -- for a sum which can by computation be made certain; and

That there is now due by the Defendant to the Plaintiff on the debt set forth in the complaint in this action the sum of \_\_\_\_\_ Dollars.

FURTHER REPRESENTS the Affiant under oath that the Defendant is

(Facts, i.e. Residence, Employment, etc.)

and is not in the Military Service of the United States, as defined in Article 1 of the "Soldiers' and Sailors' Relief Act of 1940," as amended.

AND FURTHER REPRESENTS the Affiant under oath that the facts showing that venue was properly laid at the place where this action was brought are as follows:

(Facts as to residence of plaintiff or defendant or place of service of process, etc.)

WHEREFORE, the Plaintiff requests that the Clerk of this Court will enter default against said Defendant and enter judgment by default against the Defendant herein in the principal sum of \_\_\_\_\_ Dollars, interest in the sum of \_\_\_\_\_ Dollars, and costs of Court.

Dated \_\_\_\_\_

Attorney for Plaintiff.

State of Maine

, SS.

Personally appeared the above named \_\_\_\_\_  
and made oath that the foregoing affidavit by him  
signed is true.  
Before me,

Justice of the Peace,  
Notary Public.

DEFAULT AND JUDGMENT

Default entered, and in accordance with the foregoing request and affidavit, judgment is hereby entered against the Defendant.

It is ORDERED and ADJUDGED that the Plaintiff recover of the Defendant damages in the amount of \$ \_\_\_\_\_ and his costs of action

Dated at \_\_\_\_\_, Maine, this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 19 \_\_\_\_\_

Clerk of said District Court.

=====  
**DISTRICT COURT** ..... **SS.**

**District** .....

**Division of** .....

**Docket No.** .....

.....  
**vs.**

=====  
**AFFIDAVIT OF PLAINTIFF**

**and**

**REQUEST FOR DEFAULT  
and JUDGMENT**  
=====

District .....

Division of .....

Civil Action Docket No .....

vs

EXECUTION

To the sheriffs of our several counties or any of their deputies or .....

Whereas said Plaintiff .....  
on ..... 19 .. recovered judgment in the District Court at .....  
in the County of ..... against Defendant .....  
in this action for .....  
Dollars and ..... Cents debt or damage and .....  
Dollars and ..... Cents costs of suit as appears of record, whereof execution remains to be  
done

We command you that of the goods, chattels, or lands of said Debtor within your precinct you cause to be paid  
and satisfied unto the said Creditor at the value thereof in money the aforesaid sums, being .....  
..... Dollars and ..... Cents, with legal interest thereon from  
the aforesaid date of judgment, together with ..... for this ..... writ and thereof  
also satisfy yourself of your own fees, and make return of this writ with your doings thereon within one year  
from the date hereof

Clerk

Dated ..... 19 ..

A. D. 19...

I, Judge of the District Court, duly appointed and qualified as such, do hereby certify that attorney for the owner of the judgment on which the within execution was issued duly and legally subpoenaed the debtor therein named to appear before me, at the District Court in ... in said county on the ... day of ... A. D. 19... at ... o'clock in the ... noon to make, on oath, a full and true disclosure of all his assets and income.

THAT AT SAID TIME AND PLACE the said debtor failed to appear and submit himself to examination and to make disclosure, in manner aforesaid, and (creditor) (Attorney for Creditor) having appeared and requested a capias to bring said judgment debtor before me, and I issued a capias to bring said debtor before me as provided in Maine Revised Statutes (1964) Title 14, Chapter 502.

THAT AT SAID TIME AND PLACE the said debtor appeared and judgment creditor having failed to appear (in person) or (by counsel) I thereupon terminated disclosure hearing as provided in Title 14, Section 3125.

THAT AT SAID TIME AND PLACE the said creditor appeared (in person) or (by counsel) and the said debtor appeared and submitted himself to examination and made disclosure in manner aforesaid, and being satisfied that his disclosure was true, I ordered.

Judge District Court

Returned  
Reported  
Read  
Removed

VS

EXECUTION

DISTRICT COURT

Creditor's Atty

STATE OF MAINE

I, Judge of the District Court, under the provision of Maine Revised Statutes (1964) Title 14, Chapter 502 hereby certify that creditor and owner of the judgment on the ... day of ... A. D. 19... recovered judgment for costs and fees of disclosure in the sum of \$ ... against the debtor named in the certificate and execution hereunto annexed taxed in details as follows:

Filing Fee	\$ 5.00	Capias to bring in debtor	
Officer's fees		Officer's fees	
Travel		Travel	
TOTAL			

Witness my hand and seal at ... in said county, this ... day of ... A. D. 19...

Judge District Court

DISTRICT COURT

SMALL CLAIMS

Date for Hearing	PLAINTIFF	Number	DEFENDANT	Amount of Claim	Costs	DISPOSITION



Disclosure

## INTRODUCTION

### Disclosure

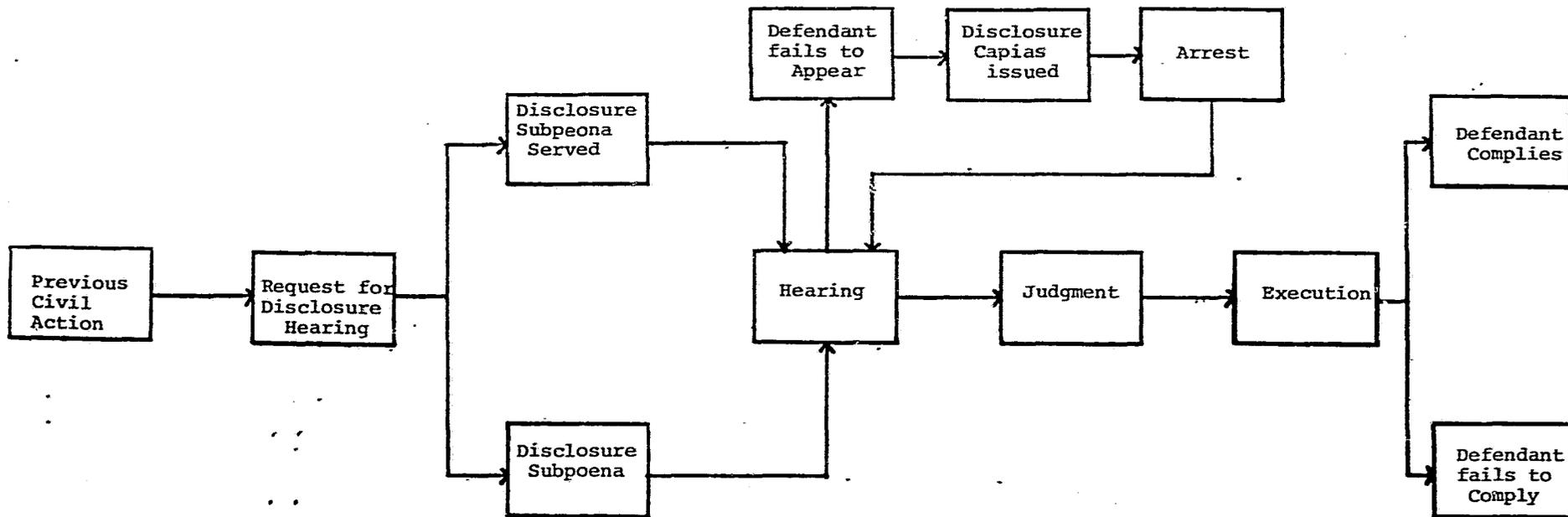
Disclosure is a civil process whereby the assets of an individual are disclosed (revealed) in court. The purpose of disclosure is to ascertain the financial status of the individual so as to determine his ability to pay in accordance with a previous court order. Disclosure may be made by the individual or by a trustee under Trustee Process (D.C. Civ. R4B).

A separate docket book is maintained by the clerk to record disclosures. Each disclosure case receives a disclosure docket number. This docket number is not the same as the civil docket number under which the case originally entered court. Disclosure documents are filed sequentially by docket number in a separate filing location.

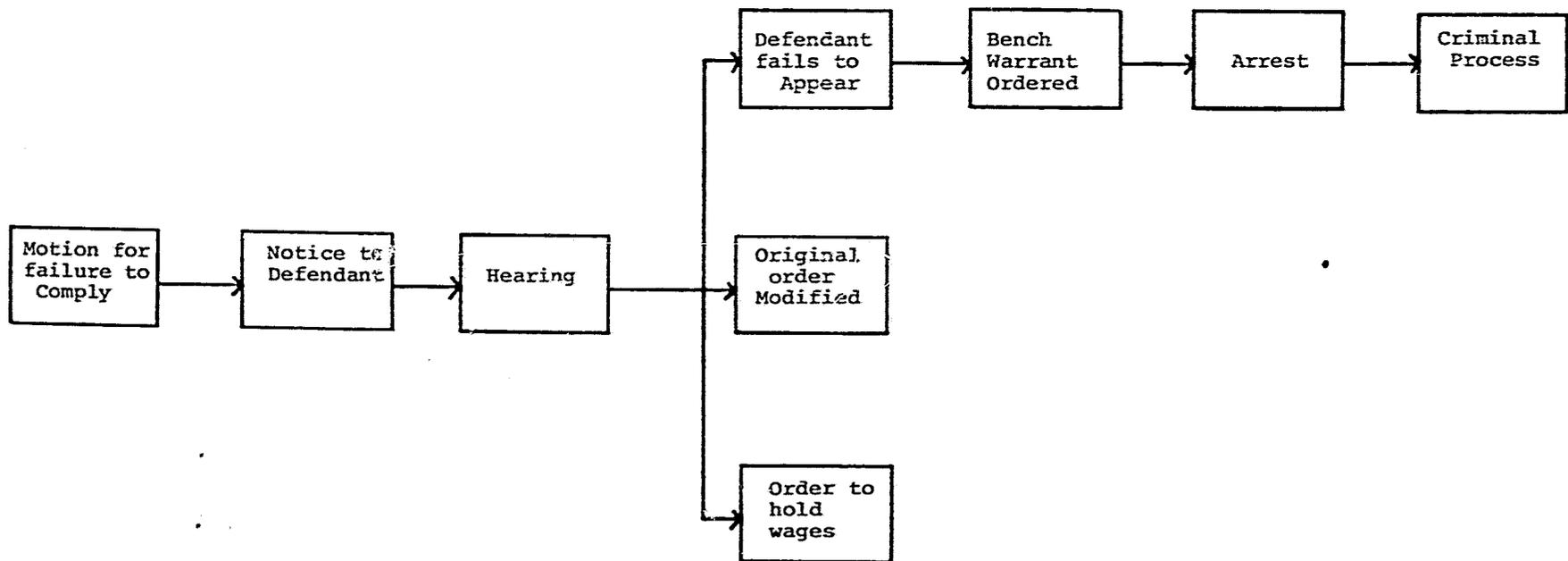
Forms List

DISCLOSURE

- 1 Disclosure Subpoena (MJ-1-73 Rev.)
- 2 Execution (Form No. 30 Rev. 72)
- 3 Disclosure Capias to Bring in Debtor (Form No. MJ-2-72 Rev.)
- 4 Disclosure Docket



Disclosure: Flow Chart 2A



Disclosure: Flow Chart 2B

Civil Procedure  
 Disclosure  
 14 MRS.A §3151 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
I	Request for Disclosure Hearing	No			a) Upon the request of the plaintiff's attorney, the clerk assigns a disclosure hearing date in the civil court calendar.	a) The disclosure process begins with the issuance of a <u>Disclosure Subpoena</u> . However, before plaintiff's attorney can complete this form, he must know the date for the disclosure hearing. Thus, the attorney usually contacts clerk to gain this information. Often a special time is reserved on the court calendar for disclosure hearings.
II	<u>Disclosure Subpoena and Execution</u> are filed with the clerk	Yes	1, 2	D.C. Civ. R 45, 69 §3451 §3453	a) Plaintiff's attorney files <u>Disclosure Subpoena and Execution</u> forms with the clerk. Clerk enters signature and date papers were received and filed at the bottom of the subpoena.	a) Drafting the <u>Disclosure Subpoena</u> is the responsibility of the plaintiff's attorney. These forms are kept on file at the attorney's offices. They are purchased from the clerk with the clerk's signature and court seal affixed. The <u>Execution</u> is the result of previous civil action. Disclosure is used to enforce this <u>Execution</u> .

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
III	Docketing	Yes	4		b) Clerk verifies that service on the defendant was made and duly noted by the sheriff. c) Clerk verifies that <u>Execution</u> is valid (has not expired).  a) Assign docket number. b) Index case alphabetically in disclosure docket (cross index with civil docket, original case). c) Enter date subpoena was filed. d) Enter date subpoena was drafted. e) Enter original judgment, date, amount, costs and total amount of the claim. f) Enter plaintiff-creditor (name & address). g) Enter defendant-debtor (name & address). h) Enter attorney for plaintiff. i) Enter attorney for debtor. j) Enter date of service. k) Enter hearing date. l) Original civil case documents are pulled and attached to disclosure documents.	c) Execution is valid for one (1) year from date issued.

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
IV	Filing	No			a) Make up flat file folder with docket number, names of plaintiff and defendant.	a) Disclosures are filed sequentially by docket number in separate filing location.
V	Disclosure Hearing	No		D.C. Civ. R4 (c) §3501 §3505	<p>a) Clerk retrieves case from case file and gives to the judge for his review.</p> <p><u>Note:</u> If defendant fails to appear for hearing, <u>Disclosure Capias to Bring in Debtor</u> is issued (see step X).</p> <p>b) Following the hearing, the clerk types judge's order on the <u>Execution</u>.</p> <p>c) After typing order, clerk obtains judge's signature.</p>	<p>a) Case is usually pulled for review the day before the hearing.</p> <p>b) A space is provided on the <u>Execution</u> form for this order. Clerk types order from judge's notes.</p>
VI	Post-Hearing Responsibilities	Yes	2		a) Clerk mails <u>Execution</u> to plaintiff's attorney.	<p>a) The <u>Execution</u> is kept on file by the plaintiff's attorney.</p> <p><u>Note:</u> Defendant may make payment to the plaintiff's attorney according to the payment schedule ordered by the court. Plaintiff's attorney monitors payments by debtor.</p>

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
VII	Request for Hearing on Motion for Failure to Comply (MFC)	No			<p>b) Disclosure Subpoena is retained by the clerk. Clerk notes Execution returned, to whom and date on the subpoena.</p> <p><u>Important:</u>          If defendant fails to comply with the court order, plaintiff's attorney may file Motion for Failure to Comply (MFC). (See step No. VII.)</p> <p>a) Upon the request of plaintiff's attorney for a hearing on a MFC, clerk assigns hearing date on the civil court calendar.</p> <p>b) Clerk notes hearing date and docket number of case in desk calendar.</p> <p>c) Clerk updates disclosure docket to reflect MFC hearing request and hearing date.</p>	<p><u>Note:</u>          If defendant (debtor) pays in accordance with court order there is no other action required by the clerk after the docket is updated. Execution returned to the plaintiff's attorney.</p> <p>b) This will facilitate retrieval of case for judge's review prior to MFC hearing.</p>

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
VIII	<p><u>Motion for Failure to Comply</u> is filed with clerk and notice served on the defendant</p>	No			<p>a) <u>Original</u> of MFC is filed with clerk by the plaintiff's attorney.</p> <p>b) Clerk verifies that service was made on the defendant by the sheriff.</p> <p>c) Clerk updates docket to reflect MFC received, date received, service on defendant and date of service.</p>	<p>a) There is no printed form for MFC. The MFC is prepared by plaintiff's attorney and served on the defendant in same manner as the <u>Disclosure Subpoena</u> (see Step III). The original <u>Execution</u> should be again filed with the clerk along with the motion.</p> <p><u>Note:</u>          The <u>Execution</u> is required to be on file at the time of the hearing.</p>
IX	<p>Hearing on MFC</p> <p><u>Note:</u>          Usually one of three actions result from a Motion for Failure to Comply hearing:</p>				<p>a) Clerk retrieves case for review by judge prior to hearing.</p>	

Civil Procedure  
 Disclosure  
 14 MRSa §3151 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
X	<p>1. Defendant appears but cannot provide good reasons for failing to comply with the court order. Judge may order part of defendant's wages held to pay debt.</p> <p>2. Defendant appears, explains reasons for failure to comply, judge may modify original payment schedule to facilitate compliance by the defendant.</p> <p>3. Defendant fails to appear, judge orders <u>Disclosure Capias</u> to issue, defendant is cited for contempt of court.</p> <p>In situations #1 or #2, the clerk updates the docket, revises the <u>Execution</u> and mails Execution to the plaintiff's attorney.</p> <p>In situation #3, see Step No.X</p> <p><u>Disclosure Capias</u></p>	Yes	3	14§254	<p>a) Clerk completes <u>Disclosure Capias</u> form.</p> <p>b) Capias is signed by judge.</p> <p>c) Hearing date is established in accordance with Step I and Step VII.</p> <p>d) Docket is updated to reflect Capias issued and date issued.</p>	<p>Note:          Contempt of court is a criminal offense. When defendant is apprehended and brought back to court it is under the criminal process.</p>
				14§3505		

....., ss.

SUBPOENA

To .....

You are hereby required, in the name of the State of Maine, to appear before the Judge of the
..... Division of the ..... District Court
sitting at ..... Maine on the .....
day of ..... 19 ....., at .....
o'clock in the .....noon, to disclose on oath, what assets and income you have
which may be used to satisfy a judgment recovered against you in the .....
Court on the ..... day of ....., 19.....,
by .....said judgment being in the
amount of .....
plus costs of Court in the amount of .....
and ..... for .....
execution (s) issued on said judgment.

FAILURE TO APPEAR IN COURT MAY RESULT IN YOUR ARREST

Dated at ....., Maine this .....
day of ....., 19.....

.....
Clerk

STATE OF MAINE

....., SS. ...., 19.....

I have this day made service on the within named .....  
by giving ..... in hand at ..... o'clock in the .....  
noon, a true and attested copy of the within subpoena.

.....  
Deputy Sheriff

Fees:  
Service .....  
Travel .....

Docket No. ....

SUBPOENA

VS.

From the Office Of:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

District .....

Division of .....

Civil Action Docket No. ....

vs.

EXECUTION

To the sheriffs of our several counties or any of their deputies or .....

Whereas said Plaintiff .....  
on ..... 19..... recovered judgment in the District Court at .....  
in the County of ..... against Defendant.....  
.....  
in this action for .....  
Dollars and ..... Cents debt or damage and.....  
Dollars and ..... Cents costs of suit as appears of record, whereof execution remains to be  
done

We command you that of the goods, chattels, or lands of said Debtor within your precinct you cause to be paid  
and satisfied unto the said Creditor at the value thereof in money the aforesaid sums, being .....  
..... Dollars and ..... Cents, with legal interest thereon from  
the aforesaid date of judgment, together with.....for this.....writ and thereof  
also satisfy yourself of your own fees, and make return of this writ with your doings thereon within one year  
from the date hereof.

.....  
Clerk

Dated ..... 19.....

..... A. D. 19.....

I, ..... Judge of the District Court, duly appointed and qualified as such, do hereby certify that ..... attorney for the owner of the judgment on which the within execution was issued duly and legally subpoenaed the debtor therein named to appear before me, at the District Court in ..... in said county, on the ..... day of ..... A. D. 19..... at ..... o'clock in the ..... noon to make, on oath, a full and true disclosure of all his assets and income.

THAT AT SAID TIME AND PLACE the said debtor ..... failed to appear and submit himself to examination and to make disclosure, in manner aforesaid; and (creditor) ..... (Attorney for Creditor) ..... having appeared and requested a capias to bring said judgment debtor before me, and I issued a capias to bring said debtor before me, as provided in Maine Revised Statutes (1964) Title 14, Chapter 502.

THAT AT SAID TIME AND PLACE the said debtor ..... appeared and judgment creditor having failed to appear (in person) or (by counsel) I thereupon terminated disclosure hearing as provided in Title 14, Section 3125

THAT AT SAID TIME AND PLACE the said creditor appeared (in person) or (by counsel) and the said debtor ..... appeared and submitted himself to examination and made disclosure in manner aforesaid, and being satisfied that his disclosure was true, I ordered.....

..... Judge  
District Court

Returnable .....  
Returned .....  
Rec'd \$ .....  
Retewed .....  
Filing Fee \$ .....  
No

VS

EXECUTION

..... Creditor's Atty

DISTRICT COURT

STATE OF MAINE

I, ..... Judge of the District Court, under the provision of Maine Revised Statutes (1964) Title 14, Chapter 502 hereby certify that ..... creditor and owner of the judgment on the ..... day of ..... A. D. 19..... recovered judgment for costs and fees of disclosure in the sum of \$ ..... against ..... the debtor named in the certificate and execution hereunto annexed taxed in details as follows

Filing Fee,	\$ 5.00	Capias to bring in debtor	.....
Officer's fees,		Officer's fees	.....
Travel		Travel	.....
TOTAL			.....

Witness my hand and seal at ..... in said county, this ..... day of ..... A. D. 19.....

..... Judge  
District Court

DISCLOSURE CAPIAS TO BRING IN DEBTOR

(L.S.)

STATE OF MAINE

STATE OF MAINE  
PENOBSCOT, ss.

District Court  
District  
Division of

County of ss.

To the Sheriff of the County of or either of his Deputies,  
or either of the Constables of the of  
or of either of the Towns within said County, GREETING:

Whereas, (creditor)

owner of a judgment remaining unsatisfied, which was recovered against (debtor)

on the day of A. D. 19  
by the consideration of our

Judge of the court,

for the sum of Dollars,  
and Cents debt or damage,  
and Dollars,  
and Cents costs of court, together with  
One Dollar for  
execution

issued on said judgment, pursuant to and in accordance with the provisions of Title 14 of the Revised  
Statutes of 1964 of Maine, Chap. 502, (and acts amendatory thereof and additional thereto),  
caused a subpoena to be issued by Clerk of the District Court,

Division, at

in said County of on the  
day of A. D. 19 said subpoena commanding (debtor)  
debtor to appear before me, at in said County, on the  
day of A. D. 19 at

o'clock in the noon, to make full and true disclosure, on oath, of all his assets and income  
and said subpoena having been duly served on said debtor,  
who did not appear at the time and place named in said subpoena but wholly refused and neglected so to  
do, said judgment creditor having appeared (in person) (by counsel) and requested a capias to bring said  
judgment debtor before me, I command you, therefore, to take the body of the said debtor,  
if may be found within your precinct, and bring  
before me, forthwith, at

to show good cause, if my have, for  
failure to appear, and to submit self to the examination  
required by the original subpoena.

Hereof fail not, and make return of this writ, with your doings therein.

Witness, Judge of the District Court, at

aforsaid, this day of  
A. D. 19

Judge of the District Court

No.

DISCLOSURE  
CAPIAS  
TO BRING IN DEBTOR

AGAINST

STATE OF MAINE

County of

ss-

Judge of the District Court

DISTRICT COURT  
DIVISION OF

Subpoena Filed .....  
Subpoena dated .....

Docket No. ....

Film Box ..... Date .....

Original Judgment From .....  
Dated ..... Amount ..... Costs .....  
Total .....

DISCLOSURE DOCKET

PLAINTIFF-CREDITOR

DEBTOR-DEFENDANT

Address

Address

vs.

ATTORNEY FOR PLAINTIFF

ATTORNEY FOR DEFENDANT

Disclosure Subpoena served on defendant - hearing set for

Debtor called and defaulted (or answers)

Plaintiff called and defaulted (or answers)

Plaintiff requests disclosure capias to bring in be issued.

Capias to bring in issued.

Hearing had

ORDERED:

ORDERED:



## INTRODUCTION

### Divorce

The District Courts "possess original jurisdiction, concurrent with the Superior Court, of actions for divorce." (19 MRSA §664)

The grounds for divorce in the State of Maine are as follows: "A divorce from the bonds of matrimony may be decreed in the county where either party resides at the commencement of proceedings, for causes of adultery, impotence, extreme cruelty, utter desertion continued for 3 consecutive years next prior to the filing of the complaint, gross and confirmed habits of intoxication from the use of intoxicating liquors, opium or other drugs, cruel and abusive treatment, or the marital differences are irreconcilable and the marriage has broken down, or, on the complaint of the wife, where the husband being of sufficient ability or being able to labor and provide for her, grossly or wantonly and cruelly refuses or neglects to provide suitable maintenance for her, provided the parties were married in this State or cohabited here after marriage, or if the plaintiff resided here when the cause of divorce accrued, or had resided here in good faith for 6 months prior to the commencement of proceedings, or if the defendant is a

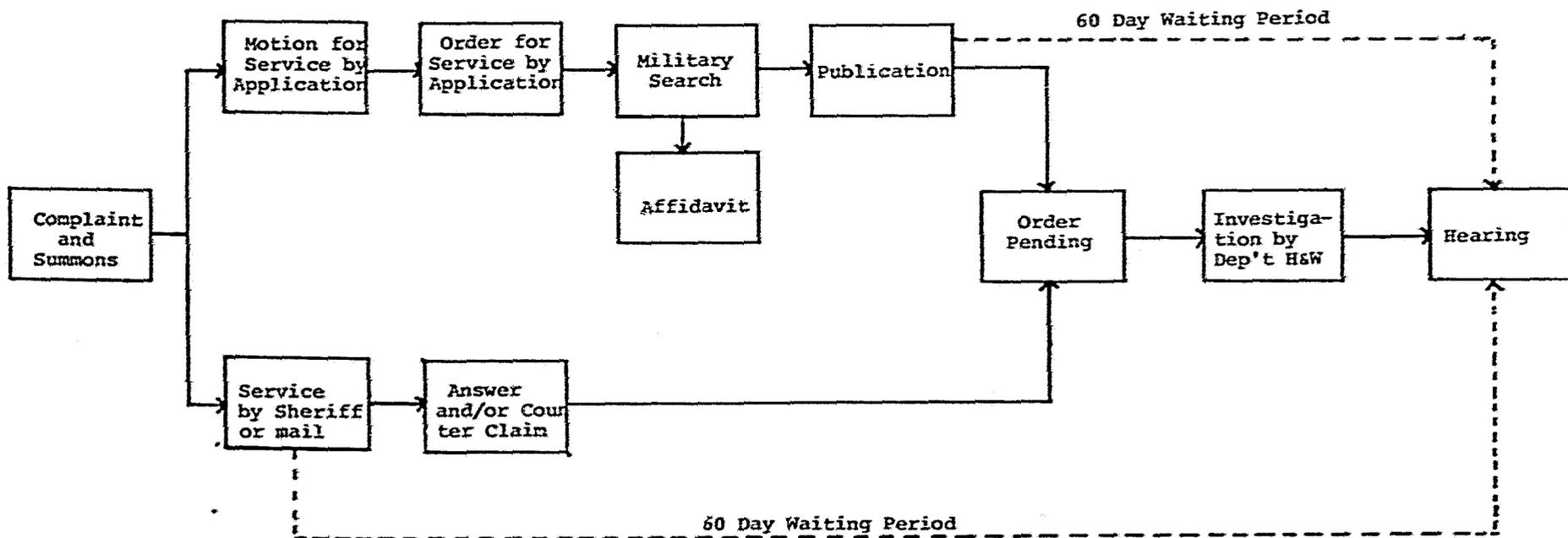
resident of this State. When the alleged cause is irreconcilable marital differences, a divorce shall not be granted unless both parties have received counseling by a professional counselor who is qualified in counseling either through educational certification or experience and as approved by the court, and a copy of the counselor's report is made available to the parties and to the court. When there is collusion between the parties to procure a divorce, it shall not be granted." (19 MRSA §691)

Article 1 §20 of the Constitution of the State of Maine provides for pro se representation (self-representation) in all civil actions. It has become increasingly common in Maine District Courts for divorce actions to be handled by the parties to the action without the representation of an authorized attorney. Persons filing for divorce pro se often expect the clerk to advise them on points of law or procedural matters. Clerks should refer such persons to legal aid societies or similar agencies.

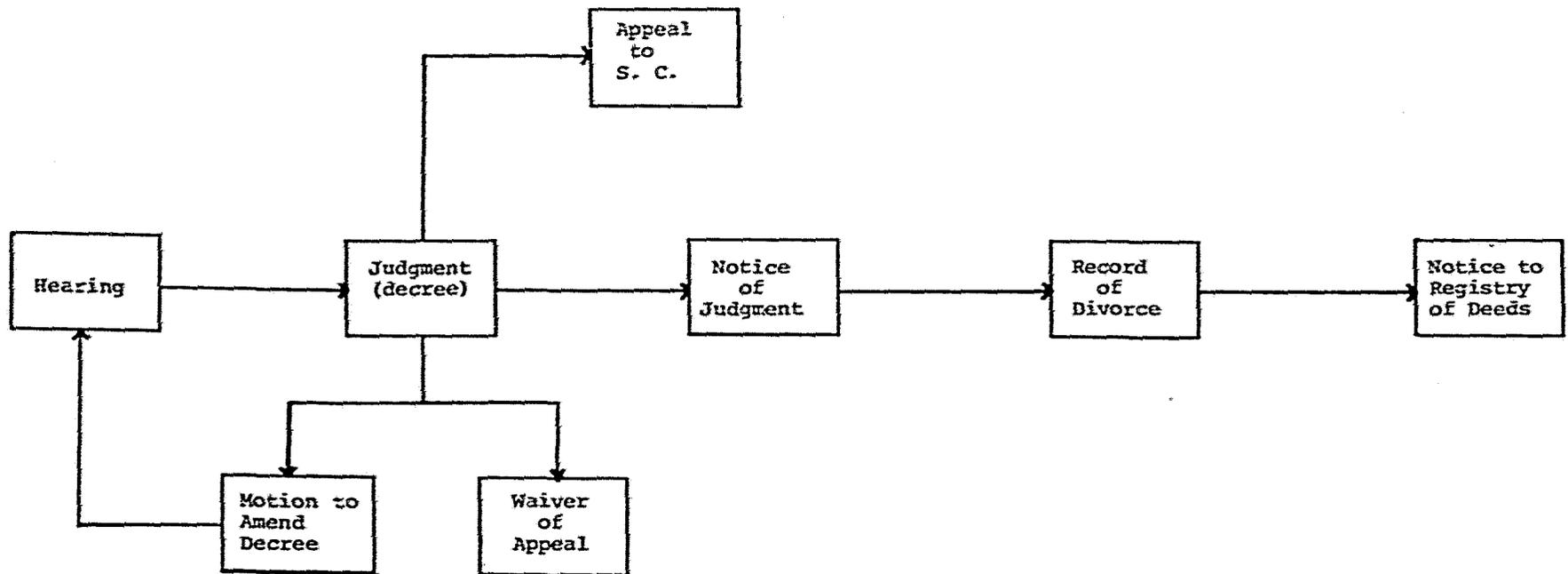
Forms List

DIVORCE

- 1 Divorce Complaint (Form No. 35-74 Rev.)
- 2 Divorce Summons (Form 1D Rev. 11-73)
- 3 Order for Search of the Military (Form No. 51-68)
- 4 Federal Affidavit (Form No. 34-71 Rev.)
- 5 Order Pending Divorce (Form No. 129-Rev. 70)
- 6 Court Referral of Custody Cases to the Division of Child Welfare (CW-65-1-60)
- 7 Divorce Judgment (Form 50 A-71 Rev.)
- 8 Divorce Judgment (Form 50 B-67 Rev.)
- 9 Notice of Judgment for Divorce
- 10 Notice of Judgment for Divorce
- 11 Waiver of Appeal (Form No. 54)
- 12 Amended Decree (Form No. 128)
- 13 Record of Divorce or Annulment (Form VS-5 (1964))
- 14 Record of Divorce or Annulment (Form IR-67)
- 15 Notice to Registry of Deeds (50D-70)
- 16 Notice of Appeal (CR-6A-73)
- 17 Divorce Docket



Divorce: Flow Chart 3A



Divorce: Flow Chart 3B

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
I	<p><u>Complaint for Divorce and Divorce Summons</u> are issued by the attorney for the plaintiff</p>	Yes	1, 2	D.C. Civ. Rule 3, 4, 4A, 4B, 80	<p>a) Clerk maintains a supply of both forms and supplies them to attorneys with the seal of the court and the clerk's signature affixed.</p>	<p>a) Completing these forms and arranging for service on the defendant is the responsibility of the plaintiff's attorney.</p> <p>Two (2) sets of forms (<u>Complaint for Divorce and Divorce Summons</u>) are prepared by the plaintiff's attorney. Service may be made by certified mail or by the sheriff. The defendant receives the copy of the complaint and summons. The originals are returned to the clerk for filing with proof of service.</p> <p>If the defendant cannot be located, the plaintiff's attorney files a <u>Motion for Order of Service by Publication</u>.</p>

Civil Procedure  
 Divorce  
 19 MRSA §661 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
Ia	Request for hearing date on <u>Motion for Order of Service by Publication</u> (No court printed form - form is prepared by plaintiff's attorney attorney)	No		D.C. Civ. Rule 80 (b) (L) 4 (g)	a) Plaintiff's attorney contacts clerk and requests date for hearing the Motion. b) Clerk calendars hearing.  c) On date for hearing motion, clerk pulls case file and gives to judge for review. d) After hearing, clerk updates docket to reflect judge's decision on the motion and date.	a) This request is often made by telephone or in some other informal way. b) If plaintiff cannot afford to pay for publication, a request for financial assistance from the court may be granted (D.C. Civ. R80 (L)).
Ib	<u>Order for Search of the Military</u>	Yes	3, 4		a) If a <u>Motion for Order of Service by Publication</u> is granted, a search of the military must also be performed.	a) This form available from clerk is sent to all five (5) branches of the service; copies are completed and sent by the plaintiff's attorney and filed with the clerk after search is completed along with a military affidavit (see Step Ic).

Civil Procedure  
 Divorce  
 19 MRSA §661 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
Ic	<u>Military Affidavit</u> filed with clerk	Yes	4		a) Plaintiff must file affidavit attesting to search of the military. This affidavit is further proof of proper search for the defendant. b) Clerk verifies forms were completed by <u>all five (5)</u> branches of the service. c) Clerk files forms.	
II	<u>Order for Service by Publication</u> is granted (No court printed form - form is prepared by plaintiff's attorney)	No			a) If judge grants an <u>Order for Service by Publication</u> , the form is prepared by plaintiff's attorney and signed by the judge. In some courts the clerk is requested to type this order. Two (2) copies of the order are made, 1 copy is sent to plaintiff's attorney, and the original remains with the case file.	a) The <u>Order for Service by Publication</u> results in a legal notice being published in a daily newspaper. The notice is printed once each week for <u>three consecutive weeks</u> . Proof of service by publication (newspaper clippings) must be filed with clerk.  Proof of military search and affidavit must also be filed with the clerk.

Civil Procedure  
 Divorce  
 19 MRSA §661 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
III	<u>Complaint for Divorce and Divorce Summons</u> are received and filed by the clerk	Yes	1, 2 17	D.C. Civ.R4 §664 §691	a) Clerk verifies that court has jurisdiction to hear the case. b) Clerk reviews summons to verify that proper service was made on defendant. (See steps Ia, b, c, if service is not made by certified mail or by the sheriff.) c) Filing fee is recorded and receipt is issued. d) Clerk enters case in divorce docket. The following information is recorded: 1. Date <u>Complaint and Summons</u> were served on defendant. 2. Date <u>Complaint and Summons</u> were received by the clerk. 3. Plaintiff's name, defendant's name, attorney's name and address. e) Clerk files papers.	a) At least one of the parties must live within the jurisdiction of the court.  <u>Important:</u> In the event of a dismissal, enter dismissal and date in docket.  <u>Important:</u> A divorce hearing cannot be scheduled until 60 days after service to defendant has been made or 60 days after service by publication has been completed.

Civil Procedure  
 Divorce  
 19 MRSA §661 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
IV	<p><u>Answer and Counterclaim</u> is filed by the defendant            (No court printed form - form is prepared by plaintiff's attorney)</p>	No		D.C. Civ. R7(a) R80	<p>a) <u>Answer and/or Counterclaim</u> is filed with clerk. Clerk places originals in case file and forwards 1 copy to plaintiff's attorney.</p> <p>b) Clerk updates docket by noting answer received and date.</p>	<p>a) The defendant in a divorce action has 20 days in which to answer or to file a counterclaim.</p> <p><u>Note:</u> If defendant fails to answer within 20 days, but later wishes to file an answer, his attorney must file a <u>Motion for Late Answer</u>. This motion must be approved by the judge. If motion is approved, clerk docket <u>Motion for Late Answer</u>, date received and date approved. Original of motion is filed in case file and one (1) copy is mailed to plaintiff's attorney.</p>
V	<p><u>Order Pending Divorce</u></p>	Yes	4, 5	D.C. Civ. R80c §693 §694 §722	<p><u>Important:</u>            Frequently the plaintiff or defendant in a divorce proceeding will request that the court issue a temporary order, pending the outcome of the actual divorce hearing. This "Order Pending" might be a request for financial support for children, custody of the children or specific living arrangements until the divorce decree is issued. A request for a <u>Motion Pending Hearing</u> may accompany the <u>Divorce Complaint</u> and <u>Divorce Summons</u>. It may also be made after the <u>Divorce Complaint</u> and <u>Divorce Summons</u> have been filed.</p>	

Civil Procedure  
 Divorce  
 19 MRSa §661 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
					a) Clerk is requested by attorney to schedule a date for hearing the <u>Motion for Order Pending</u> . b) Clerk calendars hearing in Civil Court calendar. c) Clerk notifies defendant by mail of hearing date and nature of motion to be heard (standard postcard of trial <u>Notice</u> along with a copy of motion). d) Clerk updates docket to reflect "Motion" entered, date entered, notice sent, date sent, and date of hearing on the motion. e) Clerk files original of the "Motion" in case file and 1 copy is sent to the defendant or defendant's attorney. f) On the day of the hearing, the clerk retrieves case for judge to review. g) If motion is granted, an <u>Order Pending Divorce</u> form is issued. Clerk types up 1 original and 2 copies; original remains with case file while 1 copy is sent to plaintiff's attorney and 1 copy to defendant.	g) If defendant is not represented by an attorney and is not present in court a <u>Federal Affidavit</u> must be filed.

Civil Procedure  
 Divorce  
 19 MRSa §661 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
VI	<u>Court Referral of Custody Cases to the Division of Child Welfare</u>	Yes	6	§751	<p>Note: In divorce cases where children are involved, the judge may request that an investigation be conducted by the Division of Child Welfare. This investigation is designed to provide information which will assist the court in determining custody of the children.</p> <p>a) Clerk completes referral form (three (3) copies); the original remains with case file and two copies are sent to Division of Child Welfare.</p> <p>b) Clerk updates the divorce docket to reflect referral and date.</p> <p>c) When the report is received, clerk notifies both attorneys by letter that the report is available to them.</p>	<p>a) Information to complete the form may be obtained from attorneys if not already available. The form itself is available from the Department of Health and Welfare.</p> <p>c) Clerk is <u>not</u> allowed to send copies of this report to the attorneys. It may only be reviewed in the clerk's office.</p>
VII	<u>Hearing is held and Divorce Judgment issued</u>	Yes	7 or 8 9 or 10 11	D.C. Civ. R80 (g) R79	<p>Note: When all previously described steps have been completed, a hearing date is established. The date for the hearing must be at least 60 days from the original date of service on the defendant, or in case of Notice by Publication, 60 days from completing publication. The 60-day waiting period may be waived if both parties agree and approval is granted by the judge; however, the 60-day period is most often observed.</p>	

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
					<p>a) Clerk will usually receive request from plaintiff's attorney to schedule a hearing date.</p> <p>b) Clerk calendars hearing in civil court calendar.</p> <p>c) On day of hearing (or day before) the clerk pulls case file for review by judge.</p> <p>d) Following the hearing, the clerk (or in some instances, the plaintiff's attorney) types up <u>Divorce Judgment</u> form from the judge's notes. <u>Notice of Judgment for Divorce</u> is also completed by the clerk at this time. One original and two (2) copies of both forms are made: 1 copy is sent to plaintiff's attorney, 1 copy to defendant and the originals are filed with the case.</p> <p>e) Clerk updates the divorce docket to reflect <u>Judgment</u>, <u>Notice of Judgment</u> sent, dates and distribution.</p>	<p>a) Request may be made by defendant's attorney when counterclaim has been filed.</p> <p>d) There are two (2) forms for the <u>Divorce Judgment</u> and two (2) forms for <u>Notice of Judgment of Divorce</u>.  <u>Note:</u>            Either form may be used, however in some courts the <u>Notice of Judgment</u> is simply an attested copy of the <u>Judgment</u>. Thus, a <u>Notice</u> form is not utilized.  <u>Important:</u> The <u>Divorce Judgment</u> may be appealed within 10 days from date of judgment. No copies of the <u>Divorce Judgment</u> can be issued for 10 days, unless both parties sign a <u>Waiver of Appeal</u>. The divorce is final after 10 days unless an appeal is entered.</p>

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
VIII	Amendments to the Divorce Decree (Judgment)	Yes	12	D.C. Civ. R80(j)	<p><u>Note:</u>            If the judge orders the defendant to make support payments to the Department of Health and Welfare - a copy of the decree is mailed to both the defendant and Department of Health and Welfare, Augusta, Maine.</p> <p><u>Note:</u> If it becomes necessary to amend the original divorce decree (Judgment), an Amended Decree may be issued by the court following a hearing on motion of either party</p> <p>a) Clerk types original and two copies of Amended Decree form. One is sent to plaintiff's attorney, 1 to defendant and original is filed in the case file.</p> <p>b) Clerk updates divorce docket to reflect an amended decree was issued, date and distribution.</p>	<p>amend the original divorce decree</p> <p><u>Note:</u>            A copy of the motion to amend the decree along with a Notice of Hearing must be sent to adversary - following the hearing, an Amended Decree may be ordered.</p>
IX	Record of Divorce or Annulment are reported by the clerk	Yes	13,14 15	4§178	<p>a) Clerk prepares two (2) yellow copies and one (1) white copy of form.</p> <p>b) Clerk notes on white carbon copy the docket number and whether or not the divorce was contested. (C for contested, U for uncontested.) This copy is filed with case.</p>	<p>b) This information is used to compile statistical report.</p>

Civil Procedure  
 Divorce  
 19 MRSa §661 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
X	<u>Notice of Appeal</u>	Yes	16	D.C. Civ. R73(c)	<p>c) Ten days after the end of each month, the white original is stamped with the clerk's signature and mailed to the Office of Vital Statistics in Augusta.</p> <p>d) Two yellow forms of <u>Record of Divorce or Annulment</u> are completed, stamped with the clerk's signature. Both copies are sent to Superior Court. A notice is also sent to the Registry of Deeds if divorce involved a real estate settlement.</p> <p>a) If <u>Notice of Appeal</u> is filed, all original papers (excluding letters and judges' notes) are sent to Superior Court along with check for \$25.00. An attested copy of docket sheet is also included.</p>	<p>c) This procedure allows sufficient time for appeal to be entered if the <u>Divorce Judgment</u> is to be appealed.</p> <p>d) A fee is charged to send notice to Registry of Deeds. The request for this notice is made by the attorney.</p> <p>a) <u>Removals</u>: The procedure is the same as with an appeal; however, <u>Notice of Appeal</u> must be filed within 20 days from date of service of complaint for divorce on defendant.</p>

ss.

District .....  
Division of .....

Civil Action, Docket Number .....

vs.

COMPLAINT FOR DIVORCE

To the Honorable Justice of the District Court:

RESPECTFULLY REPRESENTS the Plaintiff .....  
of ..... in the County of ..... and State of .....

1) That he was lawfully married to .....  
at ..... in the County of .....  
and State of ..... on the ..... day of .....  
A.D. 19 .. by ..... duly authorized to solemnize marriages;

2) That said Defendant is now of .....  
and State of ..... in the County of .....

3) That the Plaintiff and Defendant cohabited in this State after their said marriage;

4) That the Plaintiff resided in this State when the cause of divorce accrued as hereinafter set forth;

5) That the Plaintiff has resided in this State in good faith for six months prior to the commencement of these proceedings;

6) That the Defendant is a resident of this State;

7) That the Plaintiff has ever been faithful to his marriage obligations, but that the said Defendant has been unmindful of the same;

8) That there is no collusion between your Plaintiff and the said Defendant to obtain a divorce;

9) That the present residence of said Defendant is unknown to ..... and cannot be ascertained by reasonable diligence \* (If this allegation is made, complete oath on reverse side;)

10) That no actions for divorce or annulment have previously been commenced between the parties, OR

11) That an action for ..... was previously commenced between the parties in the Court of ..... and .....

12) That Defendant has been guilty of .....

13) That ..... child ..... has been born to them during their said marriage, of whom ..... now living, viz: .....

WHEREFORE, Plaintiff prays that a divorce from the bonds of matrimony between himself and the said Defendant may be adjudged, and that the care and custody of their minor child may be given to said Plaintiff; and that the Defendant be ordered to pay a reasonable sum for the support of said child

Also that reasonable alimony may be ordered paid to your Plaintiff out of the estate of the said Defendant, or, in lieu thereof, that a specific sum may be paid to her by him.

Also that reasonable counsel fees may be ordered paid by the Defendant to ..... Attorney for the Plaintiff, execution to issue therefor when decree of divorce is granted.

Dated at ..... this ..... day of ..... A.D. 19.....

Plaintiff

Attorney for Plaintiff

, 1988.

Personally appeared \_\_\_\_\_ above named Plaintiff and made oath that the foregoing allegation as to the residence of the Defendant is true.

Before me.

Justice of the Peace  
Notary Public

State of Maine

Judicial Court

District

Division of

Docket No.

vs.

COMPLAINT FOR DIVORCE

From the Office of:

DIVORCE SUMMONS

STATE OF MAINE, SCOD

DISTRICT COURT
District: Penobscot
Division of: Civil

Civil Action, Docket Number

Plaintiff
of
County
State
v
Defendant
of
County
State

DIVORCE SUMMONS

To the Defendant
The Plaintiff has begun a divorce action against you in this

Court which holds sessions at in County, if you wish to oppose the divorce, you or your attorney must prepare and file a written Answer to the attached Complaint within 20 days from the day this summons was served upon you. You or your attorney must file your Answer by delivering it in person or by mail to the office of the Clerk of the District Court, Street,

Name. On or before the day you file your Answer, a copy of it must be mailed to the Plaintiff's attorney whose name and address appear below.

IMPORTANT WARNING: IF YOU FAIL TO FILE AN ANSWER WITHIN THE TIME STATED ABOVE, OR IF, AFTER YOU FILE YOUR ANSWER, YOU FAIL TO APPEAR AT ANY TIME THE COURT NOTIFIES YOU TO DO SO, A JUDGMENT MAY IN YOUR ABSENCE BE ENTERED AGAINST YOU FOR THE DIVORCE. IF YOU DO NOT FILE AN ANSWER, YOU MUST FILE A WRITTEN APPEARANCE WITH THE CLERK IF YOU WISH TO BE HEARD ON CUSTODY OF CHILDREN OR THE AMOUNT OF ALIMONY, SUPPORT OR COUNSEL FEES. IF AN ORDER FOR PAYMENT OF MONEY IS ENTERED AGAINST YOU, YOUR EMPLOYER MAY BE ORDERED TO PAY PART OF YOUR WAGES TO THE PLAINTIFF OR YOUR PERSONAL PROPERTY, INCLUDING BANK ACCOUNTS, AND YOUR REAL ESTATE MAY BE TAKEN TO SATISFY THE JUDGMENT. IF YOU INTEND TO OPPOSE THE DIVORCE DO NOT FAIL TO ANSWER WITHIN THE REQUIRED TIME.

If you believe you have a defense to the Plaintiff's Complaint or if you believe you have a claim of your own against the Plaintiff, you should talk to a lawyer. If you feel you cannot afford to pay a fee to a lawyer, you may ask the office of the Clerk of the District Court, at Street, Maine, or the office of any other Clerk of the District Court, for information as to places where you may seek legal assistance.

Dated

[Signature]
Clerk of said District Court.

Name of Plaintiff's Attorney

Served on

Date

Address

Deputy Sheriff

Telephone

State of Maine

....., ME.

On the ..... day of ....., 19.... I made service of the complaint and writon summons upon the Defendant ..... by delivering a copy of this summons and of the complaint to .....

Service

Travel, ..... miles one way \$ .....  
Postage .....  
Amount \$ .....

.....  
Deputy Sheriff.

Plaintiff's Attorney

Address

District Court

. ME.

District

Division of

Docket No.

DIVORCE SUMMONS

vs

State of Maine  
DISTRICT COURT

ss. DISTRICT

DIVISION OF

RESPECTFULLY REPRESENTS of

in the County of

and State of, that he was married to

of

at in the County of

State of, on A.D. 19;

That he is unable to ascertain by reasonable diligence the whereabouts of the said

WHEREFORE HE RESPECTFULLY REQUESTS that this Honorable Court will issue an Order to the Adjutant General of the U. S. Army; Chief of Staff, United States Air Force, Washington, D.C.; the Chief, Bureau of Naval Personnel, Department of the Navy, Washington, D.C.; Commandant, United States Marine Corps, Washington, D.C. and to the Commandant U. S. Coast Guard, Headquarters, Washington, D.C., directing them to issue certificates as provided for by Section 601 of the Soldiers and Sailors Civil Relief Act of 1940.

Plaintiff

ORDER

Upon the foregoing petition and after a hearing, it is hereby Ordered, Adjudged and Decreed that attested copies of said Petition and of this Order issue to the Adjutant General of the U.S. Army; Chief of Staff, United States Air Force, Washington, D.C.; the Chief, Bureau of Naval Personnel, Department of Navy, Washington, D.C.; Commandant, United States Marine Corps, Washington, D.C. and to the Commandant U.S. Coast Guard, Headquarters, Washington, D.C., directing them to issue certificates provided for by Section 601 of the Soldiers and Sailors Civil Relief Act of 1940.

Judge, District Court



Plaintiff's Attorney

Address

DISTRICT COURT

, SS.

District

Division of

Docket No.

vs

**FEDERAL AFFIDAVIT**

State of Maine

, ss.

DISTRICT COURT

District

Civil Action, Docket No.

Division of

Plaintiff

vs.

Defendant

ORDER  
PENDING  
DIVORCE

HEARING HAD: on the \_\_\_\_\_ day of \_\_\_\_\_, 19

ORDERED that the aforesaid \_\_\_\_\_ pay to the aforesaid \_\_\_\_\_ for support of each minor child the sum of \_\_\_\_\_ dollars, per week, first payment to be made \_\_\_\_\_ and each and every week thereafter until further order of Court.

It is further ORDERED and DECREED that the temporary care and custody of the minor child be given to the aforesaid \_\_\_\_\_ until further order of Court, with the right given to the said \_\_\_\_\_ to visit with said child and to be visited by said child at all reasonable times and places.

It is further ORDERED:

It is further ORDERED that the aforesaid \_\_\_\_\_ pay to \_\_\_\_\_ for counsel fees incurred in the prosecution of this Petition the sum of \_\_\_\_\_ dollars, on or before \_\_\_\_\_

Judge District Court

\_\_\_\_\_  
District Court . 55.  
District  
Division of

Docket No.

vs.

\_\_\_\_\_  
ORDER PENDING  
DIVORCE  
\_\_\_\_\_

**SUPERIOR COURT REFERRAL OF CUSTODY  
CASES TO THE DIVISION OF CHILD WELFARE**

Plaintiff Personal Data	Full Name - First		Middle (maiden, if wife)		Last	Age	
	Street & Number		Town	County		State	
	Employer		Address		Working Hours		
	Phone						
Defendant Personal Data	Full Name - First		Middle (maiden, if wife)		Last	Age	
	Street & Number		Town	County		State	
	Employer		Address		Working Hours		
	Phone						
Marriage	Place of Marriage - City and State or Foreign Country						
	Date of Marriage		(Month)	(Day)	(Year)		
	Names of Children under 18 years of age			Address		Age	
Attorneys	Attorney's Name and Address (Plaintiff)				(Defendant)		
	Has cross libel been filed			Docket Number			
Referral	Date of Referral		Referring Justice				
	Date Report Due	Mail to: Clerk of Courts		_____			
			County	_____		Town	_____
	Reason for Referral						
If additional space is needed use other side							

STATE OF MAINE

DISTRICT COURT

Divorce Action  
Docket Number

District

Division of

vs.

DIVORCE JUDGMENT

Notice of the pendency of the complaint in this cause of divorce has been duly and seasonably given according to law. This cause was heard before me and the allegations and the evidence were fully presented and considered. A divorce from the bonds of matrimony is hereby ordered and adjudged to..... for the cause of from .....

And further ordered and adjudged, that the care and custody of their said child ..... to wit, ..... be given to the said ..... with right of visitation to the said ..... to visit with and to be visited by said children at all reasonable and proper times

It is further ordered and decreed, that the said ..... pay to the ..... the sum of ..... Dollars per each child per week toward the support of said child ..... payable ..... the first payment to be made ..... 19..... and ..... as alimony, payable ..... first payment to be .....

It is further ordered and decreed that the Defendant pay to the Plaintiff all necessary medical, hospital, optical and dental expenses contracted for or paid for by the Plaintiff which medical, hospital, optical and dental expenses are incurred by the plaintiff for the minor children. It is further ordered

It is further ordered and decreed that the said ..... attorney for said ..... the sum of ..... Dollars as counsel fees, execution to issue therefor forthwith.

The Plaintiff/Defendant is granted the right to resume her (maiden, former) name, to wit; .....

Dated ..... JUDGE DISTRICT COURT

Attested a true copy this date ..... 19.....

CLERK

Docket No .....

STATE OF MAINE

DISTRICT COURT

District .....

Division of .....

Attested Copy of

DIVORCE JUDGMENT

State of Maine

District Court

, ss.

Civil Action, Docket Number

District

Division of

vs.

DIVORCE JUDGMENT

Notice of the pendency of the complaint in this cause of divorce has been duly and reasonably given according to law. This cause was heard before me and the allegations and the evidence were fully presented and considered. A divorce from the bonds of matrimony is hereby ordered and adjudged to this plaintiff from this defendant for the cause of

And further ordered and adjudged, that the custody and care of

Dated

Judge District Court

Attested a true copy this date

19

Clerk

Form 18

Docket No. \_\_\_\_\_

State of Maine

ss. District Court

District \_\_\_\_\_

Division of \_\_\_\_\_

Attested Copy of  
DIVORCE JUDGMENT

VS.

STATE OF MAINE

PENOBSCOT, ss.

DISTRICT COURT  
DISTRICT THREE  
DIVISION OF SOUTHERN PENOBSCOT ..

Civil Action Docket No.

\_\_\_\_\_  
PLAINTIFF

vs

NOTICE OF JUDGMENT FOR DIVORCE

\_\_\_\_\_  
DEFENDANT

This action was heard before the District Court, and the Court on  
ORDERED that JUDGMENT FOR DIVORCE be entered for the plaintiff  
for the cause of

IT WAS FURTHER ORDERED that the care and custody of their child , namely,  
be given to the said until further order of the  
Court, with right of visitation given to the said to  
visit with and to be visited by said child at all reasonable and proper times.

IT WAS FURTHER ORDERED that the said pay to the  
said for the support of said child the sum of  
per week, first payment to be made on and to  
continue thereafter until further order of Court, and the sum of  
as alimony, per payable first payment to be made on  
and to continue thereafter until further order of Court.

AND IT WAS FURTHER ORDERED that the said  
pay to at counsel fees, the sum of  
Dollars, execution to issue therefor forthwith.

\_\_\_\_\_  
Dated at Bangor, Maine this day of 1974.

NOTICE: Any portion of this Divorce Judgment which has to do with care, custody  
and support of minor children, or with the separate support or personal  
liberty of the wife is effective immediately. Divorce from the bonds  
of Matrimony is not final until all rights of appeal under Rule 73 of  
the Maine District Court have expired.

**CONTINUED**

**1 OF 4**

STATE OF MAINE

PENOBSCOT SS.

DISTRICT COURT  
DISTRICT THREE  
DIVISION OF SO. PENOBSCOT

Civil Action Docket No.  
\_\_\_\_\_

\_\_\_\_\_  
Plaintiff

vs

NOTICE OF JUDGMENT FOR DIVORCE

\_\_\_\_\_  
Defendant

This action was heard before the District Court, and the Court on  
ORDERED that JUDGMENT FOR DIVORCE be entered for the  
Plaintiff for the cause of

\_\_\_\_\_  
Clerk of Court

Dated at Bangor, Maine this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 1974

NOTICE: Any portion of this Divorce Judgment which has to do with care and  
custody and support of minor children or with the separate/<sup>support</sup> per-  
sonal liberty of the wife is effective immediately. Divorce from  
the bonds of matrimony is not final until all rights of appeal under  
Rule 73 of the Maine District Court have expired.

State of Maine

\_\_\_\_\_, ss.

District Court

District \_\_\_\_\_

Division of \_\_\_\_\_

Docket No. \_\_\_\_\_

vs.

}  
}

WAIVER OF APPEAL

Pursuant to Rule 73 of the Maine District Court Civil Rules, I \_\_\_\_\_

\_\_\_\_\_, Defendant hereby waive my rights of appeal in this case.

Date \_\_\_\_\_

\_\_\_\_\_  
Defendant

(Must be signed by Defendant personally)

# State of Maine

DISTRICT COURT

....., 88

District .....

Division of .....

vs.

HEARING HAD: It is hereby ORDERED, ADJUDGED AND DECREED that the original decree, dated .....

be and hereby is altered and amended by striking out the words .....

and inserting in place thereof the words .....

In all other respects the original decree to remain in full force and effect.

.....  
*Judge District Court.*

District Court

No. \_\_\_\_\_

vs.

**AMENDED DECREE**

## RECORD OF DIVORCE OR ANNULMENT

DEPARTMENT OF HEALTH AND WELFARE

HUSBAND	1. NAME OF HUSBAND — FIRST	MIDDLE	LAST
	2. USUAL RESIDENCE — CITY OR TOWN	COUNTY	STATE
WIFE	3. NAME OF WIFE — FIRST	MIDDLE	LAST
	4. USUAL RESIDENCE — CITY OR TOWN	COUNTY	STATE
MARRIAGE	5. PLACE OF MARRIAGE — CITY OR TOWN AND STATE		6. DATE OF MARRIAGE
DIVORCE OR ANNULMENT	7. TYPE OF DECREE DIVORCE <input type="checkbox"/> ANNULMENT <input type="checkbox"/>	8. PLAINTIFF HUSBAND <input type="checkbox"/> WIFE <input type="checkbox"/>	9. DECREE GRANTED TO HUSBAND <input type="checkbox"/> WIFE <input type="checkbox"/>
	10. DATE OF DECREE	11. LEGAL GROUNDS FOR JUDGEMENT	
MINOR CHILDREN  Use Reverse Side for Additional Names	12. NAMES OF MINOR CHILDREN	13. AGES	14. CUSTODY
CERTIFICATION	15. I HEREBY CERTIFY THAT THE ABOVE ITEMS OF INFORMATION ARE TRUE AND CORRECT AS SHOWN IN THE ORIGINAL RECORD ON FILE IN THIS COURT.		
	16. SIGNATURE OF CLERK	17. NAME OF COURT	18. LOCATION OF COURT

STATE OF MAINE  
**RECORD OF DIVORCE OR ANNULMENT**

TO BE RECORDED WITH THE CLERK OF COURTS IN THE COUNTY IN WHICH THE DIVISION IS LOCATED

<b>HUSBAND</b>	1. NAME OF HUSBAND — FIRST	MIDDLE	LAST
	2. USUAL RESIDENCE — CITY OR TOWN	COUNTY	STATE
<b>WIFE</b>	3. NAME OF WIFE — FIRST	MIDDLE	LAST
	4. USUAL RESIDENCE — CITY OR TOWN	COUNTY	STATE
<b>MARRIAGE</b>	5. PLACE OF MARRIAGE — CITY OR TOWN AND STATE		6. DATE OF MARRIAGE
<b>DIVORCE OR ANNULMENT</b>	7. TYPE OF DECREE <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <span>DIVORCE <input type="checkbox"/></span> <span>ANNULMENT <input type="checkbox"/></span> </div>	8. PLAINTIFF <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <span>HUSBAND <input type="checkbox"/></span> <span>WIFE <input type="checkbox"/></span> </div>	9. DECREE GRANTED TO <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <span>HUSBAND <input type="checkbox"/></span> <span>WIFE <input type="checkbox"/></span> </div>
	10. DATE OF DECREE	11. LEGAL GROUNDS FOR JUDGEMENT	
	<b>MINOR CHILDREN</b>  <i>Use Reverse Side for Additional Names</i>	12. NAMES OF MINOR CHILDREN	13. AGES
<b>CERTIFICATION</b>	15. I HEREBY CERTIFY THAT THE ABOVE ITEMS OF INFORMATION ARE TRUE AND CORRECT AS SHOWN IN THE ORIGINAL RECORD ON FILE IN THIS COURT.		
	16. SIGNATURE OF CLERK	17. NAME OF COURT	18. LOCATION OF COURT

STATE OF MAINE

, ss.

DISTRICT COURT

I, ..... Clerk of the District Court,  
 District ..... Division of .....  
 do hereby certify that on ..... a divorce was granted  
 to ..... of ..... in the  
 County of ..... and State of Maine, Plaintiff/Defendant  
 in a Complaint for Divorce from .....  
 of ..... in the County of .....  
 and State of Maine, Defendant/Plaintiff, as appears from the records set forth in this office.

IN WITNESS WHEREOF, I have hereunto set my  
 hand and affixed the seal of said District Court this  
 ..... day of  
 ..... in the year of our  
 Lord, One Thousand Nine Hundred and .....

.....  
 Clerk

# State of Maine

..... SS.

DISTRICT COURT

District .....

Division of .....

.....

Docket No .....

STATE OF MAINE

vs.

NOTICE OF APPEAL

OFFENSE: \_\_\_\_\_

\_\_\_\_\_

Notice is hereby given that .....  
hereby appeals to the ..... County Superior Court from the judgment entered  
in these proceedings on the ..... day of ....., 19.....

Dated: .....

\_\_\_\_\_  
APPELLANT

\_\_\_\_\_  
ATTORNEY FOR APPELLANT

\_\_\_\_\_  
APPELLANT'S ADDRESS

\_\_\_\_\_  
PLACE OF CONFINEMENT (IF CONFINED)

DISTRICT COURT  
DIVISION OF

Complaint Filed

Docket No.

Film Box

Date

DIVORCE DOCKET  
CIVIL DOCKET

vs.

ATTORNEY FOR PLAINTIFF

ATTORNEY FOR DEFENDANT



## INTRODUCTION

### Mental Health

Title 34 MRSA §2331 et seq. provides for the involuntary admission of patients to a mental health hospital. Voluntary admission to these mental hospitals is provided for under 34 MRSA §2291 et seq.

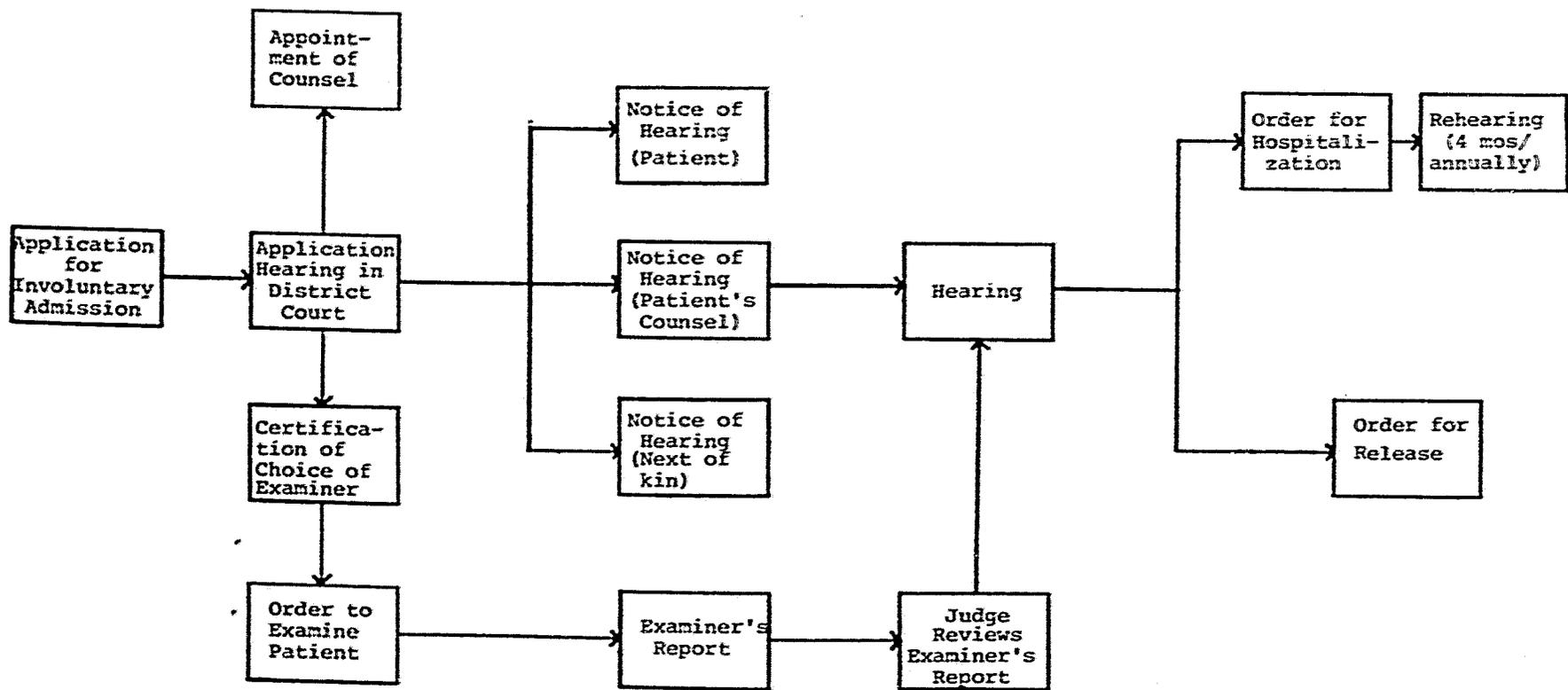
The State maintains two (2) hospitals for the mentally ill; one in Bangor called the Bangor State Hospital and the other at Augusta, called the Augusta State Hospital (34 MRSA §2101). In addition to these mental hospitals, the State has also established the Pineland Hospital and Training Center at New Gloucester which is maintained for the "training, education, treatment and care of persons who are mentally retarded and of persons who are between the ages of 6 and 16 who are mentally ill." (34 MRSA §2151)

While most clerks of the District Courts are not directly involved with the procedures for admitting patients to these mental hospitals (due to the location of the hospitals), it is important that all District Court clerks be familiar with the procedures for admission.

Forms List

MENTAL HEALTH

- 1 Application for Emergency Involuntary Admission to a Mental Hospital - Injury to Himself or Others (MH-100 (A,B))
- 2 Application for Emergency Involuntary Admission to a Mental Hospital - Inability to Care for Himself (MH-100 (C))
- 3 Application for District Court Hearing on Patient Admitted to a Mental Hospital (Form MH-108)
- 4 Appointment of Counsel (MH-106)
- 5 Certification of Choice of Examiner (MH-109)
- 6 Order to Examiner to Examine Proposed Patient (MH-103)
- 7 Notice of Hearing Upon Application for Order for Hospitalization in a Mental Hospital (MH-104)
- 8 Hearing Form
- 9 Motion and Order for Dismissal (MH-110)
- 10 Order for Dismissal of Application and Discharge (MH-113)
- 11 Order for Hospitalization in a Mental Hospital (MH-107)
- 12 Sample Docket Sheet



Mental Health Process: Flow Chart 4

Civil Procedure  
 Mental Health  
 34 M RSA §2001 et seq.  
 Rules of Civil Procedure Apply R81(a) (5)

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
I	<u>Application for Emergency Involuntary Admission to Nearest Mental Health Hospital</u>	Yes	1, 2	§2333 §2333A §2372		<p>The clerk does not have responsibility for supplying or completing these forms. The forms are kept on hand by physicians who practice clinical psychology or by a clinical psychologist. The forms are completed by the applicant and by the physician. The forms are then forwarded to the mental health hospital.</p> <p>There are two (2) types of applications for involuntary admission to a mental health hospital.</p> <p>Type #1 Inability to care for himself;</p> <p>Type #2 Injury to himself and others.</p>
II	<u>Application for District Court Hearing on Patient Admitted to a Mental Health Hospital</u>	Yes	3			<p>As in Step I, the clerk does not supply these forms. They are kept by the hospital and are filed with the clerk following the admission of the patient and/or receipt of the application for admission - Step I.</p>

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
III	Arrangements for Hearing	Yes	4, 5 6, 12	§2333 §2333A §2334	<p>a) Clerk receives both the Application for a Hearing and a copy of the Application for Involuntary Admission and calendars the hearing. Notation of hearing date, case docket number and name is made in desk calendar.</p> <p>b) Clerk telephones the hospital to determine if patient needs a court appointed attorney.</p> <p>c) If the patient needs court appointed counsel, clerk calls attorney to arrange for counsel. The clerk then forwards <u>Appointment of Counsel Form</u> to the attorney. One (1) copy remains with the case file.</p> <p>d) Clerk must arrange for two (2) physicians to examine the patient prior to the hearing. <u>Certification of Choice Examiner Form</u> is sent to the patient or counsel for the patient. (2 copies: 1 to counsel for patient and 1 for case file. <u>Order to Examiner to Examine Proposed Patient Form</u> is sent to both physicians (3 copies sent to each physician; 1 copy for case file).</p>	<p>a) Hearing must be scheduled within twenty (20) days from the time the Application for a Hearing is received. Hearings are usually held at the hospital. Often a special time is reserved on the court calendar for mental health hearings.</p> <p>b) Law requires the patient to be represented by counsel at the hearing.</p> <p>c) Clerk should maintain a list of local attorneys who have agreed to handle these cases. List serves as quick reference for future cases.</p> <p>d) By law, the patient must be examined by two (2) physicians. One (1) can be of patient's choice. These examining physicians must be present at the time of the hearing.</p>

Civil Procedure  
 Mental Health  
 34 MRSa §2001 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
IV	<u>Notice of Hearing Upon Application for Order for Hospitalization in a Mental Hospital</u>	Yes	7	§2334	a) When all arrangements have been made for the hearing, the clerk sends <u>Notice Form</u> by certified mail, return receipt requested, to next of kin and/or applicant. This same form is served on the patient by the sheriff. Copy of Notice is also sent to patient's counsel.	
V	Notice of Hearing is sent to the Hospital				a) Clerk sends <u>Notice</u> to hospital which specifies case number, patient's name, hearing date and time.	a) This <u>Notice</u> is usually a postcard used to notify parties of trial/hearing date.
VI	Docketing	Yes	12		a) Date <u>Application for Hearing</u> was filed. b) Docket number. c) Name of patient. d) Name of patient's attorney. e) Date <u>Application for Involuntary Admission</u> was filed and applicant's name. f) Date <u>Notice of Hearing</u> was mailed and to whom. g) Names of examiners (physicians) h) Hearing date, location, and date service was made.	

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
VII	Hearing	Yes	8, 9 10	§2334	<p>a) On the day before the hearing, clerk pulls case papers from the case file for judge to review.</p> <p>b) Clerk prepares "Hearing" form.</p> <p>Note: The hearing is often held at the mental health hospital. If patient is found to be mentally competent and is not to be committed to the hospital, the <u>Application for Involuntary Admission</u> is dismissed. There is no prepared form for an <u>Order of Dismissal of Application and Discharge</u>. Form is completed and signed by the judge and distributed by the clerk as follows: 1 copy to the hospital, 1 copy to patient or his counsel, 1 copy to next of kin or applicant and 1 copy remains with the case file. The clerk should then update docket to show results of the hearing and distribution of the "Order," including date of mailing.</p> <p>If hearing results in an <u>Order for Hospitalization in a Mental Hospital</u>, see Step VIII.</p>	<p>b) This form was developed by the judges in Bangor District Court. It provides a summary of matters to be covered or verified at the hearing.</p>

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
VIII	<u>Order for Hospitalization in a Mental Hospital</u>	Yes	11	§2334	<p>a) Clerk completes this form and secures judge's signature. Distribution of this form is as follows:  1 copy to patient/patient's attorney  1 copy to applicant or next of kin  1 copy to hospital  1 copy for case file</p> <p>b) Clerk updates docket to reflect <u>Order for Hospitalization</u>, date issued, distribution and date mailed.</p> <p><u>Important:</u> If committed to a mental hospital, the patient must, by law, have a rehearing within four (4) months of his commitment date. It is the responsibility of the hospital to monitor the rehearing schedule. The hospital files with the clerk an <u>Application for District Court Hearing</u>. See Step II. The same procedure is followed by the clerk, i.e., Steps II - VIII. However, no new docket number is assigned.</p>	

If judicial endorsement is necessary, make duplicate of this form.

STATE OF MAINE

89

APPLICATION FOR EMERGENCY INVOLUNTARY ADMISSION TO A MENTAL HOSPITAL—INJURY TO HIMSELF OR OTHERS

(This application does not assure the admission of the patient. The head of the hospital may decline to accept the patient if he considers the admission is unnecessary or if suitable accommodations are not available for the patient.)

I, \_\_\_\_\_ of \_\_\_\_\_ request the head of the \_\_\_\_\_ to admit as an emergency \_\_\_\_\_ who is \_\_\_\_\_ years of age, of \_\_\_\_\_

I believe that \_\_\_\_\_ is mentally ill because \_\_\_\_\_ what you have learned or observed which confirms this belief) \_\_\_\_\_ and

poses a likelihood of serious harm to himself or others because \_\_\_\_\_ or threats which you now or have observed) \_\_\_\_\_

Date \_\_\_\_\_ Signature of applicant \_\_\_\_\_ Relationship or official capacity, if any \_\_\_\_\_

- Give name and address of: 1. Parent and/or legal guardian or 2. Spouse or 3. Next of kin (if any) or friend

Certificate of Examination by Physician or Psychologist who Practices Clinical Psychology

I, \_\_\_\_\_ M.D./D.O. Psychologist, \_\_\_\_\_ being an individual licensed to practice medicine/nursing/psychology, in the State of Maine, certify that I examined \_\_\_\_\_ on \_\_\_\_\_

Date of examination \_\_\_\_\_ It is my opinion, as the result of this examination, that \_\_\_\_\_ in mentally ill because \_\_\_\_\_

supporting history, symptoms, and signs) \_\_\_\_\_

Poses a likelihood of serious harm to himself or others because \_\_\_\_\_ or acts in relation to his mental illness) \_\_\_\_\_

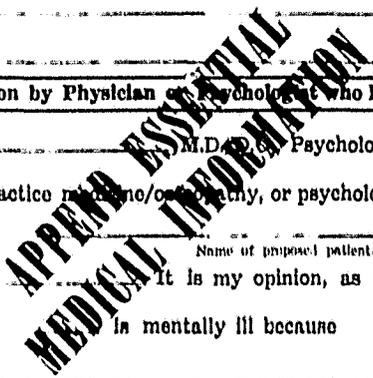
Date \_\_\_\_\_ Signature \_\_\_\_\_ M.D./D.O. Psychologist

The Date of this Certificate shall not be more than three days prior to the Date of the above Application Endorsement of Emergency Certificate of Involuntary Admission to a Mental Hospital for the Purpose of Transportation

I find the accompanying application and certificate to be regular and in accordance with the law and hereby authorize \_\_\_\_\_ to take \_\_\_\_\_ into custody and transport h \_\_\_\_\_ to the \_\_\_\_\_ and to return h \_\_\_\_\_ in the event of non-admission to said hospital.

(Date) \_\_\_\_\_ (Name of endorsing judicial officer) \_\_\_\_\_ (Name of Court) \_\_\_\_\_ (Address of Court) \_\_\_\_\_

(Endorsement may be by Judge of Probate, District Court Judge, Justice of the Superior Court or Complaint Justice)



Form #1

FORM MH-100 (A, B)

APPLICATION FOR EMERGENCY INVOLUNTARY ADMISSION TO A MENTAL HOSPITAL—INJURY TO HIMSELF OR OTHERS

In the case of

If judicial endorsement is necessary  
make duplicate of this form

STATE OF MAINE

APPLICATION FOR EMERGENCY INVOLUNTARY ADMISSION TO NEAREST MENTAL HOSPITAL\*—  
INABILITY TO CARE FOR HIMSELF

(This application does not assure the admission of the patient. The head of the hospital may decline to accept the patient if he considers the admission unnecessary or if suitable accommodations are not available for the patient.)

I, \_\_\_\_\_ of \_\_\_\_\_ request the head  
Name of applicant Address of applicant  
of the \_\_\_\_\_ to admit as an emergency  
Name of hospital  
who is \_\_\_\_\_ years of age, of \_\_\_\_\_  
Address of proposed patient

I believe that \_\_\_\_\_ is mentally ill because \_\_\_\_\_  
(Describe and  
what you have learned or observed which confirms this belief)  
and  
poses a likelihood of serious harm to himself  
(Describe basis for reasonable certainty that severe physical impairment or injury  
will result to the proposed patient as manifested by his inability to avoid or protect himself from such impairment or injury)

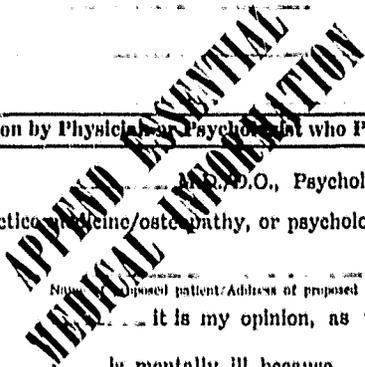
and community resources for his care are unavailable because \_\_\_\_\_  
(State reasons)

Date \_\_\_\_\_ Signature of applicant \_\_\_\_\_  
Relationship or official capacity, if any \_\_\_\_\_

- Give name and address of:
1. Parent and/or legal guardian \_\_\_\_\_
  - or \_\_\_\_\_
  2. Spouse \_\_\_\_\_
  - or \_\_\_\_\_
  3. Next of kin (if any) or friend \_\_\_\_\_

Certificate of Examination by Physician or Psychologist who Practices Clinical Psychology

I, \_\_\_\_\_ M.D./D.O., Psychologist, \_\_\_\_\_  
Name of examiner Address of examiner  
being an individual licensed to practice medicine/osteopathy, or psychology, in the State of Maine, certify that  
I examined \_\_\_\_\_ on \_\_\_\_\_  
Name of proposed patient/Address of proposed patient  
Date of examination  
it is my opinion, as the result of this examination, that  
\_\_\_\_\_ is mentally ill because \_\_\_\_\_  
(Provide supporting history, symptoms, and signs)



Poses a likelihood of serious harm to himself  
(Describe basis for reasonable certainty that severe physical impairment or injury  
will result to the proposed patient as manifested by his inability to avoid or protect himself from such impairment or injury)  
and community resources for his care are unavailable because \_\_\_\_\_  
(State reasons)

Date \_\_\_\_\_ Signature \_\_\_\_\_ M.D./D.O.,  
Psychologist

The Date of this Certificate shall not be more than three days prior to the date of the above Application  
Endorsement of Emergency Certificate of Involuntary Admission to a Mental Hospital for the Purpose of  
Transportation

I find the accompanying application and certificate to be regular and in accordance with the law and here-  
by authorize \_\_\_\_\_ to take \_\_\_\_\_ into  
Health or Police Officer Name of proposed patient  
custody and transport h \_\_\_\_\_ to the \_\_\_\_\_  
Name of hospital  
and to return h \_\_\_\_\_ in the event of non-admission to said hospital.

(State) \_\_\_\_\_ (Name of endorsing judicial officer)  
\_\_\_\_\_  
(Name of Court)  
\_\_\_\_\_  
(Address of Court)

Ref: 14 M.R.S.A., 1964 §2333-A as enacted by P.L. 1973, C. 716.  
\*This application may be made to a hospital having suitable accommodations as nearest to the place at which the proposed patient resides  
of the time of this application. This application may be made to the Veterans Hospital at Togus, Maine, if the proposed patient is eligible  
for admission there.

FORM MH-100 - C

APPLICATION FOR EMERGENCY INVOLUNTARY  
ADMISSION TO A MENTAL HOSPITAL  
—INABILITY TO CARE FOR HIMSELF

In the case of

STATE OF MAINE  
APPLICATION FOR DISTRICT COURT HEARING ON PATIENT ADMITTED TO A MENTAL HOSPITAL

To \_\_\_\_\_ District Court Judge, \_\_\_\_\_ District Court, Division \_\_\_\_\_  
(Name) (Number)  
of \_\_\_\_\_ at \_\_\_\_\_ (City or Town) State of Maine,  
application is hereby made pursuant to Title 34, MRSA, §2333/2333-A, for an initial hearing/a rehearing to be held in accordance with Title 34, MRSA, §2334, within twenty days from the date of receipt of this application to determine whether \_\_\_\_\_ of \_\_\_\_\_ who  
(Name of Patient) (Address of Patient)  
was admitted to this hospital on \_\_\_\_\_, shall continue to be involuntarily  
(Date of Admission)  
hospitalized in \_\_\_\_\_.

STATEMENT SHOWING LIKELIHOOD OF SERIOUS HARM

1. (Use if patient was admitted under §2333) I believe that \_\_\_\_\_ (Name of patient)  
poses a likelihood of serious harm to himself or to others because \_\_\_\_\_ (Describe dangerous acts  
which you know of or have observed.)

2. (Use if patient was admitted under §2333-A) I believe that \_\_\_\_\_ (Name of patient)  
poses a likelihood of serious harm to himself because \_\_\_\_\_ (Describe basis for reasonable certainty  
that severe physical impairment or injury will result to the proposed patient as manifested by his inability to avoid or protect himself from such impairment  
or injury.)

Give name and address of:

- 1. Parent and/or legal guardian: \_\_\_\_\_
  - or
  - 2. Spouse: \_\_\_\_\_
  - or
  - 3. Next of kin (if any) or friend: \_\_\_\_\_
- (Date of application) \_\_\_\_\_ (Name of hospital)

CERTIFICATE OF PHYSICIAN OR PSYCHOLOGIST WHO PRACTICES CLINICAL PSYCHOLOGY

I, \_\_\_\_\_ M.D./D.O./Psychologist, \_\_\_\_\_ (Address of examiner)  
(Name of examiner)  
being an individual licensed to practice medicine, osteopathy, or psychology, in the State of Maine, certify that  
I examined \_\_\_\_\_ on \_\_\_\_\_ (Date of examination)  
(Name of patient)  
It is my opinion, as a result of this examination, that \_\_\_\_\_ is  
(Name of patient)  
mentally ill and because of this illness:

- 1. (Use if patient was admitted under §2333) Poses a likelihood of serious harm to himself or to others  
(Describe the threats or acts in relation to his mental illness.)
- 2. (Use if patient was admitted under §2333-A) Poses a likelihood of serious harm to himself  
(Describe basis for reasonable certainty that severe physical impairment or injury will result to the proposed patient as manifested by his inability to avoid  
or protect himself from such impairment or injury.)

Date \_\_\_\_\_ M.D./D.O./Psychologist

FORM MH-105

APPLICATION FOR DISTRICT COURT  
HEARING ON PATIENT ADMITTED TO  
A MENTAL HOSPITAL

In case of

DISTRICT COURT

District \_\_\_\_\_

25

Division of \_\_\_\_\_

CIVIL ACTION DOCKET NO. \_\_\_\_\_

STATE OF MAINE

ss

In re: \_\_\_\_\_

APPOINTMENT OF COUNSEL

\_\_\_\_\_, Attorney at Law, of

\_\_\_\_\_ is hereby appointed to represent

\_\_\_\_\_ in the matter of the application for the

involuntary hospitalization of said

Notice is hereby given that a hearing will be held in accordance with T., 34, M.R.S.A., 1964, § 2334 on the

\_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ at \_\_\_\_\_ o'clock in the

noon, at the following location

to review an application for the hospitalization of

\_\_\_\_\_ in a mental hospital; to

examine the reports of the examiners who examined, . . .

and to receive testimony bearing on the question of

\_\_\_\_\_ mental condition

and the need for hospitalization in a mental hospital.

Dated at \_\_\_\_\_, Maine this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

District Court Judge

FORM #4

STATE OF MAINE

DISTRICT COURT

96

..... ss.

District \_\_\_\_\_

Division of \_\_\_\_\_

Civil Action Docket No. \_\_\_\_\_

In re:

\_\_\_\_\_

CERTIFICATION OF CHOICE OF EXAMINER

This is to certify that \_\_\_\_\_,

\_\_\_\_\_, Maine,  
(street address) (city/town)

is the examiner of my choice for the purpose of conducting an examination of

\_\_\_\_\_ in connection with judicial proceedings now  
(proposed patient)

pending for the involuntary hospitalization of said \_\_\_\_\_  
pursuant to J4 M.R.S.A. § 2334.

Dated: \_\_\_\_\_ 19\_\_

\_\_\_\_\_  
(proposed patient)

or

\_\_\_\_\_  
(counsel for proposed patient)

DISTRICT COURT \_\_\_\_\_

District \_\_\_\_\_

Division of \_\_\_\_\_

CIVIL ACTION DOCKET NO. \_\_\_\_\_

STATE OF MAINE

.....SS.

In re: \_\_\_\_\_

ORDER TO EXAMINER TO EXAMINE  
PROPOSED PATIENT

To.....of.....  
in the County of.....and State of Maine and to.....  
.....of.....in the  
County of.....and State of Maine physician(s) or clinical  
psychologist(s) duly licensed to practice in the State of Maine:

Hearing in the matter of the involuntary hospitalization of.....  
.....has been set for the.....day of.....  
19....at.....o'clock in.....noon at the following location.....  
.....;

You are hereby appointed to personally examine and to fully investigate the facts in  
the case of.....of.....  
Maine who is presently residing at.....  
in said....., Maine and to make written report to this Court on  
or before.....as to the mental condition of the said.....  
.....and as to whether.....  
poses a likelihood of serious harm as defined by Title 34, M.R.S.A., §2251, sub-§7,  
paragraphs: (A), (B), (C). (Circle appropriate paragraphs)

Dated at.....this.....day of....., 19.....

.....  
District Court Judge

DISTRICT COURT

District \_\_\_\_\_

Division of \_\_\_\_\_

STATE OF MAINE

CIVIL ACTION DOCKET NO. \_\_\_\_\_

.....ss.

In re:

Notice of Hearing Upon Application  
for Order for Hospitalization in a  
Mental Hospital

Pursuant to T., 34, M.R.S.A., 1964, §2334, notice is hereby given to \_\_\_\_\_

\_\_\_\_\_ of \_\_\_\_\_

County of \_\_\_\_\_ State of Maine, who with respect to the

within matter is the \_\_\_\_\_ that the District

Court Judge will hold a hearing in accordance with T., 34, M.R.S.A., 1964, §2334, on the

\_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_ at \_\_\_\_\_

o'clock in the \_\_\_\_\_ noon at the following location \_\_\_\_\_

to review an application for the involuntary hospitalization of \_\_\_\_\_

\_\_\_\_\_ in a mental hospital.

The law requires that \_\_\_\_\_ be represented by  
counsel at said hearing. If \_\_\_\_\_ does not have an attorney, the Court  
will appoint counsel to represent \_\_\_\_\_.

Dated at \_\_\_\_\_, Maine this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
District Court Judge

This is the hearing in Re: \_\_\_\_\_ Docket No. \_\_\_\_\_  
 JUDGE \_\_\_\_\_ Presiding.

1. Proceeding is being electronically recorded as required by Statute. It is requested that witnesses speak loudly and clearly. Witnesses are requested to identify themselves. Attorneys are requested to identify themselves. Those present are requested to be quiet as possible.
2. These proceedings are confidential and anyone not associated with the matter is requested to leave the Court.
3. This is an initial, 1st or 2nd re hearing.
4. The said \_\_\_\_\_ is represented by Court appointed Counsel \_\_\_\_\_ and said Counsel is in Court. Form MH 106 15 entered in the record.
5. \_\_\_\_\_ party to this action is present in Court.
6. Notice and return hereon is in conformity with requirements of Title 34 Para. 2334 and MH 104 is entered in the record.
7. Receipt of application is acknowledged by the Court as received by the Court on \_\_\_\_\_. Form MH 101 and MH 108 are entered in the record.
8. Court has appointed two physicians to examine the proposed patient, namely Dr. \_\_\_\_\_ and Dr. \_\_\_\_\_, the Court acknowledges receipt of the reports from the examining physicians and they are entered in the record; it is further noted that \_\_\_\_\_ or Attorney \_\_\_\_\_ has selected \_\_\_\_\_ his or her choice of Doctor and Form MH 103 is filed with the Court. This hearing is to be conducted in general accordance with rules of evidence and proof is required to be by a preponderance of the evidence. This action is instituted by application pursuant to Title 34 Para. 2333 or Para. 2334.

DISTRICT COURT \_\_\_\_\_  
District \_\_\_\_\_  
Division of \_\_\_\_\_  
CIVIL ACTION DOCKET NO. \_\_\_\_\_

100

STATE OF MAINE

.....SS.

In re:  
.....

MOTION AND ORDER FOR DISMISSAL

NOW comes \_\_\_\_\_, Head of \_\_\_\_\_,  
(Hospital)

pursuant to 34 MRSA §2257, having filed an application (MH-108) with this Court on

\_\_\_\_\_, for the District Court hearing on \_\_\_\_\_  
(Date of Application) (Name of Patient)

admitted to this hospital pursuant to an emergency commitment (34 MRSA §2333/§2333-A), and moves that the pending application be dismissed since the said patient may be discharged

from the \_\_\_\_\_ with safety.  
(Name of Hospital)

DATED: \_\_\_\_\_  
(Head of Hospital)

ORDER

The Court having reviewed the above motion and it appearing from said motion that the patient may be discharged with safety;

Now, therefore, it is ORDERED that said \_\_\_\_\_ be discharged from  
(Name of Patient)

the \_\_\_\_\_ and that the application now pending before this Court  
(Name of Hospital)

for h\_\_\_ involuntary hospitalization upon Court order be dismissed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_.

\_\_\_\_\_  
Judge of the District Court

Form #9

DISTRICT COURT

STATE OF MAINE

District \_\_\_\_\_

..... ss.

Division of \_\_\_\_\_

CIVIL ACTION DOCKET NO. \_\_\_\_\_

\_\_\_\_\_  
In re: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ORDER FOR DISMISSAL OF APPLICATION  
AND DISCHARGE  
(No, mental illness, likelihood of  
serious harm)

The Court having received reports from \_\_\_\_\_  
and \_\_\_\_\_, examiners appointed by this Court to examine  
\_\_\_\_\_ pursuant to 34 M.R.S.A. § 2334, and said  
reports being to the effect that said \_\_\_\_\_  
(is not mentally ill) (does not pose a likelihood of serious harm as defined  
in 34 M.R.S.A. § 2251, sub-§ 7 [¶A,B] [¶C]), said patient having been admitted  
to the \_\_\_\_\_ pursuant to 34 M.R.S.A. (§ 2333)  
(\$ 2333-A),

NOW, THEREFORE, IT IS ORDERED:

That the "Application for District Court Hearing on Patient Admitted to a  
Mental Hospital" pending before this court relative to said \_\_\_\_\_  
\_\_\_\_\_ be and is hereby dismissed and

That said \_\_\_\_\_ be discharged from the \_\_\_\_\_  
\_\_\_\_\_ forthwith.

Dated at \_\_\_\_\_, Maine, this \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_.

\_\_\_\_\_  
District Court Judge

A true copy,

ATTEST: \_\_\_\_\_

DISTRICT COURT

102

District \_\_\_\_\_

Division of \_\_\_\_\_

CIVIL ACTION DOCKET NO. \_\_\_\_\_

STATE OF MAINE

ss.

In re:

\_\_\_\_\_

ORDER FOR HOSPITALIZATION IN A MENTAL HOSPITAL

Notice having been duly and seasonably given according to law to the proposed patient viz., \_\_\_\_\_, and to other interested persons as ordered by this Court, and a full hearing having been had on the issues involved herein, at which hearing the said proposed patient was:

[represented by counsel appointed by this Court]

[represented by counsel of his own choice]

and full consideration having been given to the evidence, including the reports of two examiners appointed by this Court to examine said proposed patient and to the record,

**IT IS ADJUDGED BY A PREPONDERANCE OF THE EVIDENCE:**

That said \_\_\_\_\_ is mentally ill and because of his illness poses a likelihood of serious harm; alternatives to commitment to a mental hospital having been considered and rejected, including continued residency in the community and outpatient treatment at a mental health facility;

**NOW, THEREFORE, IT IS HEREBY ORDERED:**

That said \_\_\_\_\_ be hospitalized at the \_\_\_\_\_

**IT IS FURTHER ORDERED:**

That the Head of \_\_\_\_\_ (Hospital name) receive, and detain said \_\_\_\_\_ for hospitalization in accordance with law.

Dated at \_\_\_\_\_, Maine this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

District Court Judge

A true copy.

ATTEST:

Form #11

CIVIL DOCKET

VS.

ATTORNEY FOR PLAINTIFF

ATTORNEY FOR DEFENDANT



## INTRODUCTION

### Civil Action

Civil procedure places a greater burden on the court clerk than does the criminal process. In the criminal realm, an agency of government, the prosecutor's office, has special responsibility to see that it observes the steps prescribed for each procedural stage. But in civil cases, clerks often bear the brunt of enforcing rules of procedure against two or more parties whose principal aim is to make most effective use of every procedural step by defining each rule in the manner most favorable to their causes.

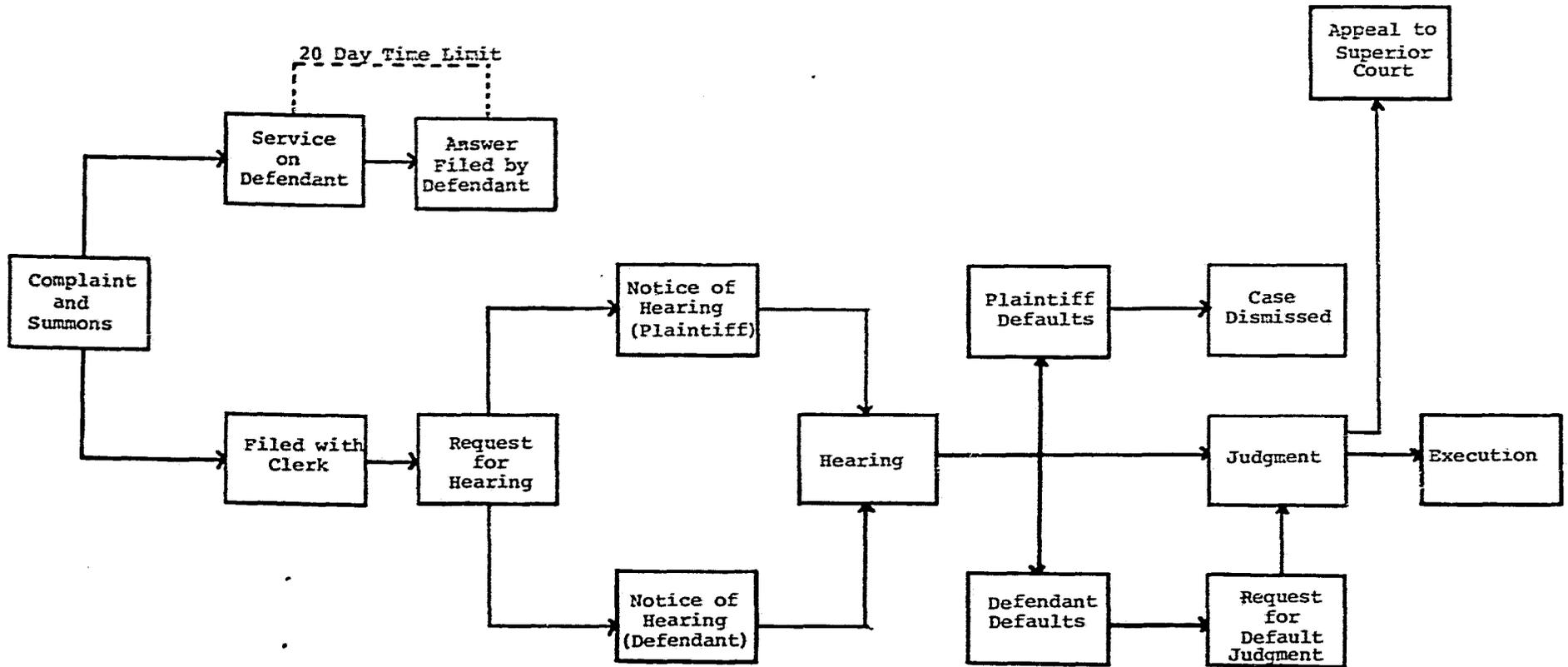
Civil procedure governs the conduct of every part of the judicial process: from issuance of summonses and complaints, through submission and resolution of motions, culminating in hearings and trials, and concluding with verdicts, judgments, appeals, and enforcement of decisions. Before the process even begins, procedure determines jurisdiction (what cases a court has authority to hear) and venue (in what location a case may be brought). During the course of a case, procedure prescribes the process of discovery, by which each side is able to ascertain before the trial just what evidence the opposing side possesses.

While the performance of the duties of a court clerk depends on knowledge of minute information relating to forms and files, the clerk should recognize that each step, no matter how routine, has significant impact on both the eventual outcome of the case and the belief of all parties that justice is being served by the court.

Forms List

CIVIL ACTION

- 1 Civil Summons (Form 1 Rev. 9-73)
- 2 Affidavit and Request to Clerk for Default and Default Judgment  
(Form No. 33A-71 Rev.)
- 3 Execution (Form No. 30 Rev. 72)
- 4 Judgment (Form No. 29)
- 5 Notice of Appeal (CR-6A-73)
- 6 Writ of Attachment (Form No. 2-73 Rev.)
- 7 Writ of Replevin (Form No. 14 Rev. 73)
- 8 Summons to Trustee (Form 2-A 73 Rev.)
- 9 Trustee Execution (Form No. 30-T)
- 10 Civil Docket
- 11 Summons, Forcible Entry and Detainer (Form 1F Rev. 9-73)
- 12 Writ of Possession (Form No. 55 (Rev. 74.))



Civil Action: Flow Chart 5

Civil Procedure  
 Civil Action  
 14 MRSA 1 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
I	<u>Civil Complaint and Civil Summons</u> are received by the Clerk.	Yes	1, 10	\$551  D.C. Civ. R3, 4 \$501	<p>Note: There is no standard form provided by the Court for a civil complaint. The <u>Complaint</u> is drafted by the plaintiff's attorney. There is, however, a standard form for the <u>Civil Summons</u>. The <u>Summons</u> is also prepared by the plaintiff's attorney. Blank forms may be purchased from the clerk with the seal of the Court and the clerk's signature affixed. The <u>Complaint</u> and the <u>Summons</u> are most often filed with the clerk simultaneously. However, it is possible that the <u>Complaint</u> could be filed first and the <u>Summons</u> filed at a later time. The <u>Complaint</u>, however, must be filed within twenty (20) days from the time service is made on the <u>Summons</u>, otherwise the case is not in Court. In addition, the <u>Summons</u> may not be filed by itself, it must be accompanied by a <u>Complaint</u>.</p> <p>Upon receiving the <u>Complaint</u> and <u>Summons</u>, the Clerk should:</p> <p>a) Check to see that the filing fee is enclosed, record fee and prepare receipt.</p>	<p>a) Some offices of the clerk are equipped with accounting machines which make entering complaints and summons a very quick and easy process. These machines permit the date of filing, assigning the docket number, recording the fee and preparing a receipt for the fee to be completed in a single operation.</p>

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
II	Docketing the <u>Civil Complaint</u> and <u>Civil Summons</u>	Yes	10		<ul style="list-style-type: none"> <li>b) Verify that service was made on defendant.</li> <li>c) Verify jurisdiction of the Court to hear the case.</li> <li>d) Verify that <u>Complaint</u> was filed within 20 days of service on <u>Summons</u>.</li> <li>e) Affix signature, date received and filed to bottom of <u>Complaint</u>.</li> <li>f) Assign docket number to the case and enter docket number on <u>Complaint</u>.</li> <li>a) Index case in Civil Docket (alphabetically by defendant's name).</li> <li>b) Enter location of District Court.</li> <li>c) Enter date <u>Complaint</u> was filed.</li> <li>d) Enter docket number.</li> <li>e) Block out "Divorce Docket" heading.</li> <li>f) Plaintiff's name.</li> <li>g) Defendant's name.</li> <li>h) Name and address of attorney for the plaintiff.</li> <li>i) <u>Complaint</u> and <u>Summons</u> filed and date of filing.</li> <li>j) Service on defendant and date of service.</li> </ul>	<ul style="list-style-type: none"> <li>e) Some clerks have a stamp which is used to mark <u>Complaints</u> received and filed.</li> <li>e) In many courts, the same docket sheet is used for both divorce and other civil cases.</li> </ul>

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
III	<u>Comolaint and Summons</u> are filed by the Clerk.	No				Note: In some District Courts, newly received <u>Civil Complaints</u> and <u>Summons</u> are temporarily filed in a separate filing location until reviewed by the media. They are then filed in the Central Filing location for civil cases sequentially by docket number until such time as a hearing is scheduled.
IV	<u>Answer</u> is filed by defendant.	No		D.C. Civ. R12(a)	<ul style="list-style-type: none"> <li>a) When an <u>Answer</u> is received by the clerk, the <u>Answer</u> is marked received and filed, dated and then signed by the clerk.</li> <li>b) "Answer Received" is entered on docket sheet along with date <u>Answer</u> was filed.</li> <li>c) <u>Answer</u> is filed with the case.</li> </ul>	Note: Defendant may answer <u>pro se</u> and not actually file a written <u>Answer</u> . In this instance the docketing process remains the same. Regardless of how the defendant chooses to answer he has 20 days from date of service of the <u>Summons</u> to enter his <u>Answer</u> . If he fails to answer, a judgment by default may be entered against him (see Step V).
V	<u>Affidavit and Request to Clerk for Default and Default Judgment</u> is filed with the Clerk.  Note: Additional information concerning processing of <u>Affidavit and Request to Clerk for Default Judgment</u> may be found under Small Claims procedure, Step VI.	Yes	2	D.C. Civ. R55	<ul style="list-style-type: none"> <li>a) <u>Affidavit of Plaintiff and Request for Default and Judgment</u> are received by the clerk along with the filing fee. Fee is recorded and receipt issued.</li> <li>b) Clerk docket's date <u>Affidavit</u> was received and filed.</li> </ul>	a) <u>Affidavit and Request to Clerk for Default and Judgment</u> are prepared by the plaintiff's attorney.

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
VI	<p><u>Execution</u> is issued to Plaintiff by <u>Clerk</u>.</p> <p>Note: Additional information concerning <u>Executions</u> may be found under Small Claims procedure, Step VII.</p>	Yes	3	D.C. Civ. R69 §4651 §4654	<p>c) Clerk verifies that no <u>Answer</u> was filed, that the dollar amount on affidavit corresponds to amount stated on the original complaint, and then signs form.</p> <p>d) Docket is updated to reflect Default Entered, Judgment for Plaintiff and date of <u>Judgment</u>.</p> <p>a) <u>Execution</u> form is completed by clerk, signed and dated.</p> <p>b) Costs of court are calculated by the clerk and included on the <u>Execution</u>.</p> <p>c) Docket is updated to reflect <u>Execution</u> issued, amount of debt, and costs of court.</p> <p>d) Original of <u>Execution</u> is mailed to the plaintiff's attorney.</p>	<p>c) By signing the <u>Request for Default and Judgment</u>, judgment is made for the plaintiff.</p> <p>a) <u>Execution</u> cannot be issued until ten (10) days after judgment.</p> <p>b) A filing fee is required to process an <u>Execution</u>.</p> <p>d) It is the responsibility of the plaintiff's attorney to see that the <u>Execution</u> is served by a Sheriff.</p> <p>Note: An <u>Execution</u> is valid for one (1) year from date issued (14 MRSa §4654).</p>

Civil Procedure  
 Civil Action  
 14 MRSA §1 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
VII	<p><u>Hearing on Civil Complaint</u>            Note: The subject of Motions is treated in Section IV.</p>	NO		D.C. Civ.R7	<p>Note: If an <u>Answer</u> is filed by the defendant or his attorney, a hearing is scheduled. The hearing date may only be scheduled by the <u>Plaintiff's</u> attorney unless a <u>Counterclaim</u> has been filed. Normally, when the plaintiff's attorney calls the clerk to schedule the hearing, he has already cleared the date with the defendant's attorney. However, it is the responsibility of the plaintiff's attorney to send a <u>Notice of Hearing</u> to the defendant or the defendant's attorney after the hearing has been scheduled. A copy of the <u>Notice of Hearing</u> should be filed with the Clerk, with proof of service, prior to the hearing.</p> <p>When called by an attorney to schedule a hearing, the clerk should:</p> <ul style="list-style-type: none"> <li>a) Enter docket number of case in court calendar on date case is to be heard.</li> <li>b) Update docket to reflect hearing schedule and date of hearing.</li> </ul>	
VIII	<p><u>Judgment</u> is prepared and issued.</p>	Yes	4	§1601	<p>Following the hearing, the <u>Complaint</u> and <u>Summons</u> are returned to the clerk with judgment noted on the front of the <u>Summons</u>. The following procedure is used to file and docket the <u>Judgment</u>.</p>	

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
					a) <u>Judgment</u> form is completed by the clerk from judge's notes on <u>Summons</u> . b) An original and 2 attested copies of the <u>Judgment</u> are prepared. The original is retained in the case file, one (1) attested copy is sent to defendant or his attorney. c) Docket is updated to reflect the amount of the judgment, date of judgment, judge's name and fact that <u>Notice of Judgment</u> was sent to attorneys for plaintiff and defendant.	Note: If judgment is in favor of the defendant, the clerk must still prepare a <u>Notice of Judgment</u> and updates the docket to reflect the outcome of the hearing. An attested copy of the <u>Judgment</u> is sometimes used as a <u>Notice of Judgment</u> .
IX	<u>Execution</u> is issued by order of the Judge.	Yes	3	D.C. Civ. R69 §4651 et seq.	Note: The <u>Execution</u> which is issued following a hearing is prepared as outlined in Step VI. However, since this <u>Execution</u> is by order of the Judge, as opposed to being issued by the clerk, a different fee is charged for its preparation. The distribution of the <u>Execution</u> is as outlined in Step VI.	
X	An <u>Appeal</u> is filed with the Clerk.	Yes	5	D.C. Civ. R73 §1801 et seq.	Note: An <u>Appeal</u> may be filed with the Clerk within 10 days after the date of judgment. The <u>Notice of Appeal</u> form is prepared by the attorney filing the <u>Appeal</u> . The <u>Notice of Appeal</u> must be accompanied by the appropriate fee.	

Civil Procedure  
 Civil Action  
 14 MRSa §1 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
					a) <u>Notice of Appeal</u> is marked received and filed, dated and signed by the clerk. b) Receipt of payment is recorded.  c) An attested copy of the <u>Notice of Appeal</u> is prepared by the Clerk.  d) All case papers are pulled from the case file along with the <u>original</u> of the <u>Notice of Appeal</u> and with the appropriate filing fee are forwarded to Superior Court.	a) and b) In those offices which utilize the accounting machine, the <u>Notice of Appeal</u> and accompanying <u>fee</u> are processed through the machine following the same procedure as previously outlined for the <u>Complaint</u> and <u>Summons</u> . c) The attested copy of the <u>Notice of Appeal</u> is sent to attorney who filed the Appeal.

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
	<u>Attachment</u>			<p>D.C. Civ.            R4A            §4101 et            seq.</p> <p>D.C. Civ.            R4(f)</p>	<p>Note: As was stated in the Introduction to this Section, Civil Process provides the plaintiff with several procedural alternatives. Since these alternatives are complex in nature, it was determined that they could best be described separately from the more frequently encountered civil action previously presented.</p> <p>In a civil action in which the plaintiff is attempting to recover damages or costs, the process of "Attachment" may be invoked. Attachment provides for taking real estate, goods and chattels, or other property of the defendant, to be held by order of the court, to satisfy judgment which the plaintiff may recover in his civil action (14 MRSA §4151).</p> <p>No property may be attached without an approved order of the court. This order may be made only after the proper <u>Notice of Attachment</u> and a hearing, and if the court finds that there is a <u>reasonable likelihood</u> that the plaintiff will recover judgment. The one <u>exception</u> is set forth in D.C. Civ.R4(F) Ex-Parte Hearings on Attachments.</p> <p>The Ex-Parte Hearings on Attachment Rule provides that an order approving attachment of property may be made without a formal hearing if: the defendant is not subject to the jurisdiction of the Court, or if there is a clear danger that the defendant may conceal, destroy, or remove the property to be attached. The <u>Motion for Ex-Parte Attachment</u> must however be accompanied by a certificate from the plaintiff's attorney stating the amount of any liability insurance which he has reason to believe will be available to the defendant if judgment is ordered against him.</p>	

Civil Procedure  
 Civil Action: Attachments  
 14 MRSa 4101 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
I.	Hearing on <u>Motion for Approval of Attachment</u> is scheduled.	No		D.C. Civ. R4A	<p>Usually, the <u>Motion for Approval of Attachment</u>, supported by affidavit(s) is submitted with the filing of the <u>Complaint</u> and <u>Summons</u>. The <u>Motion for Approval of Attachment</u> and a <u>Notice of Hearing on Attachment</u> are served on the defendant with the original <u>Complaint</u> and <u>Summons</u>. If a <u>Writ of Attachment</u> is ordered, it is served within 30 days from the time it is issued. A <u>Writ of Attachment</u> is used to attach real estate, while a <u>Writ of Replevin</u> is used to attach goods or other property. The procedure and rules for issuance is the same for both writs.</p> <p>It should be noted that the clerk's function in the Attachment process is to receive, file and record the various documents as they are prepared by the plaintiff's attorney. The clerk is <u>not</u> responsible for preparing these documents but does maintain a supply of forms, printed by the court, which may be purchased from the clerk by the attorney filing for attachment.</p> <p>The clerk's involvement in the attachment process (with the exception of providing forms) begins when contacted by the plaintiff's attorney to schedule a hearing on the <u>Motion for Approval of Attachment</u>. The following is the procedure and sequence of events that generally occurs:</p> <p>a) Clerk schedules hearing on <u>Motion for Approval of Attachment</u> in civil court calendar.</p>	

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
II	<u>Plaintiff's Attorney files Motion for Approval of Attachment, Notice to Defendant of Hearing on Attachment, Affidavit in Support of Plaintiff's Motion for Attachment, the Complaint, and Summons.</u>	No		D.C. Civ. R4A	a) Clerk processes <u>Complaint</u> and <u>Summons</u> as previously outlined under Civil Action, Step I, II and III. b) Attachment documents are filed with the case. c) Clerk docket each Attachment document as received, along with date of filing in civil docket book.	
III	<u>Hearing on Motion for Approval of Attachment</u>	No			a) Clerk pulls case file for review by the judge prior to the hearing. <u>Note: If the Motion for Approval of Attachment is granted, proceed to b) below. If the "Motion" is denied, a hearing on the complaint is scheduled (See Civil Action, Step VII).</u> b) Clerk updates docket to reflect hearing results, date and order of the court to attach property in question.	
IV	<u>Order for Attachment is issued and filed with the Clerk.</u>	Yes	6, 7	§4452 §7301	<u>Note: The Order for Attachment is prepared by the plaintiff's attorney and is signed by the judge. An original and two (2) attested copies are prepared (Clerk attests the 2 copies). A Writ of Attachment or a Writ of Replevin form is prepared by the plaintiff's attorney (depending upon the nature of the property to be attached). As previously noted, these forms are purchased from the clerk with the seal of the court and the</u>	

Civil Procedure  
Civil Action: Attachment  
14 MRSA §4101 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
					<p>signature of the clerk affixed. The <u>Writ of Attachment</u> or <u>Writ of Replevin</u> is served on the defendant with an attested copy of the <u>Order for Attachment</u>. It is the responsibility of the plaintiff's attorney to arrange for service of these documents.</p> <p>a) Clerk files the original of both the <u>Writ of Attachment</u> and the <u>Order for Attachment</u> with the case in the case file.</p> <p>b) Clerk updates docket to reflect that <u>Writ of Attachment</u> and <u>Order for Attachment</u> were issued and date.</p>	

Civil Procedure  
 Civil Action: Trustee Process  
 14 MRSA §2601 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
	<p><u>Trustee Process</u></p> <p><u>Summons to Trustee and other related documents.</u></p>	Yes	8	<p>D.C. Civ. R4(b)</p> <p>§3101</p>	<p>Note: In civil actions in which the plaintiff is attempting to recover costs or damages, the plaintiff may utilize the Trustee Process. The trustee is often a bank or other lending institution which is holding funds in the name of the defendant, i.e., savings and/or checking account. The plaintiff, in filing for a <u>Summons to Trustee and Disclosure by Trustee</u>, is attempting to recover from the trustee the amount due him from the defendant. <u>Important: The trustee process may not be used to attach the wages, salary or earnings of the defendant.</u></p> <p>The <u>Summons to Trustee</u> form is available from the clerk's office with the seal of the court and signature or facsimile signature of the clerk affixed. The <u>Summons to Trustee</u> is prepared by the plaintiff's attorney and responsibility for service of the summons rests with the plaintiff. When the <u>Summons to Trustee</u> is filed with the court, the clerk simply files an attested copy of the <u>Summons to Trustee</u> with the case and updates the docket to reflect that the <u>Summons</u> was filed and date of filing.</p> <p><u>Important: No trustee summons may be served unless attachment on trustee process for a specified amount has been approved by the order of the court. Except in the case of Ex-Parte Hearings on Trustee Process, the order for attachment may be made only after notice to the defendant and a hearing (D.C.Civ. R4(H)). The Motion for Approval of Trustee Process, Notice of Hearing on Trustee Process and other related documents and affidavits are prepared by the plaintiff's attorney. Arranging for service of these documents is also the responsibility of the plaintiff's attorney.</u></p>	

Civil Procedure  
 Civil Action: Trustee Process  
 14 MRSA §2601 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
	<u>Trustee Execution</u>	Yes	9	§4651		<p>With the exception of the <u>Trustee Execution</u>, the clerk's responsibility in the Trustee Process is only to see that these documents are properly docketed and filed.</p> <p>The <u>Trustee Execution</u> is completed by the clerk. An original and one (1) attested copy is prepared. The original is issued to the plaintiff's attorney and one (1) attested copy of the <u>Execution</u> remains with the case file. It is the responsibility of the plaintiff's attorney to arrange for service of the <u>Trustee Execution</u>.</p>

Civil Procedure  
 Civil Action: Summons, Forcible Entry and Detainer  
 14 MRSA §6001 et. seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
	<u>Summons, Forcible Entry and Detainer</u>	Yes	11	§6001 §6004 §6005	<p>Note: A <u>Forcible Entry and Detainer Summons</u> is utilized when the plaintiff in the civil action is a landlord who is attempting to forcibly remove a tenant from his property. The procedure is virtually the same as that followed in preparing and issuing a <u>Civil Summons</u> and <u>Civil Complaint</u> with these exceptions:</p> <p>a) A <u>Writ of Possession</u> is issued by the court in place of the <u>Execution</u>. Preparation of the <u>Writ of Possession</u> is made by the plaintiff's attorney. <u>Writ of Possession</u> forms are available from the clerk with the seal of the court and the clerk's signature affixed. The docketing and filing procedures followed by the clerk are the same as previously outlined under Civil Action, Steps I - VIII.</p> <p>b) Seven (7) days notice must be allowed the defendant between service of the <u>Summons, Forcible Entry and Detainer</u>, and the hearing. As previously mentioned, if judgment is made in favor of the plaintiff a <u>Writ of Possession</u> is issued instead of an <u>Execution</u>.</p> <p>c) The <u>Writ of Possession</u> may not be issued until five (5) days after judgment. The plaintiff's attorney must arrange for service on the <u>Writ of Possession</u>.</p> <p>d) An original and one (1) attested copy of the <u>Writ of Possession</u> are prepared by the plaintiff's attorney. The original is retained by the clerk and the attested copy is given to the plaintiff's attorney.</p>	

Civil Procedure  
 Civil Action: Quiet Title  
 14 MRSA §6651 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
I	<u>Complaint to Quiet Title and Motion for Order of Service by Publication</u> are filed with the clerk.	No		D.C. Civ. R80(b) (1) 4(g) §6653	<p>Quiet Title is a process which is utilized when the plaintiff is purchasing real estate and finds that there are liens against the property. The purpose of the Quiet Title process is to provide the plaintiff with clear title to the property. Often those individuals who have claims against the property may be deceased or cannot be located. Therefore no <u>Summons</u> is issued when the <u>Complaint</u> is filed. <u>Notice by Publication</u> is used in place of the <u>Summons</u>.</p> <p><u>Note:</u> These forms are prepared by the plaintiff's attorney.</p> <p>a) Clerk receives an original and one (1) copy of both documents.          b) Clerk assigns docket number (civil docket).          c) Copies of both documents are attested by the clerk, the originals retained and the attested copies given to plaintiff's attorney.          d) Clerk docket's case.</p>	
II	<u>Order for Service by Publication</u>	No			<p><u>Note:</u> The <u>Order for Service by Publication</u> is prepared by the plaintiff's attorney and signed by the judge.</p> <p>a) Clerk updates docket to reflect <u>Order for Service by Publication</u> and the date of the order.          b) Copy of Order is filed with the case.</p>	
III	<u>Affidavit of Service by Publication</u> is filed with the Clerk.	No			<p><u>Note:</u> After Service by Publication has been completed, the plaintiff's attorney must file proof of service with the clerk. Service by Publication requirements are the same as those required for a divorce suit and have been previously discussed under Divorce. (Step Ia, b, c.)</p>	

Civil Procedure  
 Civil Action: Quiet Title  
 14 MRSa §6651 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
IV	<u>Order Appointing Guardian Ad Litem</u>	No		D.C. Civ. R17	a) Clerk updates docket. b) Proof of Service is filed with the case.  <u>Note:</u> This order is prepared by the plaintiff's attorney and signed by the judge. In effect it provides for the appointment, by the court, of an individual who will represent an interested party.	
V	<u>Answer of Guardian Ad Litem and Agent</u> is filed with the Clerk.	No		D.C. Civ. R17	a) Clerk updates docket to reflect order issued and date. b) Clerk files copy of order with the case.  <u>Note:</u> The <u>Answer of the Guardian Ad Litem and Agent</u> states the position of the party whose interests he represents.	
VI	<u>Application for Default and Judgment</u> is filed with the Clerk.  <u>Note:</u> See Civil Action, Step V.	Yes	2	D.C. Civ. R55	a) Clerk updates docket to reflect answer filed and date of filing. b) Clerk files <u>Answer</u> with the case.  <u>Note:</u> This form is completed by the plaintiff's attorney and signed by the judge.  a) One (1) attested copy of <u>Judgment</u> is sent to Registry of Deeds by the Clerk. One (1) attested copy is given to the plaintiff's attorney. b) Clerk updates docket to reflect judgment made and date, attested copy of <u>Judgment</u> sent to Registry of Deeds and date.	

SUMMONS

STATE OF MAINE

DISTRICT COURT

DISTRICT  
Division of

Civil Action, Docket No.

of Plaintiff  
County  
vs  
Defendant  
of  
County



SUMMONS

To the Defendant

The Plaintiff has begun a lawsuit against you in this Court which holds sessions at in County. If you wish to oppose this lawsuit, you or your attorney must prepare and file a written Answer to the attached Complaint within 30 days from the day this summons was served upon you. You or your attorney must file your Answer by delivering it in person or by mail to the office of the Clerk of the District Court, Street, Maine. On or before the day you file your Answer, a copy of it must be mailed to the Plaintiff's attorney whose name and address appear below.

**IMPORTANT WARNING: IF YOU FAIL TO FILE AN ANSWER WITHIN THE TIME STATED ABOVE, OR IF, AFTER YOU FILE YOUR ANSWER YOU FAIL TO APPEAR AT ANY TIME THE COURT NOTIFIES YOU TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU IN YOUR ABSENCE FOR THE MONEY DAMAGES OR OTHER RELIEF DEMANDED IN THE COMPLAINT. IF THIS OCCURS, YOUR EMPLOYER MAY BE ORDERED TO PAY PART OF YOUR WAGES TO THE PLAINTIFF OR YOUR PERSONAL PROPERTY, INCLUDING BANK ACCOUNTS AND YOUR REAL ESTATE MAY BE TAKEN TO SATISFY THE JUDGMENT. IF YOU INTEND TO OPPOSE THIS LAWSUIT, DO NOT FAIL TO ANSWER WITHIN THE REQUIRED TIME.**

If you believe the Plaintiff is not entitled to all or part of the claim set forth in the Complaint or if you believe you have a claim of your own against the Plaintiff, you should talk to a lawyer. If you feel you cannot afford to pay a fee to a lawyer, you may ask the office of the Clerk of the District Court at Street, Maine, or the office of any other Clerk of the District Court for information as to places where you may seek legal assistance.

Dated

Name of Plaintiff's Attorney  
Address  
Telephone

Served on Clerk of said District Court  
Date  
Deputy Sheriff

State of Maine

....., ss.  
 On the ..... day of ....., 19... I made service of the complaint  
 and within summons upon the defendant .....  
 by delivering a copy of this summons and of the complaint to .....  
 .....  
 .....

Service

Travel, ..... miles one way \$ .....  
 Postage .....  
 Amount \$ .....

.....  
 Deputy Sheriff

Docket No. ....

Plaintiff's Attorney

Address

DISTRICT COURT ..... ss.  
 District .....  
 Division of .....

CIVIL SUMMONS

vs.

Summons and complaint ..... \$5.00  
 Service  
 Entry ..... 1.00  
 Attendance  
 Travel  
 Witness fees  
 Costs ..... \$  
 Debt  
 Judgment rendered ..... 19  
 Execution issued ..... 19  
 Filed ..... 19

Clerk

State of Maine

District Court

, SS.

District
Division of

Civil Action, Docket Number

AFFIDAVIT AND REQUEST TO
CLERK FOR DEFAULT AND
DEFAULT JUDGMENT

vs.

RESPECTFULLY REPRESENTS the Plaintiff in the above entitled action that the Defendant herein has failed to plead or otherwise defend this action as required by the Maine Rules of Civil Procedure or by law;

That the Defendant is not an infant or incompetent person; and

That the Defendant has failed to appear; and

That the Plaintiff's claim against the Defendant is for a sum certain - for a sum which can by computation be made certain; and

That there is now due by the Defendant to the Plaintiff on the debt set forth in the complaint in this action the sum of Dollars.

FURTHER REPRESENTS the Affiant under oath that the Defendant is

(Facts, i.e.: Residence, Employment, etc.)

and is not in the Military Service of the United States, as defined in Article I of the "Soldiers' and Sailors' Relief Act of 1940," as amended.

AND FURTHER REPRESENTS the Affiant under oath that the facts showing that venue was properly laid at the place where this action was brought are as follows:

(Facts as to residence of plaintiff or defendant or place of service of process, etc.)

WHEREFORE, the Plaintiff requests that the Clerk of this Court will enter default against said Defendant and enter judgment by default against the Defendant herein in the principal sum of Dollars, interest in the sum of Dollars, and costs of Court.

Dated

Attorney for Plaintiff.

State of Maine

, SS.

Personally appeared the above-named and made oath that the foregoing affidavit by him signed is true.

Before me,

Justice of the Peace,
Notary Public.

DEFAULT AND JUDGMENT

Default entered, and in accordance with the foregoing request and affidavit, judgment is hereby entered against the Defendant.

It is ORDERED and ADJUDGED that the Plaintiff recover of the Defendant damages in the amount of \$ and his costs of action

Dated at , Maine, this day of A.D. 19

Clerk of said District Court.

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DISTRICT COURT ..... SS.

District .....

Division of .....

Docket No. ....

---

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vs.

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**AFFIDAVIT OF PLAINTIFF  
and  
REQUEST FOR DEFAULT  
and JUDGMENT**

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STATE OF MAINE

..... 85.

District Court

District .....

Division of .....

Civil Action Docket No. ....

vs

EXECUTION

To the sheriffs of our several counties or any of their deputies or .....

Whereas said Plaintiff .....  
on ..... 19 .. recovered judgment in the District Court at .....  
in the County of ..... against Defendant .....  
.....  
in this action for .....  
Dollars and ..... Cents debt or damage and .....  
Dollars and ..... Cents costs of suit as appears of record, whereof execution remains to be  
done

We command you that of the goods, chattels, or lands of said Debtor within your precinct you cause to be paid  
and satisfied unto the said Creditor at the value thereof in money the aforesaid sums, being .....  
..... Dollars and ..... Cents, with legal interest thereon from  
the aforesaid date of judgment, together with ..... for this ..... writ and thereof  
also satisfy yourself of your own fees, and make return of this writ with your doings thereon within one year  
from the date hereof.

.....  
Clerk

Dated ..... 19.....

STATE OF MAINE

....., SS. .... A. D. 19.....

I, ..... Judge of the District Court, duly appointed and qualified as such, do hereby certify that ..... attorney for the owner of the judgment on which the within execution was issued duly and legally subpoenaed the debtor therein named to appear before me, at the District Court in ..... in said county, on the ..... day of ..... A. D. 19..... at ..... o'clock in the ..... noon to make, on oath, a full and true disclosure of all his assets and income.

THAT AT SAID TIME AND PLACE the said debtor ..... failed to appear and submit himself to examination and to make disclosure, in manner aforesaid; and (creditor) ..... (Attorney for Creditor) ..... having appeared and requested a capias to bring said judgment debtor before me, and I issued a capias to bring said debtor before me, as provided in Maine Revised Statutes (1964) Title 14, Chapter 502.

THAT AT SAID TIME AND PLACE the said debtor ..... appeared and judgment creditor having failed to appear (in person) or (by counsel) I thereupon terminated disclosure hearing as provided in Title 14, Section 3125.

THAT AT SAID TIME AND PLACE the said creditor appeared (in person) or (by counsel) and the said debtor ..... appeared and submitted himself to examination and made disclosure in manner aforesaid, and being satisfied that his disclosure was true, I ordered.....

..... Judge  
District Court

Form No. 30 Rev. '72

Returnable .....  
Returned .....  
Rec'd \$ .....  
Renewed .....

No

VS

EXECUTION

DISTRICT COURT

..... Creditor's Atty

STATE OF MAINE

I, ..... Judge of the District Court, under the provision of Maine Revised Statutes (1964) Title 14, Chapter 502 hereby certify that ..... creditor and owner of the judgment on the ..... day of ..... A. D. 19..... recovered judgment for costs and fees of disclosure in the sum of \$ ..... against ..... the debtor named in the certificate and execution hereunto annexed taxed in details as follows

Filing Fee, \$ 5.00	Capias to bring in debtor	.....
Officer's fees,	Officer's fees	.....
Travel	Travel	.....
	TOTAL	.....

Witness my hand and seal at ..... in said county, this ..... day of ..... A. D. 19.....

..... Judge  
District Court



# State of Maine

....., SS.

DISTRICT COURT

District .....

Division of .....

.....

Docket No .....

STATE OF MAINE

vs.

NOTICE OF APPEAL

OFFENSE: \_\_\_\_\_

\_\_\_\_\_

Notice is hereby given that .....  
hereby appeals to the ..... County Superior Court from the judgment entered  
in these proceedings on the ..... day of ....., 19.....

Dated: .....

\_\_\_\_\_  
APPELLANT

\_\_\_\_\_  
ATTORNEY FOR APPELLANT

\_\_\_\_\_  
APPELLANT'S ADDRESS

\_\_\_\_\_  
PLACE OF CONFINEMENT (IF CONFINED)

(For use in an action in any Division)

State of Maine

District Court

....., III.

District .....

Division of .....

Civil Action, Docket Number .....

vs.

WRIT OF ATTACHMENT

To the Sheriffs of our several Counties or either of their Deputies or .....

[After notice to the defendant and hearing] [After hearing but without notice to the defendant]\*, attachment of property other than real estate for an amount not to exceed \$..... was approved by Hon. ...., Judge of the District Court, by order dated .....

WE COMMAND YOU to attach the goods or estate of

..... of .....

to the value of .....

as prayed for by .....

of ..... In an action brought by said

..... against .....

on ..... 19 ..... in the District Court for District .....

Division of ..... to be held at the Courthouse, .....

Maine, and make due return of this writ with your doings thereon.

..... Clerk

DATED:.....

\*use second bracketed material where order approving attachment was entered ex parte under Rule 4A(f).

....., ss.  
 By virtue of this writ, on the ..... day of ..... 19 .....  
 at ..... o'clock and ..... minutes ..... M. I attached as the property of the within  
 defendant (s) .....

.....  
 all the right, title, interest, estate, claim and demand of every name and nature he ha , and  
 each of them has, in and to any and all real estate in said County of .....  
 and on the ..... day of ..... 19 ....., within five days after making said  
 attachment, I filed in the office of the Register of Deeds for the County of .....  
 an attested copy of so much of this return as relates to said attachment, with the names of the  
 parties, the value of the defendant's property which I am hereby commanded to attach, the date  
 of the writ and the Court to which it is returnable. (the following described personal property,  
 to wit:)

Service .....	\$	\$
Attachment .....		
Travel ..... miles one way .....		
Postage .....		
Copies .....		
Copy for Register .....		
Paid Register .....		
Amount .....		

..... Deputy Sheriff

..... Plaintiff's Attorney	..... Address	..... District Court ..... ss.	..... District	..... Division of	..... Docket No.	..... vs.	.....
-------------------------------	------------------	-----------------------------------	-------------------	----------------------	---------------------	--------------	-------

**WRIT OF ATTACHMENT**

.....  
 By virtue of this writ, on the ..... day of ..... 19 .....  
 I served on the within defendant a copy of said writ and the return of attachment thereon by .....  
 Deputy Sheriff .....

Fees.

....., et al.

District .....

Division of .....

Civil Action, Docket Number .....

vs.

REPLEVIN WRIT AND BOND

To the sheriff of our County of ....., or either of his deputies or

We command you to replevy the goods and chattels following, viz.:

.....  
.....  
.....  
.....  
.....

which goods and chattels belong to .....  
now taken and detained by .....  
at ..... aforesaid; and them deliver unto the said  
.....  
provided the same are not taken and detained upon mesne process, warrant of distress, or upon ex-  
ecution, as the property of said Plaintiff, all as prayed for by said .....  
in an action brought by said ..... against said .....  
on ..... 19 ....., in this Division, and make due return of this writ with your do-  
ings thereon.

Provided that the said Plaintiff shall give bond to said defendant with sufficient sureties in the  
sum of ..... dollars, being twice the value of said goods and chattels, conditioned  
as required by law.

[After notice to the defendant and hearing] [After hearing, but without notice to the defend-  
ant]\*, both this writ of replevin and the replevin bond in the amount of \$.....  
were approved by Hon. ...., Judge of the District Court by order dated

.....  
Clerk

Dated: .....

\*Use second bracketed material where order approving the writ of replevin and the replevin bond  
was entered ex parte under Rule 64 (h).

# Know all Men by these Presents, That We

.....  
 .....  
 .....  
 are holden and stand firmly bound and obliged unto .....  
 .....  
 .....  
 in the full sum of ..... Dollars; to be paid to the  
 said .....  
 executors, administrators or assigns. To which payment, well and truly to be made, we hereby bind  
 ourselves, and our respective heirs, executors and administrators, jointly and severally, in the whole  
 and for the whole, firmly by these Presents.

**The Condition of the above Obligation is such** That whereas the said .....  
 ..... ha this day commenced against the  
 said ..... action for  
 Replevin, for goods and chattels as described in the attached Writ of Replevin .....  
 which said Plaintiff says Defendant has unlawfully taken and detained.

**Now Therefore,** if the said .....  
 shall prosecute the said action for Replevin to the final judgment, and pay such damages and costs  
 as the said ..... shall recover against  
 .....  
 and also return and restore the same goods and chattels, in like good order and condition as when  
 taken, in case such shall be the final judgment; then the said obligation to be void, otherwise to  
 remain in full force.

Sealed with our seals and dated ..... 19 .....

Signed, Sealed and Delivered  
 in presence of

.....  
 .....  
 .....

OFFICER'S RETURN

....., ss. .... 19 .....

By virtue of this writ, I took from the within-named .....  
the attached bond to the within-named ....., with sufficient  
sureties, in double the value of the within-described property, conditioned as required by law. And  
thereupon I replevied .....

.....  
mentioned and described in the within writ and delivered same to the said .....  
Plaintiff, I made service on the within-named ..... Defendant,  
by giving to him

a copy of this writ with my endorsement thereon of the date of its execution  
and a copy of the bond attached to such writ. I return the said bond with this writ.

.....  
*Deputy Sheriff.*

.....  
*Plaintiff's Attorney*

.....  
*Address*

.....  
**District Court**

.....  
**District**

.....  
**Division of**

.....  
**Docket No.**

.....  
**REPLEVIN WRIT**

.....  
**VS.**

.....  
**District Court**

.....  
**ss.**

.....  
**Writ,**

.....  
**\$**

.....  
**Service,**

.....  
**Entry,**

.....  
**Travel,**

.....  
**Attendance,**

**Summons to Defendant and Trustee**

(For use in an action in any Division)

State of Maine  
District Court  
....., ME.

District Court  
District .....  
Division of Southern Penobscot  
Bangor, Maine  
Civil Action, Docket Number .....

OF  
vs.  
OF  
and  
OF  
Trustee

**SUMMONS TO TRUSTEE**

*To the above-named Trustee:*

You are hereby summoned as trustee in an action brought in the District Court for District  
....., Division of ..... to be held at .....  
County of ..... and required to serve upon ..... plaintiff's  
attorney, whose address is ..... within 20 days after service of this  
summons upon you, exclusive of the day of service, a disclosure under oath of what cause, if any  
you have, why execution issued upon such judgment as the said plaintiff may recover against the  
said defendant in this action, if any, should not issue against his goods, effects or credits in your  
hands and possession as trustee of said defendant to the value of ..... as prayed  
for by the said plaintiff. If you fail to do so, you will be defaulted and adjudged trustee as alleged.  
Your disclosure must also be filed with the court in said ..... County of  
.....

[After notice to the defendant and hearing] [After hearing, but without notice to the defend-  
ant]\*, attachment on trustee process for an amount not to exceed \$..... was ap-  
proved by Hon. ...., Judge of the District Court, by order dated .....

*Shirley A. Johnson*  
Clerk

(Seal of the Court)

Served on .....  
Date

Dated: .....  
Deputy Sheriff

\*Use second bracketed material where order approving trustee process was entered ex parte under Rule 4B(h).

....., \$5.

On the ..... day of ..... 19..... at .....  
o'clock and ..... minutes in the ..... noon, I made service of the  
within summons upon the trustee .....  
by delivering a copy of the summons to .....

Service:

Travel, ..... miles one way \$.....  
Postage \$.....  
Amount \$.....

.....  
Deputy Sheriff.

Docket No. ....

Plaintiff's Attorney

Address

DISTRICT COURT ..... ss.  
District .....  
Division of .....

CIVIL SUMMONS

to  
TRUSTEE

vs.

and

TRUSTEE

Summons \$5.00

Service

Entry 1.00

Attendance

Travel

Witness fees

Costs \$ .....

Debt

Judgment rendered ..... 19.....

Execution issued ..... 19.....

Filed ..... 19.....

Clerk

State of Maine

District Court

....., ss.

District .....

Division of .....

Civil Action, Docket Number .....

vs.

and

Trustee

TRUSTEE EXECUTION

To the sheriffs of our several counties or either of their deputies:

Whereas said Plaintiff

on ..... 19 .. recovered judgment in the District Court, District .., Division of .., at .. in the County of .. against Defendant ..

In this action for ..

Dollars and .. Cents debt or damage and ..

Dollars and .. Cents costs of suit; and whereas by the consideration of the same Court execution was likewise awarded for ..

Dollars and .. Cents against the goods, effects and credits of said Debtor,

in the hands and possession of said .. Trustee of said Debtor, as appears of record, whereof execution remains to be done;

We command you that of the goods, effects, credits or lands of said Debtor within your precinct in his own possession, and in the hands and possession of said Trustee, jointly and severally you cause to be paid and satisfied unto the said Creditor at the value thereof in money the aforesaid sums, being .. Dollars and .. Cents, with legal interest thereon from the aforesaid date of judgment, together with fifty cents for this writ and thereof also satisfy yourself of your own fees, and make return of this writ with your doings thereon within three months from the date hereof.

Clerk

Dated ..

By virtue of this execution, on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, being within thirty days after judgment, I demanded of the within Trustee the goods, effects and credits of the within Debtor in the hands and possession of said Trustee, which he then and there neglected and refused to deliver. And I have retained this execution and made diligent search for property of said Debtor during the whole life-time of this execution, but could not find any, and so I return this execution in no part satisfied, on this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, the return-day thereof.

Travel \_\_\_\_\_ miles, \$  
Service,

Deputy Sheriff.

District Court

Creditor's Atty

Docket No.

**TRUSTEE EXECUTION**

vs.

and

Trustee

Returnable

DIVORCE DOCKET  
CIVIL DOCKET

vs.

ATTORNEY FOR PLAINTIFF

ATTORNEY FOR DEFENDANT

SUMMONS, FORCIBLE ENTRY AND DETAINER

STATE OF MAINE  
....., ss.

DISTRICT COURT  
Division of .....

Civil Action, Docket Number .....

....., Plaintiff  
of .....,  
..... County

v.

SUMMONS, FORCIBLE ENTRY AND DETAINER

....., Defendant  
of .....,  
..... County

To the Defendant .....

The Plaintiff ..... has begun against you in this Court a forcible entry and detainer action by which the Plaintiff seeks to remove you from the property at ..... Street, ..... Maine. If you wish to defend this action, you or your attorney must appear before this Court at ..... Street, ..... Maine, at ..... A.M. on ..... 19..... and then and there state your defense to the attached Complaint. If you claim that you own the property, or that some person other than the Plaintiff owns the property and you occupy it with the owner's permission, you or your attorney must in person or by mail deliver a written Answer so stating to the office of the Clerk of the District Court, ..... Maine, on or before ..... A.M. on said ..... 19.....

**IMPORTANT WARNING: IF YOU FAIL TO APPEAR AT THE COURT AT THE ABOVE-STATE TIME, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU IN YOUR ABSENCE GIVING POSSESSION OF THE DISPUTED PROPERTY TO THE PLAINTIFF. IF YOU INTEND TO OPPOSE THIS ACTION, DO NOT FAIL TO APPEAR AT THE REQUIRED TIME.**

If you believe you have a defense to the Plaintiff's Complaint or if you believe you or some person other than the plaintiff is the owner of the property, you should talk to a lawyer. If you feel you cannot afford to pay a fee to a lawyer, you may ask the office of the Clerk of the District Court, at ..... Street, ..... Maine, or the office of any other Clerk of the District Court, for information as to places where you may seek help.

Dated .....

  
Clerk of said District Court

Name of Plaintiff's Attorney .....

Served on .....  
Date .....

Address .....

Deputy Sheriff .....

Telephone .....

....., 19.....  
On the ..... day of ..... 19..... I made service of the within complaint and summons upon the Defendant by delivering a copy of this summons and of the complaint to .....

Service ..... \$

Travel ..... miles one way .....

Postage .....

Amount ..... \$

.....  
Deputy Sheriff.

.....  
Plaintiff's Attorney

.....  
Address

District Court

ss.

District  
Division of

Docket No. ....

**Civil Summons  
Forcible Entry and Detainer**

vs.

Summons and Complaint ..... \$

Service .....

Entry .....

Travel ..... terms .....

Attendance ..... terms .....

Costs ..... \$

Debt.....

Amount  
Judgment rendered ..... 19 .....

Examined ..... 19 .....

Filed ..... 19 .....

State of Maine

88

DISTRICT COURT

District

Division of

OF

v.

WRIT OF POSSESSION

OF

To the sheriffs of our several counties or any of their deputies or

Whereas in the District Court at County

of , said plaintiff on 10 recovered

judgment against said defendant in this action for possession of certain premises situated at

and for the sum of In costs of suit, as appears of record,

We command you, therefore, that without delay you cause said plaintiff to have possession of said premises as against said defendant; and

We also command you that of the goods or chattels of said defendant within your precinct you cause to be paid and satisfied unto said plaintiff at the value thereof in money the aforesaid sum, together with One Dollar (\$1) more for this writ, and thereof also satisfy yourself of your own fees, and make return of this writ with your doings thereon within one year from the date hereof.

Witness,

Esquire, Judge

of said Court, at aforesaid, this day of

in the year of our Lord one thousand nine hundred and

Clerk

A.D. 19

Judgment Rendered

Form No. 53 (Rev. 71)

Form #12

No. \_\_\_\_\_

**WRIT OF POSSESSION**

vs.

**DISTRICT COURT**

District \_\_\_\_\_

Division of \_\_\_\_\_

\_\_\_\_\_ 19\_\_\_\_

\_\_\_\_\_ Atty

Attorney \_\_\_\_\_





## INTRODUCTION

### Traffic

A significant portion of the work done by District Court clerks involves the processing of traffic cases. Most traffic cases constitute breaches of the various sections of Title 29, the motor vehicle law of the State. Since all violations of Title 29 are technically "crimes," they are dealt with by the courts in general conformity with criminal procedure. Thus, a clerk's activities in processing a traffic case are generally the same as those for processing a non-traffic misdemeanor case. Perhaps the most notable feature in which traffic case processing varies from general criminal case processing is the use of traffic violations bureaus, established pursuant to Title 4, section 164.12 of the Maine Revised Statutes (see also District Court Criminal Rule 10), to dispose of certain lesser traffic offenses by the clerk's office administratively to avoid the need for having the judge dispose of these cases in the courtroom. Another variation from the usual pattern for processing criminal cases is the requirement that convictions for traffic offenses be reported (under 29 M.R.S.A. §2304) to the Motor Vehicle Division of the Department of State.<sup>1</sup>

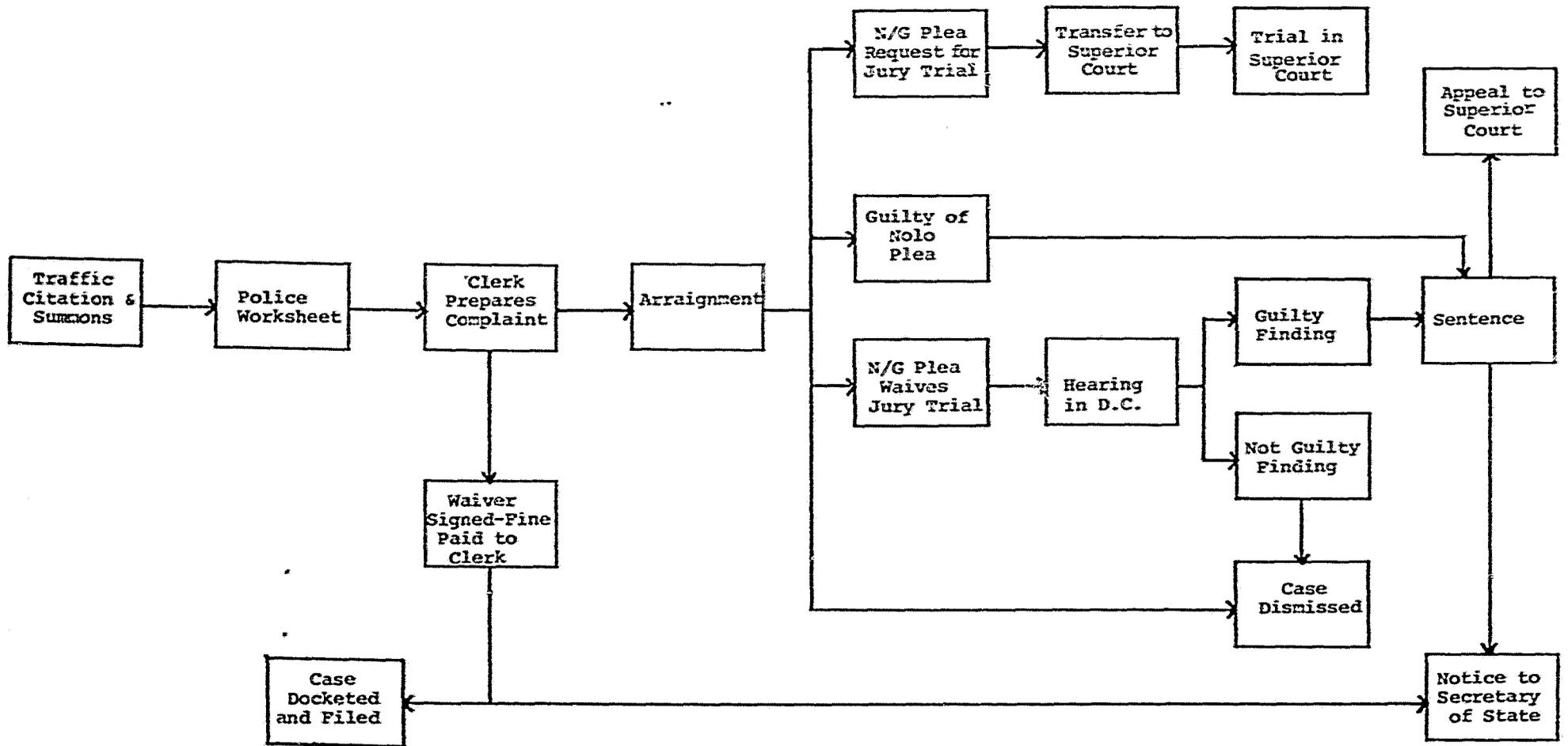
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<sup>1</sup>Maine Traffic Court Study, prepared by the National Center for State Courts, January, 1975

Forms List

TRAFFIC

- 1 Traffic Ticket and Summons
- 2 Officer's Worksheet
- 3 Criminal Complaint (CR-1-73 Rev.)
- 4 Waiver of Personal Appearance and Plea of Guilty (CR-24A-69)
- 5 Criminal Docket
- 6 Abstract to Secretary of State
- 7 Appearance Bond (CR-4 Rev. 74)
- 8 Warrant of Arrest (CR-32-65-Rev.)



Traffic Process: Flow Chart 6

1000  
1000  
1000

STEP NO	DESCRIPTION	FORM	NO	STATUTE OR RULE	PROCEDURE	COMMENTS
	Complaint is filed with the clerk.	Yes	1, 2, 3, 5	D.C. Code, 23,4, 35	<p>Note: <u>Original Complaints</u>, for traffic violations, are prepared by the clerk. In the case of traffic violations, the summons to appear in court is issued by the law enforcement officer at the time the violation occurs. Since each District Court reserves special times for traffic court, and the law enforcement officers are aware of these times, the traffic violator is advised when to appear in court at the time he is summoned. Therefore, arraignment times are not scheduled on an individual basis and no special notification to appear is required beyond the original summons.</p> <p>The resource document for preparing the <u>Complaint</u> in traffic cases is the officer's worksheet. This worksheet should contain all pertinent information necessary for completing the <u>Complaint</u>.</p> <p>a) Officers' worksheets are given to the clerk.            b) Clerk assigns docket number.            c) Clerk types up <u>Complaint</u>.</p> <p>d) Officer swears to accuracy of the <u>Complaint</u> and the <u>Complaint</u> is then signed by the clerk.</p>	<p>Note: Clerk should check that the correct statute appears on the <u>Complaint</u>. Reference may be made to the allegations manual to prepare the statement of the charges. No affidavit is required in traffic cases.</p> <p>d) A special filing location is reserved for traffic <u>Complaints</u> which are scheduled for arraignment. <u>Complaints</u> are filed by date of hearing.</p>

Criminal Procedure  
 Traffic  
 29 MRSA §1 et seq.

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
II	<p><u>Arrest</u> of Traffic Violator in the presence of the <u>clerk</u>.</p> <p><u>Note</u>: This process is provided for under 4 MRSA §164.</p>	Yes	4, 6	D.C. Crim. R5(b), 10, 55 4§164	<p>e) <u>Complaint</u> is filed in a "Pending Hearing" file by hearing date.</p> <p><u>Note</u>: If a person accused of a traffic violation has had no previous motor vehicle convictions, he may elect to sign a guilty waiver form, plead guilty in the presence of the clerk and pay his fine to the clerk. The procedure which is followed by the clerk is outlined below:</p> <p>a) Traffic violator presents summons to the clerk.                      b) Clerk retrieves <u>Complaint</u> from the "Pending Hearing" file.                      c) Clerk has traffic violator sign the <u>Waiver of Personal Appearance and Plea of Guilty</u> form.                      d) Clerk informs traffic violator of the amount of the fine and accepts payment.                      e) A receipt for payment of the fine is prepared by the Clerk and given to the traffic violator.</p>	<p><u>Note</u>: See <u>Waiver of Personal Appearance and Plea of Guilty</u> Form for those traffic violations for which guilty pleas cannot be accepted by the clerk.</p> <p>d) Fines are set by the court, not at the discretion of the clerk.</p>

Criminal Procedure  
 Traffic  
 29 MRSA §1 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
III	<u>Arraignment of Traffic Violator in the presence of the Judge</u>	No		D.C. Crim. R5(b), 46	<p>f) Clerk notes fine paid and date on the <u>Complaint</u>.</p> <p>g) Clerk docket's case.</p> <p>h) Clerk files <u>Complaint</u> by docket number in Criminal case file.</p> <p>a) On the morning traffic court is to be held, the clerk pulls all <u>Complaints</u> scheduled for arraignment and gives them to the judge for his review.</p> <p><u>Note:</u> At the arraignment, each accused motorist is advised of his rights and is asked to enter a plea. There are numerous dispositions which may result from the arraignment; however, the most common ones are listed below:</p> <p>a) <u>Motorist pleads guilty</u>, fine is assessed by the judge, and is paid to the clerk. If the fine is substantial, or if the defendant is willing but unable to pay, the judge may permit traffic violator a specified period of time to pay the fine. (See Fines Paid, Administration: Misc.)</p> <p>b) <u>Motorist enters a plea of nolo contendere</u>. A nolo contendere plea is usually treated by the court as a guilty plea;</p>	<p><u>Note:</u> Notice to Secretary of State is sent. (See Form # 6)</p>

Criminal Procedure  
 Traffic  
 29 MRSA §1 et seq.

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<p>III con't</p>	<p>#1 <u>Motorist pleads guilty, fine is assessed.</u></p>	<p>Yes</p>	<p>5, 6</p>	<p>D.C. Crim. R10, 23</p>	<p>however, it is not recorded as a guilty plea. The motorist is usually permitted a brief, on the spot hearing. He is allowed to discuss the circumstances surrounding the alleged traffic infraction. The judge then assesses the fine, if the motorist is found guilty.</p> <p>c) <u>Motorist pleads not guilty, waives his right to a jury trial but requests a hearing in District Court. The case is continued for a hearing at a later date. An Appearance Bond or Cash Bail may be required. Counsel is appointed by the court if defendant is indigent.</u></p> <p>d) <u>Motorist pleads not guilty, requests a jury trial in Superior Court, case is transferred to Superior Court.</u></p> <p>e) <u>Case is dismissed.</u></p> <p>f) <u>Motorist defaults, a bench warrant for his arrest is issued and the Secretary of State is notified.</u></p> <p><u>Note: The clerk's responsibilities vary depending upon the the outcome of the arraignment. The clerk's responsibilities in regard to each situation are outlined below:</u></p> <p>a) <u>Motorist and the Complaint are brought to the clerk. Judge has noted fine and any special terms for payment on the Complaint.</u></p> <p>b) <u>Motorist pays fine to the clerk.</u></p> <p>c) <u>Clerk prepares a receipt for the fine, marks fine paid, and</u></p>	

Criminal Procedure  
 Traffic  
 29 MRSa 51 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
III con't					<p>enters date on the <u>Complaint</u> and issues receipt to motorist. If special provision has been made to pay fine at a later date, clerk files <u>Complaint</u> in special filing location "Fines to be Paid", by payment date.</p> <p>d) Clerk docket's case.</p> <p>e) If fine is paid, clerk files <u>Complaint</u> by docket number.</p> <p>f) <u>Abstract</u> is completed by the clerk and sent to Secretary of State.</p>	<p>f) Secretary of State is notified since his office is responsible for maintaining records on traffic violations. Points are charged against traffic violators for infractions and drivers licenses may be suspended.</p>
	#2 <u>Motorist enters plea of nolo contendere, is found guilty, fine is assessed, or is found not guilty.</u>	Yes	5, 6	D.C. Crim. R12(a)	If the motorist is found guilty and a fine is assessed by the judge, the procedure for collecting the fine, docketing and filing is the same as outlined in #1. However, on the docket sheet his plea is noted as a <u>nolo</u> plea as opposed to a guilty plea. If the motorist is found not guilty, the case is expunged.	
	#3 <u>Motorist pleads not guilty and requests a hearing in District Court.</u>	Yes	5, 7	D.C. Crim. R23	Complaint is returned to clerk with judge's notes indicating motorist has pleaded not guilty, has waived his right to a jury trial and has requested a hearing in District Court. Usually if an <u>Appearance Bond</u> or Cash Bail has been posted, the same bail or bond remains in effect. Many judges set the date for the hearing in Court, and this is also indicated	

Criminal Procedure  
 Traffic  
 29 M RSA §1 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
					<p>on the <u>Complaint</u>. However, other judges prefer to have the clerk maintain the Court Calendar and the Clerk is therefore responsible for scheduling a new hearing date.</p> <p>a) Clerk schedules hearing in criminal court calendar by docket number.</p> <p>b) Clerk docket case. Docket entry reflects case continued for hearing and the date for the hearing.</p> <p>c) <u>Complaint</u> is filed in Central Case file or in a "Pending Hearing" file.</p>	<p>c) Note: Since the docket number appears on the criminal court calendar, the case papers can be easily retrieved prior to the hearing. A special filing location is not necessary although some clerks prefer to file <u>Complaints</u> which are pending a hearing in a special file, by hearing date.</p>

Criminal Procedure  
 Traffic  
 29 MRSa §1 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
III con't					<p>Note: At the hearing, the motorist may be found guilty, not guilty or the case may be dismissed. If he is found guilty and a fine is assessed, the procedure for processing the <u>Complaint</u>, updating the docket, and notifying the Secretary of State is the same as previously outlined in alternative #1. If the motorist is found not guilty or the case is dismissed, the case is expunged.</p>	
	#4 <u>Motorist pleads not guilty and requests a jury trial in Superior Court.</u>	Yes	5, 7	D.C. Crim. R40	<p>a) <u>Complaint</u> is returned to the clerk.          b) Case is docketed.          c) All case papers are forwarded to Superior Court with a receipt.          d) The receipt is returned to District Court and is kept by the clerk as proof that all papers were received in Superior Court.</p>	
	#5 <u>Case against motorist is dismissed.</u>	No		D.C. Crim. R48(a)	<p>a) <u>Complaint</u> is returned to clerk, with judge's notes indicating "case dismissed".</p>	

Criminal Procedure  
 Traffic  
 29 MRSa §1 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
III con't	16 <u>Motorist defaults, a Bench Warrant is issued, and the Secretary of State is notified.</u>	Yes	5, 6 8	D.C. Crim. R4	b) Case is docketed. c) Case is expunged.  a) <u>Complaint is returned to the clerk with the orders of the judge noted on the Complaint.</u> b) Clerk docket case. c) <u>Abstract to Secretary of State is prepared and mailed by the clerk.</u> d) A Bench Warrant is prepared by the clerk and signed by the judge. e) An attested copy of <u>Bench Warrant</u> is given to Law Enforcement department to be served. The original is retained by the clerk in the case file.	b) Although case will be expunged, the <u>Complaint</u> is nevertheless docketed so that the docket number previously assigned can be accounted for.  d) A <u>Bench Warrant</u> requires the signature of the judge.

ELLSWORTH POLICE DEPT.  
ELLSWORTH, ME. 04605  
207-667-2133

No 3359

DOCKET NO. \_\_\_\_\_

NAME \_\_\_\_\_  
RESIDENCE \_\_\_\_\_  
ADDRESS \_\_\_\_\_ PH. \_\_\_\_\_  
CITY \_\_\_\_\_ BUSINESS OR  
STATE \_\_\_\_\_ OCCUPATION \_\_\_\_\_

SOCIAL SECURITY NO. \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

DRIVER'S LICENSE INFORMATION					
NO.	STATE	EXPIRES	TYPE	Restrictions	
DOB	RACE	SEX	HT.	WT.	EYES
/	/	/	/	/	/
VEHICLE INFORMATION					
Year	Make	Type	Registration		
/	/	/	/		
Year, State, Number					
Alleged Speed	Permissible Speed	Safe Speed			

You are hereby notified to appear in the \_\_\_\_\_  
Court of \_\_\_\_\_ at \_\_\_\_\_  
\_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_,  
at \_\_\_\_\_ m. to answer a complaint for the offense of \_\_\_\_\_  
\_\_\_\_\_,  
which was committed at about \_\_\_\_\_ m. on the \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_ 19\_\_\_\_ at the location of \_\_\_\_\_  
\_\_\_\_\_  
in a \_\_\_\_\_ area  
Dated this \_\_\_\_\_ of \_\_\_\_\_ 19\_\_\_\_

Officer: \_\_\_\_\_  
I hereby promise to appear at the time and place designated in this notice.  
Signature \_\_\_\_\_  
This is not a plea of guilt.



STATE OF MAINE

DISTRICT COURT  
District  
Division of  
Criminal Docket No.

STATE OF MAINE

COMPLAINT FOR VIOLATION OF  
T.M.R.S.A. §

being duly sworn, deposes and says (upon information and belief)

That, ~~As more fully appears from the affidavit attached hereto~~ on or about the day of 19 in the City/Town of County of and State of Maine, the above named defendant did

Sworn to before me this day of 19

~~District Judge~~  
~~Complaint Justice~~  
Justice of the Peace and  
Clerk of the District Court,  
duly authorized to issue process.

\*Affidavit not required unless felony alleged and Warrant of Arrest is to issue.

Witnesses:

Docket No.

STATE OF MAINE  
DISTRICT COURT

COMPLAINT

STATE

vs.

CHARGE:

ADDRESS:

Op. License Reg.

Date of Birth

Fine Paid \$

Committed

Att'y for State

Att'y for Defendant

Continuances:

JUDGMENT

ARRAIGNMENT:

Hearing ( )

READING: WAIVED

Prelim. Exam. ( )

PLEA: GUILTY

TRIAL: ( )

Prelim. Exam. ( )

FINDING: GUILTY

(In felony)

SENTENCE:

Appeal filed Term, 19

Bound Over Term, 19

(County)

Bail Ordered \$ ( ) CASH

(With) (Without) Sureties ( )

Judge

**CONTINUED**

**2 OF 4**

WAIVER OF PERSONAL APPEARANCE AND PLEA OF GUILTY

Pursuant to the provisions of M.R.S.A. Title 4 Sec. 164 Sub Sec. 12 the undersigned having been summoned to appear in the Maine District Court at ..... Maine, to answer to a charge of ..... hereby waives the right to appear personally in said court and ~~does hereby enter a plea of GUILTY~~ <sup>waives his right to a jury trial at the Superior Court</sup> and agrees to pay the fine as set by the court and indicated below.

In making this request I acknowledge that I have the right to a trial, which I hereby waive, and I acknowledge that my signature to this plea of guilty shall have the same effect as a judgment by the court and the record of conviction will be sent to the Secretary of State.

I hereby affirm that I have no previous conviction or convictions for a violation of the motor vehicle laws of the State of Maine as defined by the above Title and Section and I make this affirmation with the knowledge that a false representation as to any prior conviction or convictions can subject me to a fine of up to Fifty Dollars.

.....  
Address .....

Amount of fine \$ .....

Make payment to Maine District Court,  
Maine

Personal checks can not be accepted.

Any person who has been found guilty or who has previously signed a plea of guilty to any traffic offense as defined in the above section shall not be permitted to submit a waiver and plea of guilty except by specific order of court.

The above waiver and plea of guilty can not be accepted for the following violations, but a guilty plea may be entered by a Maine Attorney by consent of the court:

- (1) Driving to endanger
- (2) Reckless driving
- (3) Recklessly causing death
- (4) Offenses resulting in accident
- (5) Operating while under the influence of intoxicating liquor or a narcotic drug or while impaired
- (6) Driving after suspension or revocation of operator's license
- (7) Operating without a license
- (8) Operating an unregistered motor vehicle
- (9) Passing a stopped school bus
- (10) Exceeding the speed limit by more than 15 miles per hour
- (11) Loaning or altering license or permit
- (12) Death caused by violation of law
- (13) Leaving the scene of an accident
- (14) Taking a motor vehicle without consent
- (15) Homicide or assault committed by means of motor vehicle
- (16) Failure to report an accident
- (17) Passing on hills and curves

Docket No.

Complaint Justice ..... No. ....

State Versus

Date, Place & Offense

Continuances

Date of Hearing

Complainant

Officer

Plea

Found

Sentence

Amount Paid

Committed

Respondent's Attorney

Appeal filed

Bound Over

Bail

Sureties

Witness:

Sentence Suspended, Probation for

Term, 19

Term, 19

Docket No.

Complaint Justice ..... No. ....

State Versus

Date, Place & Offense

Continuances

Date of Hearing

Complainant

Officer

Plea

Found

Sentence

Amount Paid

Committed

Respondent's Attorney

Appeal filed

Bound Over

Bail

Sureties

Witness:

Sentence Suspended, Probation for

Term, 19

Term, 19

Make any recommendation court sees fit on the back of this abstract

STATE OF MAINE  
ABSTRACT OF COURT RECORD OF VIOLATION OF MOTOR VEHICLE LAWS

DOCKET NO. 74/5 236	ARRESTING OFFICER Smith State Police <input type="checkbox"/> Local Officer <input checked="" type="checkbox"/>	RESPONDENT John Doe ADDRESS NO. 312 Main St. ST. CITY or TOWN Bangorville, Maine DATE OF BIRTH 3-9-43 LIC. NO. 74569823 REG. NO. 362-576	
Codes — For Departmental Use Only			
Suspension	Conviction	Points	
OFFENSE Leaving the scene of an accident (SPEED ALLEGED)			
DATE OF HEARING 9-25-74	PLEA G	JUDGMENT Guilty	RESULT \$100.00 fine pd.

I hereby certify that the foregoing is a true abstract from the records of the Court holden at

**IMPORTANT:** Return immediately in order that prompt action may be taken in removing from the highways operators who are a menace to the public safety.

ATTEST:

Form MV CR 12 Rev. 12/63

Clerk

STATE OF MAINE

163

DISTRICT COURT

District \_\_\_\_\_

Division of \_\_\_\_\_

Criminal Docket No. \_\_\_\_\_

State of Maine

v.

APPEARANCE BOND

I, \_\_\_\_\_, the undersigned, of \_\_\_\_\_ in the County of \_\_\_\_\_ and State of Maine, is held and firmly obliged and bound to pay to the State of Maine the sum of \_\_\_\_\_

The condition of this bond is such that whereas I have been charged with the offense of \_\_\_\_\_ and said matter is now pending, I SHALL APPEAR IN THE DISTRICT COURT for the State of Maine, District \_\_\_\_\_, Division of \_\_\_\_\_, at \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ at \_\_\_\_\_ O'clock in \_\_\_\_\_ M. and if ordered, in the Superior Court to be held in the County of \_\_\_\_\_ at such time or times and in accordance with all orders and directions of any Judge of the District Court or any Justice of the Superior Court relating to my appearance in either said District Court or said Superior Court in answer to said charge, AND FURTHER THAT I SHALL ACCEPT AND COMPLY WITH THE CONDITION OR CONDITIONS OF RELEASE IMPOSED, if any, hereinbelow set forth; and if I appear in accordance with all orders and directions of either Court and comply with the condition or conditions of release, if any then this bond is to be void.

Optional--do not use if unnecessary, strike out all or any part. The factors outlined in Title 15 MRSA 942 as amended having been duly considered, it is determined that an unsecured bond will not reasonably assure the appearance of the said \_\_\_\_\_, and therefore, in addition thereto, the following condition or conditions of release are imposed and made a part of this recognizance:

- (A) That the said \_\_\_\_\_ be and hereby is placed in the custody of \_\_\_\_\_ and that he accept the supervision relating thereto;
- (B) That the said \_\_\_\_\_ shall not travel beyond the territorial confines of \_\_\_\_\_, nor associate with \_\_\_\_\_;
- (C) That the said \_\_\_\_\_ deposit with the Clerk of Courts the sum of \_\_\_\_\_ dollars, said sum not being in excess of 10% of the amount of the recognizance;
- (D) That the said \_\_\_\_\_ return to custody daily on or before 8:00 P.M. and remain in such custody until 7:00 A.M. of the following day.

If I fail to perform the conditions of this bond hereinabove set forth, payment of this bond shall be due forthwith. If this bond is forfeited and the forfeiture is not set aside or remitted, judgment may be entered upon motion in the District Court of the State of Maine, District \_\_\_\_\_, Division of \_\_\_\_\_, or in the Superior Court held in said County of \_\_\_\_\_ against me for the amount above stated together with interest and costs, and execution may be issued or payment secured as provided by the Maine District Court Criminal Rules, Maine Rules of Criminal Procedure, and by other laws of the State of Maine.

I HAVE BEEN FULLY ADVISED, AND I UNDERSTAND, THAT MY FAILURE TO APPEAR WITHOUT JUST CAUSE BEFORE ANY COURT OR JUDICIAL OFFICER AS REQUIRED, IS PUNISHABLE BY A FINE OF NOT MORE THAN THE MAXIMUM PROVIDED FOR THE OFFENSE WITH WHICH I AM CHARGED, OR BY IMPRISONMENT FOR NOT MORE THAN 6 MONTHS IF THE OFFENSE WITH WHICH I AM CHARGED IS A MISDEMEANOR, OR FOR NOT MORE THAN 5 YEARS IF THE OFFENSE WITH WHICH I AM CHARGED IS A FELONY, OR BY BOTH.

Date this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_, Maine.

Defendant

Address

Signed and acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_

Judge, District Court

Hall Commissioner

Approved: \_\_\_\_\_ Judge, District Court (if bail taken by Bail Commissioner)

Approved: \_\_\_\_\_ (J. M.D.) CR-4 Rev. 74

Form # 7

No. \_\_\_\_\_

STATE OF MAINE  
DISTRICT COURT

vs.

---

APPEARANCE BOND

---

# State of Maine

## DISTRICT COURT

....., ss.

District .....  
Division of .....

To the Sheriff of  
other authorized officer:

County, or any of his Deputies, or any

### GREETING:

..... of ..... in the County of .....  
..... having been summoned (having been bailed) to appear before  
the District Court to be held at ..... in the County of .....  
and the said ..... having failed to appear,

WE COMMAND YOU, that immediately, without delay, you arrest the said .....  
....., (if he may be found in your precinct) and him ..... safely keep, so  
that you have him ..... before our Judge of our District Court at .....  
within and for the County of ..... then and there in said Court, to answer  
to a complaint which charges that the said ..... did commit  
the crime of

as is more particularly set forth in said Complaint.

HEREOF FAIL NOT, and make return of this writ with your doings thereon.

WITNESS, ..... Esquire, Judge of said District Court,  
the ..... day of ..... in the year of our Lord one thousand  
nine hundred and .....

.....  
*District Judge*

State of Maine

, ss.

....., A. D., 19.....

By virtue of the within Warrant I have arrested the within named

and now have

before said Court, as within commanded.

DISTRICT COURT

No. ....

WARRANT OF ARREST

STATE VS.

Misdemeanor/  
Felony

## INTRODUCTION

### Misdemeanor/Felony

Title 15 MRSA §451 and §1703 define a felony as certain high crimes, such as murder, robbery, rape, arson, larceny and includes every offense punishable by imprisonment for more than one year in the State Prison. Title 15 MRSA §1703 and §1741 define a misdemeanor as an offense punishable by imprisonment of less than one year or an offense for which no penalty or place of punishment is prescribed.

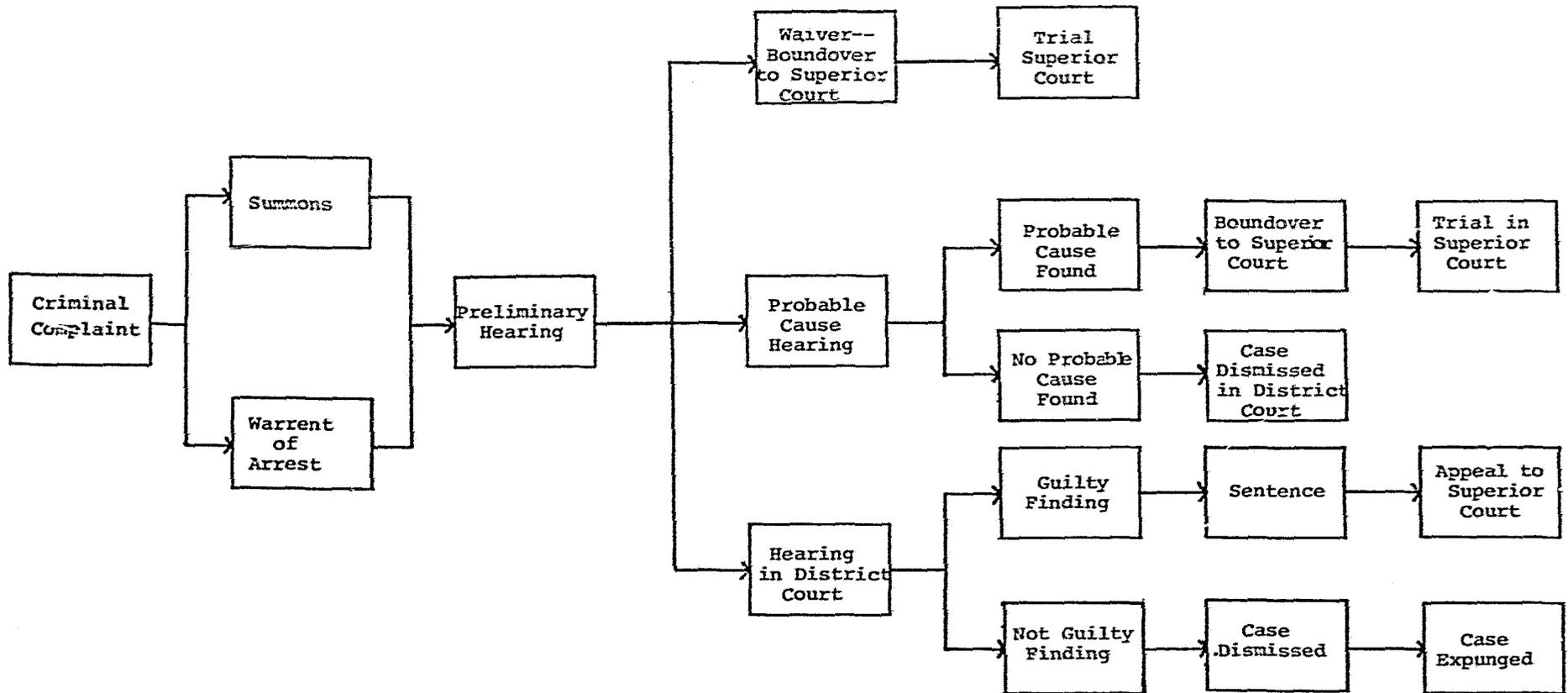
Although there are many similarities in forms and procedures between traffic and non-traffic criminal offenses, in non-traffic criminal matters the clerk may be called upon to issue process by virtue of authority granted the clerk under 15 MRSA §707 and §708. Any process issued by the clerk, as authorized by the Chief Judge of the District Courts, is issued in the clerk's capacity as a justice of the peace.

This section of the manual addresses those situations in which the clerk may be called upon to issue process in addition to those forms and procedures used to process misdemeanors and felony cases.

Forms List

MISDEMEANOR/FELONY

- 1 Criminal Complaint (CR-1-73 Rev.)
- 2 Summons (CR-2-65)
- 3 Warrant of Arrest (CR-5-66 Rev.)
- 4 Decision on Appointment of Counsel (CR-App't. Counsel)
- 5 Approval of Counsel Fee (CR-34A-71)
- 6 Order Holding Defendant to Answer in Superior Court (CR-7-66 Rev.)
- 7 Appearance Bond (CR-4 Rev. 74)
- 8 Criminal Docket
- 9 Judgment and Order of Commitment (CR-3-65)
- 10 Judgment and Order of Commitment to Correctional Center (CR-3A-72 Rev.)
- 11 Abstract to State Bureau of Investigation
- 12 Sentence Suspended (CR-15)
- 13 Notice of Appeal (CR-6A-73)



Criminal Process

Misdemeanor/Felony: Flow Chart 7

Criminal Procedure  
 Misdemeanor/Felony  
 15 MRSA § 1 et seq.

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
I.	<p>Criminal <u>Complaint</u> is filed with the clerk and clerk issues a <u>Warrant of Arrest</u></p> <p>Note: A <u>Summons</u> may be issued as opposed to a <u>Warrant of Arrest</u>. If a defendant fails to appear in response to a <u>Summons</u>, a <u>Warrant of Arrest</u> is issued. The <u>Summons</u> is in the same form as the warrant except that the defendant is not taken into custody. Service of the <u>Summons</u> may be made by any person authorized to serve a <u>Summons</u> in a civil action. The use of a <u>Summons</u> rather than a <u>Warrant</u> is based upon a request by a State's Attorney.</p>	Yes	1, 2, 3, 8	D.C. Crim. R.3.4.5	<p>The procedures outlined in this section address those criminal matters handled in District Court which do not involve traffic violations but which are misdemeanor or felonious in nature. The person alleged to have committed such a criminal offense may have been arrested in the act of committing the offense or may have a formal <u>Complaint</u> filed against him following an alleged offense. District Court Clerks are authorized to issue <u>Warrants of Arrest</u> under 15 MRSA §§706 &amp; 707 which state in part</p> <p>"When a complaint is made to any Judge or Clerk of a District Court, or to a complaint justice, charging a person with the commission of an offense, such judge, clerk, or complaint justice 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 in the name of the District Court for his arrest, stating therein the substance of the charge."</p> <p>"Warrants issued by such magistrates in criminal cases shall be signed by them at the time they are issued."</p> <p>a) An original and one attested copy of the <u>Warrant of Arrest</u> is completed by the clerk. The original is retained by the clerk and the attested copy is given to the law enforcement officer.</p>	<p>Note: In cases involving an offense of a felonious nature, (15 MRSA §451 and §1703 defines a felony as a generic term applied to distinguish certain high crimes, such as murder,</p>

Criminal Procedure  
 Misdemeanor/Felony  
 15 MRSa § 1 et seq.

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
					<p>b) 1. <u>Complaint</u> is issued by the clerk. If the alleged offense is a <u>felony</u> the <u>complainant must submit an affidavit.</u></p> <p>2. Clerk verifies that the correct statutes appears on the complaint.</p> <p>3. Allegations Manual is used to describe charges.</p> <p>c) An original and attested copy of the <u>Complaint</u> are prepared. The original is retained by the clerk and the attested copy given to the law enforcement officer.</p> <p>d) <u>Original of Complaint and Warrant</u> are filed by the clerk.</p> <p><u>Note:</u> Following the issuance of the <u>Criminal Complaint</u> and the ensuing arrest, the defendant may be admitted to bail.</p> <p>"An officer making an arrest under a warrant issued upon complaint shall take the arrested person without unnecessary delay before a magistrate as commanded in the warrant; if the arrest is made at a place 100 miles or more from the place where the warrant was issued, the person arrested, if bailable, shall, if he so demands, be taken before the nearest available magistrate within the division in which he was arrested, or before a bail commissioner, who may admit him to bail for appearance</p>	<p>robbery, rape, arson, larceny, and includes every offense punishable by imprisonment for more than one year in the State Prison), the complainant must review his complaint with the county attorney prior to filing the complaint with the clerk. In actual practice the complaint is often prepared by the District attorney if there is reason to believe that a felony was committed. In addition the complainant must submit an affidavit with the <u>Complaint.</u></p>

Criminal Procedure  
 Misdemeanor/Felony  
 15 MRS.A § 1 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
II	Preliminary Hearing	No		D.C. Crim. R5c, R10, 11, 12	<p>before the proper magistrate. Any person making an arrest without a warrant having been issued shall take the arrested person without unnecessary delay before the nearest available magistrate within the division within which the arrest was made. When a person arrested without a warrant is brought before a magistrate the complaint shall be filed with that magistrate." (D.C. Crim.R4(a)).</p> <p>Note: At the Preliminary Hearing, the defendant may choose to exercise any one of several alternatives available to him. The defendant may or may not be represented by counsel at the preliminary hearing. If he cannot afford counsel, the court will appoint counsel. If he is charged with a felony, he must be represented by counsel at the probable cause hearing in the District Court and at trial in Superior Court. He may waive his right to counsel if charged with a misdemeanor. A misdemeanor is an offense punishable by imprisonment of less than one year or for which no penalty or place of punishment is prescribed (15 MRS.A §1703; §1741)</p> <p>Generally speaking, the following alternatives available to the alleged felon at the Preliminary Hearing;</p> <p>a) Defendant may waive preliminary examination and be immediately bound over to Superior Court.          b) Defendant may elect not to waive preliminary examination and a probable cause hearing is scheduled. If probable cause is not found, the case is dismissed. Further action may be available to the District Attorney.</p> <p>Alternatives available to a defendant charged with a misdemeanor:</p>	

Criminal Procedure  
 Misdemeanor/Felony  
 15 MRSA § 1 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
					a) Defendant may or may not choose to enter a plea. b) Defendant may be represented by counsel, request court appointed counsel, or waive his right to counsel. c) Defendant may request a trial by jury or waive his right to a jury trial. If he requests a jury trial, case is transferred to Superior Court. If the defendant waives trial by jury, case is continued for hearing in District Court at a later date.	
II (a)	Court appoints counsel for defendant.	Yes	4, 5	I.C. Crim. R5(b)	a) If the defendant cannot afford counsel, the court will appoint counsel to represent him ( <u>Decision on Appointment of Counsel Form</u> ). b) <u>Form appointing counsel for the defendant is completed and signed by the judge (usually in court at the Preliminary Hearing). A separate form is used as record of approval of court appointed counsel fee.</u>	
II (b)	Defendant waives preliminary hearing in District Court and is bound over to Superior Court.	Yes	7,8,9	D.C. Crim. R5(b), 40, 46	a) <u>Complaint</u> is returned to clerk following the preliminary hearing. Judge has ordered defendant bound over to Superior Court. b) Clerk completes form <u>Order Holding Defendant to Answer in Superior Court</u> and obtains judge's signature. If defendant is to be detained in county jail, an attested copy of this order is given to law enforcement officer in whose custody the defendant is committed. The original is retained by the clerk and filed with the case. c) Clerk assigns docket number and docket case.	

Criminal Procedure  
 Misdemeanor/Felony  
 15 MRSA § 1 et seq.

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
II (c)	Defendant (alleged felon) exercises his right to a probable cause hearing in District Court.	Yes	8, 9	D.C. Crim. R5, 46	<p>d) All case papers are then forwarded to Superior Court. A receipt for the papers is obtained and the receipt filed in District Court.</p> <p><u>Note:</u> Judge may order defendant to be released on an <u>Appearance Bond</u>. The terms of the <u>Appearance Bond</u> will vary depending upon the circumstances of the case. This bond may be the continuation of earlier bail.</p> <p>a) <u>Complaint</u> is returned to clerk.            b) Clerk assigns docket number to case.            c) Clerk calendars probable cause hearing on criminal court calendar.            d) Clerk docket case.</p>	<p><u>Note:</u> The conditions surrounding the release or detention of the defendant would be the same as previously outlined in II (b). If when the probable cause hearing is held, and if the defendant is bound over to Superior Court, the procedure previously described in II (b) would apply.</p>
II (d)	Defendant (alleged to have committed a misdemeanor) waives his right to a jury trial and a hearing is held in District Court.	Yes	8, 9 or 10, 11, 12, 13	D.C. Crim. R5, 23	<p><u>Note:</u> If the defendant elects to have a jury trial in Superior Court, his case is transferred to Superior Court. The procedure followed by the clerk is the same as that described for bound over cases. (see II(b)).</p>	

Criminal Procedure  
 Misdemeanor/Felony  
 15 MRSA § 1 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
II (d) (con't)					<p>a) <u>Complaint</u> is returned to clerk.</p> <p>b) Docket number is assigned.</p> <p>c) Hearing in District Court is scheduled on Criminal Court Calendar.</p> <p>d) Clerk docket case.</p> <p>e) Case papers are filed by docket number.</p> <p><u>Note:</u> Following the hearing, the clerk updates the docket to reflect the action of the court. If a fine is ordered, clerk collects fine using the same procedure previously described. (See Traffic III #1) If defendant is found not guilty, case is expunged.</p> <p>If a fine is ordered, and the defendant is able, but unwilling to pay the fine, the court may order the defendant to be incarcerated. In this event a Judgment and Order of Commitment must be prepared by the clerk. (See Traffic III(a) and Administration: Misc.)</p> <p>a) <u>Judgment and Order of Commitment form</u> is completed by the clerk.</p> <p>b) Original and (1) attested copy are prepared. Original is retained with case papers, the attested copy is given to law enforcement officer in whose custody the defendant is committed.</p> <p>c) <u>Abstract</u> is sent to <u>State Bureau of Investigation</u> in Augusta.</p> <p>If a fine is ordered, but the defendant is unable to pay it, see <u>Administration: Miscellaneous, Fines Paid.</u></p>	

Criminal Procedure  
 Misdemeanor/Felony  
 15 MRS § 1 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
III	<u>Notice of Appeal</u> is filed with the clerk.	Yes	8, 14	D.C. Crim. R37, 39,40	<p>Note: If sentence is suspended and defendant placed on probation, <u>Sentence Suspended</u> form is completed in open court. An original and (1) attested copy of this form are prepared. The original is retained with the case file and the attested copy given to the Probation Officer.</p> <p>a) Clerk updates docket to reflect <u>Notice of Appeal</u> filed, and date of filing.</p> <p>b) All case papers are forwarded to Superior Court and receipt for these papers is returned to the Clerk in District Court.</p>	<p>Note: Defendant has 10 days from date of judgment in which to file an appeal.</p>

STATE OF MAINE

DISTRICT COURT

District .....

Division of .....

Criminal Docket No. ....

STATE OF MAINE

v

COMPLAINT FOR VIOLATION OF

T.....MRSA § .....

..... being duly sworn, deposes and says (upon information and belief)

That, (as more fully appears from the affidavit attached hereto) on or about the..... day of..... 19..... in the City/Town of..... County of..... and State of Maine, the above named defendant..... did

Sworn to before me this..... day of..... 19.....

District Judge  
Complaint Justice  
Justice of the Peace and  
Clerk of the District Court,  
duly authorized to issue process.

*\*Affidavit not required unless felony alleged and Warrant of Arrest is to issue.*

Witnesses:

Docket No.

STATE OF MAINE  
DISTRICT COURT

COMPLAINT

STATE

vs.

CHARGE:

ADDRESS:

Op. License ..... Reg. ....

Date of Birth .....

Fine Paid \$ .....

Committed .....

Att'y for State .....

Att'y for Defendant .....

Continuances:

JUDGMENT

ARRAIGNMENT: .....

Hearing ( )

READING: ..... WAIVED

Prelim. Exam. ( )

PLEA: ..... GUILTY

TRIAL: ..... ( )

Prelim. Exam. ( )

FINDING: ..... GUILTY

(In felony) .....

SENTENCE:

Appeal filed ..... Term, 19.....

Bound Over ..... Term, 19.....

(County) .....

Bail Ordered \$ ..... ( ) CASH

(With) (Without) Sureties ( )

Judge

STATE OF MAINE

, 88.

DISTRICT COURT

District .....

Division of .....

Criminal Docket No. . . . .

STATE OF MAINE

v.

SUMMONS

To .....

You are hereby summoned to appear before the Division of ....., of the ....., District of the District Court to be held at ....., in the County of ....., on the ....., day of ....., 19... o'clock .. M. to answer a complaint charging that ....., in the City/Town of ....., County of ....., and State of Maine, you did

Date

District Judge  
Complaint Justice  
Justice of the Peace and  
Clerk of the District Court

This summons was received by me at ....., on ....., 19...

Defendant

No. \_\_\_\_\_

State of Maine  
DISTRICT COURT

vs.

\_\_\_\_\_  
SUMMONS  
\_\_\_\_\_

STATE OF MAINE

DISTRICT COURT  
District  
Division of  
Criminal Docket No.

STATE OF MAINE

v.

WARRANT OF ARREST

To the Sheriff of \_\_\_\_\_ County, or any of his deputies, or any other authorized officer

YOU ARE HEREBY COMMANDED to arrest \_\_\_\_\_ and bring him/her without unnecessary delay before the above entitled court to answer to a complaint charging him/her with \_\_\_\_\_

In violation of Title \_\_\_\_\_, Maine Revised Statutes (1964), section \_\_\_\_\_

A True Copy.

Attest

Clerk

District Judge  
Complaint Justice  
Justice of the Peace  
and Clerk of the District Court  
duly authorized to issue process.

Date \_\_\_\_\_, 19 \_\_\_\_\_

NOTE: Rule 3 of the Rules of Criminal Procedure requires that the Complainant and any witnesses he may produce must submit their statements under oath to substantiate the request for a Warrant of Arrest for a felony.

**Return of Arrest**

**STATE OF MAINE**

1911-1912

Date \_\_\_\_\_, 19\_\_

By virtue of the within Warrant, I arrested the Defendant \_\_\_\_\_, and now have him/her before the Court as within directed.

Fees

WARRANT OF ARREST

State of Maine  
DISTRICT COURT

No. \_\_\_\_\_

VA.

State of Maine

SS

District Court

District

Division of

Criminal Action, Docket No.

STATE

vs.

DECISION ON APPOINTMENT OF COUNSEL

Defendant

Prior to arraignment the Court advised the above defendant of his rights to competent counsel, and his rights, if indigent, to have competent counsel appointed for him by the court.

After hearing it appeared to the Court that the above defendant does not have sufficient means to employ counsel.

Therefore, the defendant was given ample opportunity to employ counsel. It was his own decision not to do so.

Therefore the Court appointed \_\_\_\_\_ of \_\_\_\_\_, Maine as counsel for the above defendant in this cause.

The above defendant, after being fully informed of his rights, as stated above, and so far as could be ascertained by the court, by a competent, intelligent and informed decision on his part, declined to have the court appoint counsel.

Dated \_\_\_\_\_

Judge — District Court

# State of Maine

DISTRICT COURT

DISTRICT .....

DIVISION OF .....

.....  
Attorney

.....  
Social Security Number

RESPONDENT:

DOCKET NO.

CHARGE:

NATURE OF SERVICES RENDERED:

AMOUNT:

COURT APPOINTED AND APPROVED:

.....  
DISTRICT JUDGE

1079-10 -4040-\$

Make check payable to:

Mail check to:

CR-34A-71

STATE OF MAINE

, 88.

DISTRICT COURT  
District  
Division of  
Criminal Docket No.

STATE OF MAINE

v.

ORDER HOLDING DEFENDANT TO  
ANSWER IN SUPERIOR COURT

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, came the attorney for the State and the defendant appeared in person and by counsel (without counsel); the Court advised the defendant of his right to counsel and asked him whether he desired to have counsel appointed by the Court. \* (and the defendant thereupon stated that he waived the right to the assistance of counsel). \* (and the defendant stated that he wished counsel, whereupon the Court appointed \_\_\_\_\_ to serve as counsel.)

After hearing (the defendant having waived hearing) it appeared to the Court that there is probable cause to believe the offense set forth in the complaint on file herein has been committed and that the defendant has committed it.

It is ordered that the defendant \_\_\_\_\_ personally appear at the Superior Court to be held at \_\_\_\_\_ in and for the County of \_\_\_\_\_ on the \_\_\_\_\_ Tuesday of \_\_\_\_\_ next, to answer to the accusation contained in said complaint and abide by the orders of the Court.

It is ordered that the defendant is hereby committed to the custody of \_\_\_\_\_ who shall without needless delay remove the defendant to the County Jail in the County of \_\_\_\_\_ and deliver him into the custody of the keeper thereof who shall keep the defendant in said jail until the defendant gives bond in the amount of \_\_\_\_\_ dollars with (out) \_\_\_\_\_ (sufficient) sureties to personally appear as ordered above, or he be otherwise discharged by due course of law.

It is ordered that the clerk deliver a certified copy of this judgment and commitment to the keeper of the County Jail at \_\_\_\_\_ and that the copy serve as the commitment of the defendant.

Judge of the District Court

A True Copy  
Attest

Clerk

Date

The above named defendant was on this date, in open court, advised of his right to waive prosecution by indictment

Date

Judge of the District Court

\* Delete Sections not applicable.

No. \_\_\_\_\_

State of Maine  
DISTRICT COURT

vs.

ORDER HOLDING DEFENDANT TO  
ANSWER IN SUPERIOR COURT

Offense alleged:

State of Maine  
By virtue of the within Order, I, this day, conveyed the within named \_\_\_\_\_  
to the County Jail situate in \_\_\_\_\_ and delivered  
into the custody of the keeper thereof.  
Travel \_\_\_\_\_ miles  
57

STATE OF MAINE

DISTRICT COURT

District

Division of

Criminal Docket No.

State of Maine

v.

APPEARANCE BOND

I, \_\_\_\_\_, the undersigned, of \_\_\_\_\_ in the County of \_\_\_\_\_ and State of Maine, is held and firmly obliged and bound to pay to the State of Maine the sum of \_\_\_\_\_

The condition of this bond is such that whereas I have been charged with the offense of \_\_\_\_\_ and said matter is now pending, I SHALL APPEAR IN THE DISTRICT COURT for the State of Maine, District \_\_\_\_\_, Division of \_\_\_\_\_, at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_ at \_\_\_\_\_ O'clock

in \_\_\_\_\_ M. and if ordered, in the Superior Court to be held in the County of \_\_\_\_\_ at such time or times and in accordance with all orders and directions of any Judge of the District Court or any Justice of the Superior Court relating to my appearance in either said District Court or said Superior Court in answer to said charge, AND FURTHER THAT I SHALL ACCEPT AND COMPLY WITH THE CONDITION OR CONDITIONS OF RELEASE IMPOSED, if any, hereinbelow set forth; and if I appear in accordance with all orders and directions of either Court and comply with the condition or conditions of release, if any then this bond is to be void.

Optional- do not use if unnecessary, strike out all or any part. The factors outlined in Title 15 MRSA 942 as amended having been duly considered, it is determined that an unsecured bond will not reasonably assure the appearance of the said \_\_\_\_\_, and therefore, in addition thereto, the following condition or conditions of release are imposed and made a part of this recognizance:

- (A) That the said \_\_\_\_\_ be and hereby is placed in the custody of \_\_\_\_\_ and that he accept the supervision relating thereto;
- (B) That the said \_\_\_\_\_ shall not travel beyond the territorial confines of \_\_\_\_\_, nor associate with \_\_\_\_\_;
- (C) That the said \_\_\_\_\_ deposit with the Clerk of Courts the sum of \_\_\_\_\_ dollars, said sum not being in excess of 10% of the amount of the recognizance;
- (D) That the said \_\_\_\_\_ return to custody daily on or before 8:00 P.M. and remain in such custody until 7:00 A.M. of the following day.

If I fail to perform the conditions of this bond hereinabove set forth, payment of this bond shall be due forthwith. If this bond is forfeited and the forfeiture is not set aside or remitted, judgment may be entered upon motion in the District Court of the State of Maine, District \_\_\_\_\_, Division of \_\_\_\_\_, or in the Superior Court held in said County of \_\_\_\_\_ against me for the amount above stated together with interest and costs, and execution may be issued or payment secured as provided by the Maine District Court Criminal Rules, Maine Rules of Criminal Procedure, and by other laws of the State of Maine.

I HAVE BEEN FULLY ADVISED, AND I UNDERSTAND, THAT MY FAILURE TO APPEAR WITHOUT JUST CAUSE BEFORE ANY COURT OR JUDICIAL OFFICER AS REQUIRED, IS PUNISHABLE BY A FINE OF NOT MORE THAN THE MAXIMUM PROVIDED FOR THE OFFENSE WITH WHICH I AM CHARGED, OR BY IMPRISONMENT FOR NOT MORE THAN 6 MONTHS IF THE OFFENSE WITH WHICH I AM CHARGED IS A MISDEMEANOR, OR FOR NOT MORE THAN 5 YEARS IF THE OFFENSE WITH WHICH I AM CHARGED IS A FELONY, OR BY BOTH.

Date this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_, Maine.

Defendant

Address

Signed and acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_

Judge, District Court

Ball Commissioner

Approved:

Notary Public for the State of Maine

Approved by \_\_\_\_\_ Notary Public for the State of Maine

No. \_\_\_\_\_

STATE OF MAINE  
DISTRICT COURT

vs.

---

APPEARANCE BOND

---

Docket No.

Respondent's Attorney

Complaint Justice

No.

Appeal filed

Term, 19

State Versus

Bound Over

Term, 19

Date, Place & Offense

Bail

Continuances

Sureties

Date of Hearing

Complainant

Officer

Plea

Witness:

Found

Sentence

Amount Paid

Committed

Sentence Suspended, Probation for

Docket No.

Respondent's Attorney

Complaint Justice

No.

Appeal filed

Term, 19

State Versus

Bound Over

Term, 19

Date, Place & Offense

Bail

Continuances

Sureties

Date of Hearing

Complainant

Officer

Plea

Witness:

Found

Sentence

Amount Paid

Committed

Sentence Suspended, Probation for

, ss.

DISTRICT COURT  
District  
Division of  
Criminal Docket No.

STATE OF MAINE

v.

JUDGMENT AND ORDER OF COMMITMENT

On the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the defendant  
appeared in person (and by counsel).

The defendant having pleaded \_\_\_\_\_ to the charge of \_\_\_\_\_  
(and a hearing having been held);

It is adjudged that the defendant is (not) guilty as charged.

\*It is ordered that the defendant forfeit and pay the sum of \_\_\_\_\_  
dollars (\$) to and for the use of the State, (and upon default of payment that  
he be imprisoned in the \_\_\_\_\_ County Jail at \_\_\_\_\_  
for the term of \_\_\_\_\_ at hard labor).

\*(The defendant having failed to pay said sum;)

\*(It is ordered that the defendant be imprisoned in the \_\_\_\_\_  
County Jail at \_\_\_\_\_ for the term of \_\_\_\_\_ at  
hard labor.)

\*(It is ordered that the sentence imposed upon the defendant be suspended and that he be  
placed upon probation for a term of \_\_\_\_\_ upon the conditions  
attached hereto.)

\*(It is ordered that the defendant is hereby committed to the custody of \_\_\_\_\_  
\_\_\_\_\_ who shall without needless delay remove the  
defendant to the \_\_\_\_\_ County Jail at \_\_\_\_\_ and  
deliver him/her into the custody of the keeper thereof who shall cause the defendant to be im-  
prisoned at hard labor within said County Jail in accordance with this judgment.

It is ordered that the clerk deliver a certified copy of this judgment and commitment to  
the keeper of the County Jail at \_\_\_\_\_ and that the copy  
serve as the commitment of the defendant.

Judge of the District Court

A True Copy

Attest

Clerk

Date

\* Delete Sections not applicable.

STATE OF MAINE

....., 88. A. D. 19.....

By virtue of the within ORDER, I this day, conveyed the within named .....  
..... to the County Jail situate in .....  
and delivered ..... into the custody of the keeper  
thereof.

Travel ..... miles

JUDGMENT AND ORDER  
OF COMMITMENT

No. ....  
State of Maine  
DISTRICT COURT  
vs.

STATE OF MAINE

DISTRICT COURT  
District  
Division of  
Criminal Docket No.

STATE OF MAINE

JUDGMENT AND ORDER OF COMMITMENT  
TO CORRECTIONAL CENTER

v.

On the .....day of....., 19....., the defendant  
appeared in person (and by counsel).

The defendant having pleaded.....to the charge of.....  
(and a hearing having been held waived.)

It is adjudged that the defendant is (not) guilty as charged, \*(adjudged of having committed  
a juvenile offense).

\*It is adjudged that the defendant is a male of not less than 17 years of age and of not more than  
26 years of age, to wit, of the age of.....years.

\*It is adjudged that the defendant is a female, a woman over the age of 17 years and under the age  
of 10 years, to wit, of the age of.....years.

\*It is ordered that the defendant be committed to the Correctional Center for Men at Windham  
in the County of Cumberland, there to be kept until discharged by due course of law.

\*It is ordered that the defendant be committed to the Correctional Center for Women at Skowhegan  
in the County of Somerset, there to be kept until discharged by due course of law.

\*It is ordered that the sentence upon the defendant be suspended and that the defendant be placed  
upon probation for a term of .....upon the conditions  
attached hereto.

\*It is ordered that the defendant is hereby committed to .....  
.....who shall without needless delay remove the  
defendant to said Correctional Center for Men/Women, and deliver the defendant to the Superin-  
tendent thereof, there to be kept, until discharged by due course of law.

It is ordered that the clerk deliver a certified copy of this judgment and commitment to said  
Superintendent and that the copy serve as the commitment of the defendant.

A True Copy

Attest .....  
Clerk Judge of the District Court

Date ..... 19.....

\* Delete Sections not applicable

No. \_\_\_\_\_

State of Maine  
DISTRICT COURT

vs.

JUDGMENT AND ORDER OF  
COMMITMENT TO CORRECTIONAL  
CENTER

STATE OF MAINE

A. D. 19

By virtue of the within ORDER, I, this day, conveyed the within named

to the Correctional Center for Men/Women,

and delivered

into the custody of the Superintendent thereof.

Travel \_\_\_\_\_ miles

STATE OF MAINE  
**ABSTRACT OF COURT RECORD OF CRIMINAL VIOLATION**

DOCKET NO. _____	RESPONDENT _____
ARRESTING OFFICER _____	ADDRESS NO. _____ ST. _____
DEPARTMENT _____	CITY or TOWN _____
OFFENSE _____	DATE OF BIRTH _____
	PLACE OF OFFENSE _____
	DATE OF OFFENSE _____

DATE OF HEARING	PLEA	JUDGEMENT	RESULT
-----------------	------	-----------	--------

I hereby certify that the foregoing is a true abstract from the records  
of the Court holden at

- |                |                          |        |
|----------------|--------------------------|--------|
| Superior       | <input type="checkbox"/> | ATTEST |
| Municipal      | <input type="checkbox"/> |        |
| Trial Justice  | <input type="checkbox"/> |        |
| District Court | <input type="checkbox"/> |        |

Clerk  
Form 13:76

State of Maine  
DISTRICT COURT

District  
Division of

, ss.

Criminal Docket Number

STATE OF MAINE

vs

SENTENCE SUSPENDED

A. D. 19

To of  
You stand convicted before this Court of the offense of

as charged in complaint  
and you are sentenced  
for the term of

Number

It appearing, however, that the circumstances of the case justify giving you an opportunity to prove yourself capable of being a law abiding citizen, it is further ordered that the execution of the sentence as it relates to FINES COSTS CONFINEMENT be suspended and that you are placed on probation and committed to the custody and control of the State Probation and Parole Board (represented here this day by the designated Probation-Parole Officer ) for a period of

The conditions of your probation are as follows:

You are to report to the Probation-Parole Officer forthwith, and thereafter as the State Probation and Parole Board may direct. You are to obey all laws of this State and of any other State or Commonwealth, as well as all laws of the United States of America, or of any territory thereof, and of any foreign country. You are not to associate with any person or persons known to you as immoral, or criminally inclined, or convicted of crime, and especially with persons on probation or parole. You are at all times to maintain good behavior and diligently and in good faith maintain regular employment. You must support your lawful dependents, if any, and abstain from the use of intoxicants. You are not to leave the State of Maine unless you have been permitted to do so by the State Probation and Parole Board through the Probation-Parole Officer, and, if so permitted to leave the State of Maine, then you agree to return to the State of Maine upon request of the Probation-Parole Officer.

Your freedom from future arrest and punishment for the offense of which you have been found guilty depends upon your strict observance of the foregoing conditions of your probation, and of the special conditions hereinafter inserted, or of any other conditions further imposed by this Court during the term of your probation.

SPECIAL CONDITIONS:

**ORDERED:** The foregoing conditions are made part of the sentence, as if recited therein.

Judge District Court

A. D. 19

Receipt in open Court of this written statement containing the conditions of my probation is hereby acknowledged.

Witness:

Probationer

Probation-Parole Officer in Court

A True Copy, Attest:

Clerk of Court

# State of Maine

....., SS.

DISTRICT COURT

District .....

Division of .....

.....

Docket No .....

STATE OF MAINE

vs.

NOTICE OF APPEAL

OFFENSE: \_\_\_\_\_

\_\_\_\_\_

Notice is hereby given that .....  
hereby appeals to the ..... County Superior Court from the judgment entered  
in these proceedings on the ..... day of ....., 19.....

Dated: .....

\_\_\_\_\_  
APPELLANT

\_\_\_\_\_  
ATTORNEY FOR APPELLANT

\_\_\_\_\_  
APPELLANT'S ADDRESS

\_\_\_\_\_  
PLACE OF CONFINEMENT (IF CONFINED)



## INTRODUCTION

### Juvenile

"It is especially important to understand that the juvenile court is a part of the total juvenile justice system, a complex of law enforcement, judging, punishing and helping functions carried on officially and unofficially by a variety of public officers."<sup>2</sup>

There are substantial differences in the nature of the juvenile justice process as opposed to the criminal process. First, in the juvenile justice system, greater emphasis is placed on protecting the juvenile than might otherwise be found in the criminal process.<sup>3</sup> Juvenile court is a "closed" court. The public is not permitted to view juvenile proceedings, and the confidentiality of all records and reports is strictly observed. Second, throughout the juvenile justice system, greater effort is made to resolve juvenile problems outside the formal structure. For example, many District Courts in Maine provide for "informal" juvenile hearings, in which

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<sup>2</sup> Fox, Sanford J., Juvenile Courts in a Nutshell, West Publishing Co., 1971 p. 1

<sup>3</sup> For a discussion and description of a pilot juvenile intake process see Maine Juvenile Intake Service: York County Pilot Project, prepared by the National Center for State Courts, August 31, 1974.

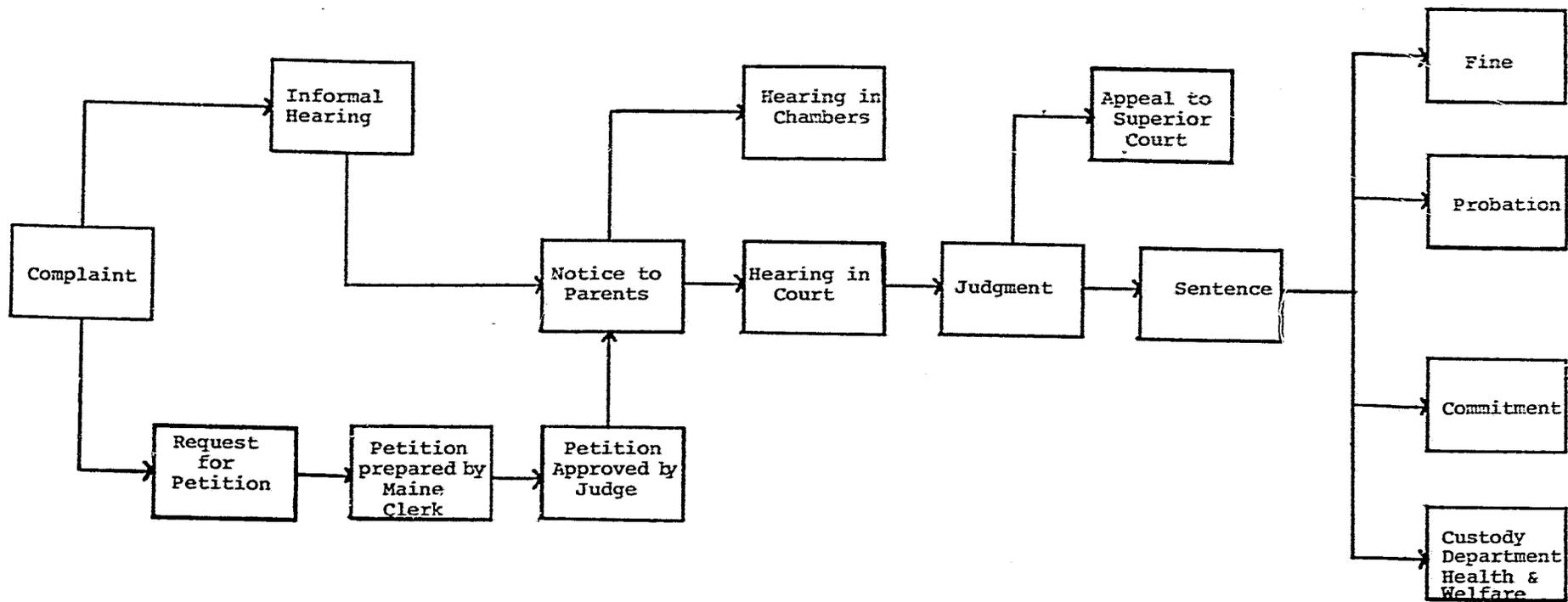
no formal petition or record is filed. Third, there is greater flexibility in the disposition of juvenile cases than is found in the criminal process. There is generally greater attention given to the individual, his background and personal attributes and deficiencies.

The clerk is a key figure in the total juvenile justice system since it is the clerk who is responsible for maintaining juvenile records and protecting the confidentiality of these records at all times.

Forms List

JUVENILE

- 1 Petition Initiating Juvenile Proceedings (CR-22-67 Rev.)
- 2 Juvenile Check List (CR-22A-70)
- 3 Juvenile Docket
- 4 Mittimus for Boys Training Center (CR-29-65 Rev.)
- 5 Mittimus for Stevens School (CR-30-68 Rev.)
- 6 In Juvenile Session Order of Probation (CR-16-Rev. 67)
- 7 Revocation of Probation (CR-3C-65)
- 8 Warrant of Arrest (CR-32-65 Rev.)
- 9 Commitment of Juvenile Offender (Form CW-3a)
- 10 Notice of Appeal (CR-6A-73)
- 11 Supersedeas (CR-17)
- 12 Appearance Bond (CR-4 Rev. 74)



Juvenile Process: Flow Chart 8

Criminal Procedure  
 Juvenile  
 15 MRS §2501 et seq.  
 22 MRS §3791 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
	<u>Informal Hearing</u>	No			<p>At the discretion of the judge an informal hearing may be held in cases involving juvenile offenders. This informal hearing is usually reserved for juvenile cases involving a first offense of a minor nature.</p> <p>The hearing takes place in the judge's chambers and no formal petition or complaint is filed against the juvenile. This hearing serves as a warning and is used to avoid creating a record for the juvenile if it is a first offense.</p> <p>When an informal hearing is to be held, the clerk sends a certified letter to the parents/legal guardians requesting them to appear with the juvenile.</p>	
I	<u>Request for Petition Initiating Juvenile Proceeding</u>	No		§2601 §2602	<p>Note: All juvenile petitions originate in District Court, regardless of the offense. The petitioner may be a law enforcement officer or a private citizen. However, if the petitioner is a private citizen, he must make his request for a petition through a law enforcement office or through the county attorney's office.</p> <p>If an offense, which if committed by an adult would be characterized as a felony, is charged, any petitioner must first review the grounds for this petition with the district attorney. Regardless of who originates the petition, it must be signed and authorized by a judge.</p> <p>Most often, requests for juvenile petitions are made by law enforcement officers. The Officer's Worksheet or a written statement by a private citizen provides the basic information needed to complete the petition.</p>	

Criminal Procedure  
 Juvenile  
 15 MRSa §2501 et seq.  
 22 MRSa §3791 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
II	<p><u>Petition Initiating Juvenile Proceedings</u> is filed with the clerk.</p>	Yes	1, 3	\$2601 - \$2608	<p>If a juvenile has been arrested, a hearing must be scheduled for the next court day. In this instance, the petition is prepared prior to the hearing. Such cases are often continued; however, the juvenile is entitled to an initial appearance in court within 24 hours of his arrest or if the arrest occurs on a weekend, the hearing is scheduled for the next court day. Regular bail procedure applies at this point.</p> <p>The confidentiality of all juvenile records must be maintained at all times. No information, papers, docket sheets or files are available to the public <u>except</u> by the approval of the Chief Judge.</p> <p>Note: If the juvenile is alleged to have committed a traffic offense, the juvenile is processed under the rules and procedures of Traffic Court. (See 15 MRSa §2552 and exceptions therein.)</p> <p>a) Clerk types original and one (1) copy of the petition. The following information is required to complete the petition:</p> <ol style="list-style-type: none"> <li>1. Juvenile's name, address and date of birth,</li> <li>2. Parent/legal guardian or nearest relative, name and address,</li> <li>3. Summary of charges.</li> </ol>	<p>3. Allegations manual is usually used to prepare the summary of charges.</p>

Criminal Procedure  
 Juvenile  
 15 MRSa §2501 et seq.  
 22 MRSa §3791 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
					b) Clerk assigns docket number. c) Petitioner signs the original petition and swears to the accuracy of the information in the presence of the judge. d) Original and copy of the petition are given to the petitioner. The attested copy of the petition is served on the parent/guardian and the original is returned to the clerk with service noted. e) Clerk schedules hearing date on the court calendar. Hearing date is recorded on Citation section of petition. f) When the original of the petition is returned to the clerk's office, clerk verifies that service was made by sheriff. g) Petition is filed in Pending Juvenile Petition file by date of hearing.	d) Petition must be served at least 24 hours before a scheduled hearing, unless waived by the parent in the presence of the judge. e) If charges against juvenile are of a serious nature, the hearing is scheduled as soon as possible as in the case of a juvenile who has been incarcerated or detained. If the offense is minor, the hearing is usually scheduled within 2-4 weeks from petition date. g) Clerk reviews this file each morning. Petitions scheduled for hearing on that day are given to the judge for review.

Criminal Procedure  
 Juvenile  
 15 MRSa §2501 et seq.  
 22 MRSa §3791 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
III	Hearing on the Petition	Yes	2	§2609 - §2611	<p>Note: The results of the hearing are noted on the petition by judge. There are numerous dispositions which may result from the hearing; however, the most common ones are as follows:</p> <ul style="list-style-type: none"> <li>#1 Case is dismissed.</li> <li>#2 Case is continued with day (another hearing is scheduled).</li> <li>#3 Case is continued without day (another hearing is not scheduled, but case remains open).</li> <li>#4 Juvenile is adjudicated to have committed the offense and fine or detention is imposed.</li> <li>#5 Juvenile is adjudicated to have committed the offense and is placed on probation.</li> <li>#6 Juvenile is committed into the custody of the Department of Health and Welfare.</li> </ul> <p>Note: Following the hearing, the petition is returned to the clerk with disposition of the case noted by the judge. The responsibilities of the clerk will vary depending upon the disposition of the case. Each disposition with the corresponding responsibilities of the clerk are described below:</p> <ul style="list-style-type: none"> <li>a) Clerk docket case and files in dead file. (See Step IV for docketing procedure.)</li> <li>a) Clerk enters case in juvenile docket. (See Step IV for docketing procedure.)</li> </ul>	
	#1 Case is dismissed.	No	3,4,5			
	#2 Case is continued.	Yes				

Criminal Procedure  
 Juvenile  
 15 MRSA §2501 et seq.  
 22 MRSA §3791 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
	#3 Case is continued day to day.	No			b) If juvenile is to be detained at the Boys Training Center or at Stevens School for Girls, clerk prepares a <u>Mittimus</u> and secures judge's signature. c) Clerk refiles petition in "Pending Juvenile Case" file by date of hearing. New hearing date is scheduled in the court calendar.  a) Clerk docket case in Juvenile Docket (see Step IV for docketing procedure). b) Petition is filed by docket number.	c) Some judges prefer to calendar the hearing themselves. In this circumstance, clerk would not have to calendar the hearing.  b) Continued day to day may be used by the judge as a means of informal supervision. Essentially the case is continued indefinitely until such time as the judge deems further supervision unnecessary.
	#4 Juvenile is adjudicated to have committed the offense and is to be detained at the Boys Training Center or at the Stevens School for Girls.	Yes	4, 5	§2711 - §2718	a) Clerk enters case in Juvenile Docket. (See Step IV for docketing procedure.) b) Petition is filed by docket number. c) <u>Mittimus for Boys Training Center or Mittimus for Stevens School</u> is prepared by clerk and signed by the judge.	

Criminal Procedure  
 Juvenile  
 15 MRSA §2501 et seq.  
 22 MRSA §3791 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
	#5 Juvenile is adjudicated to have committed an offense and is placed on probation.	Yes	6		d) An original and 1 copy of the appropriate <u>Mittimus</u> are prepared by the clerk; the original is returned to the clerk by the law officer after juvenile has been taken to detention. Clerk verifies "Officer's Return" and signature of Superintendent, both of which must appear on <u>Mittimus</u> form. Copy of <u>Mittimus</u> is retained by the Training Center or School. e) Clerk files <u>Mittimus</u> and updates docket to reflect <u>Mittimus</u> served and the date.  a) Clerk enters case in Juvenile Docket (see Step IV for docketing procedure). b) Order for Probation (Sentence Suspended form) is prepared by clerk. Original is filed with case, 1 copy to Probation Officer, 1 copy to juvenile. c) Petition is filed by docket number.	
	<u>Petition for Termination of Probation</u> is filed with clerk.	Yes	7		Note: If a violation of probation occurs, this petition is submitted by the probation officer directly to the judge. The petition states the violation of probation that has occurred and requests judge to revoke probation. The clerk has no responsibility to generate or distribute this petition, but is responsible for filing and docketing after judge has acted on the petition.	

Criminal Procedure  
 Juvenile  
 15 MRSA §2501 et seq.  
 22 MRSA §3791 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
	<p><u>Warrant of Arrest for Violation of Probation</u></p>	Yes	8		<p>Note: A Bench Warrant is issued by the judge to bring juvenile offender in to answer charges of violating his probation. If found to be in violation and if probation is revoked, clerk must prepare proper <u>Mittimus</u> to detain juvenile. Case file and docket are updated.</p>	<p>the judge to bring juvenile offender in to answer charges of violating his probation. If probation is revoked, clerk must prepare proper <u>Mittimus</u> to detain juvenile. Case file and docket are updated.</p>
	<p>#6 Juvenile is committed to the custody of the Department of Health and Welfare.</p>	Yes	9		<p>a) Clerk enters case in Juvenile Docket (see Step IV for docketing procedure).          b) Petition is filed by docket number.          c) Clerk completes an original and one (1) copy of "<u>Commitment of Juvenile Offender</u>" form; original is signed by the judge. Original remains with case file. copy is sent to Department of Health and Welfare.          d) Case is filed by clerk.</p>	
IV	<p>Case is entered in the Juvenile Docket.</p>	Yes	3		<p>a) Docket number is assigned          b) Juvenile's name          c) Date, place and offense          d) Officer's name          e) Petitioner's name          f) Contingencies          g) Arraignment          h) Adjudicated to have committed a juvenile offense (Yes or No)          i) Sentence          j) Attorney for State</p>	

Criminal Procedure  
 Juvenile  
 15 MRSa §2501 et seq.  
 22 MRSa §3791 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
V	<u>Notice of Appeal</u> is filed with clerk	Yes	10, 11	§2661 - §2667	k) Attorney for Respondent l) Father or Mother (present in court) m) Probation officer (present in court)  a) Clerk prepares an original and one (1) copy of the <u>Notice of Appeal</u> ; original is filed in case file; 1 copy is sent to the county attorney. b) Clerk calendars date for hearing on Motion to Appeal. c) If juvenile is being detained at detention center, a <u>Supersedeas</u> is issued. Two (2) copies of the <u>Supersedeas</u> are issued; the original is returned to the clerk by the sheriff for the case file; the copy is given to Superintendent of the training center or the "Keeper of the Jail."	a) Defendant has five (5) days in which to appeal his case.  c) A <u>Supersedeas</u> is a court order to bring the person being detained into court for the hearing. It may be used to bring someone who is in jail or someone being held at a training center to court.
VI	<u>Hearing on Motion to Appeal</u>	Yes	5, 6 12		a) On the day of the hearing, clerk pulls case for review by the judge.	a) The <u>purpose</u> of this hearing is to determine if juvenile is to be detained until his hearing in Superior Court or if bail/bond is to be posted.

Criminal Procedure  
 Juvenile  
 15 MRSA §2501 et seq.  
 22 MRSA §3791 et seq.

CASE REFERENCE NO. \_\_\_\_\_

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
VII	Appeal to Superior Court is filed by the clerk.	No			<ul style="list-style-type: none"> <li>b) Following the hearing, if bail/bond is to be posted, clerk completes <u>Appearance Bond</u>.</li> <li>c) If bail or bond is not posted, a <u>Mittimus</u> is issued. This <u>Mittimus</u> detains juvenile at Training Center or jail until his hearing at Superior Court. An original and one (1) copy are prepared by the clerk. The original is returned by sheriff to clerk, with officer's return and the copy is retained by the Superintendent of the Training Center or jail.</li> <li>d) Clerk updates juvenile docket to reflect appeal filed and date, also that a <u>Mittimus</u> was issued, returned, and the date.</li> <li>a) The case and all papers, <u>excluding</u> the judge's notes, are forwarded to Superior Court clerk.</li> <li>b) Juvenile docket is updated to reflect appeal filed in Superior Court, and date filed.</li> <li>c) Receipt of papers by Superior Court clerk is filed in case folder.</li> </ul>	



State of Maine

, ss.

DISTRICT COURT

CITATION

Upon the foregoing Petition, you (Parent, Legal Guardian, etc.) are ordered to bring with you the said the juvenile complained against, and to make your appearance at the Juvenile Session of the District Court holden at in said County of on the day of at o'clock in the noon. WHEREFORE, fail not, as you will answer for your default under the pains and penalty of law.

Judge Clerk Complaint Justice

Docket No.

Petition Initiating Juvenile Proceedings

Name Address Arraigned: Plea: Adjudicated to have committed a Juvenile offense YES NO Sentence: FATHER MOTHER Present in Court PROBATION OFFICER Present in Court I hereby waive 24 hour notice

(Officer's Return of Service)

State of Maine

, ss.

I, of made service of the written Petition and (Indicate Title) Citation upon (Name of person named in Citation) by delivering to him/her in hand, at o'clock in the noon on the day of A.D. 19 an attested copy of said Petition and Citation.

## JUVENILE CHECK LIST

Name of Juvenile:

Date of Birth:

I. Right to Counsel

Explained by Court	Yes	No
Waived by parents	Yes	No
Waived by juvenile	Yes	No
Was defendant of sufficient means	Yes	No
Was counsel Court appointed	Yes	No

II. Was informal trial agreed to

By parents	Yes	No
By juvenile	Yes	No
By counsel	Yes	No

III. Did Court instruct on right to remain silent?      Yes      No

IV. Was charge read and explained?      Yes      No

V. Was plea entered?      Yes      No

VI. Did Court explain right to appeal to Superior Court?      Yes      No

VII. Names of Witnesses Testifying:

- a.
- b.
- c.
- d.

Were above witnesses all sworn?      Yes      No

VIII. Was Petition properly served or waived by parents?      Yes      No

REMARKS:

Juvenile Docket

State vs.  
Date of Birth

Parents-Legal Guardian-Person having custody  
or control-nearest known relative-present

Attorney for Juvenile:

Attorney of State:

Officer or Petitioner

Offense:

Arraignment:

Continuances:

Plea:

Adjudicated to have committed a Juvenile offense:

YES

NO

Probation Officer is/is not present

Sentence:

# State of Maine

Juvenile Court for  
District  
Division of

To the Sheriff of the County of \_\_\_\_\_ or either of his Deputies,  
or either of the Constables of \_\_\_\_\_ in the said County,  
To the Superintendent of the Boys Training Center situated in the City of South Portland in the  
County of Cumberland.

**Greetings:**

Whereas, \_\_\_\_\_ of \_\_\_\_\_ in the County of \_\_\_\_\_  
was brought before the Juvenile Court for \_\_\_\_\_  
by virtue of a Petition and Citation/Warrant (strike out inapplicable term) in due form of law,  
signed by \_\_\_\_\_ of \_\_\_\_\_  
in the County of \_\_\_\_\_, who therein represents that the said  
\_\_\_\_\_ committed a juvenile offense in that:  
On the \_\_\_\_\_ day of \_\_\_\_\_

UPON which Petition and Citation/Warrant (strike out inapplicable term) hearing was had; and,  
Whereas, after hearing the testimony of divers witnesses and the evidence in relation thereto  
and fully understanding the nature of the testimony and the evidence, and it then appearing that  
the said \_\_\_\_\_ had committed a juvenile offense as alleged  
and it further appearing that the said \_\_\_\_\_ was then and there  
a minor boy between the ages of eleven and seventeen years, and that he was not then and there  
deaf, dumb or a proper subject for the Augusta State Hospital, the Bangor State Hospital or Pine-  
land Hospital and Training Center, after a full hearing it was then and there considered and or-  
dered by the said Juvenile Court that the said \_\_\_\_\_ be committed  
to the Boys Training Center located in South Portland in the County of Cumberland there to be  
rehabilitated or otherwise disposed of as provided by law during the time of his minority, to wit,  
until the \_\_\_\_\_ day of \_\_\_\_\_ unless he shall sooner be  
discharged or otherwise disposed of by due course of law.

Wherefore in the name of the State of Maine, you the said Sheriff, Deputy Sheriff and Constable  
are hereby commanded to convey the said \_\_\_\_\_ to said  
Boys Training Center and him there deliver to the Superintendent thereof together with this  
Mittimus and you, the said Superintendent, are hereby commanded to receive the said \_\_\_\_\_  
\_\_\_\_\_ under your guardianship at said Boys Training Center and  
him there safely keep until the expiration of said term or until he be otherwise discharged or dis-  
posed of by due course of law.

It is hereby certified, as far as the particulars can be ascertained, that the said  
\_\_\_\_\_ was born on the \_\_\_\_\_  
day of \_\_\_\_\_, that his birthplace was \_\_\_\_\_  
that his parents are named \_\_\_\_\_  
and at the time he appeared before this Court he resided in \_\_\_\_\_  
in the County of \_\_\_\_\_, State of Maine.

Witness: \_\_\_\_\_ Esquire, our said Judge, at  
\_\_\_\_\_ aforesaid, this \_\_\_\_\_ day of \_\_\_\_\_  
in the year of our Lord one thousand nine hundred and \_\_\_\_\_

Judge of said Court

I certify that

of

County of

delivered the said  
to the Superintendent of the Boys Training Center by virtue of the authority set forth in the with-  
in mittimus.

Superintendent

MITTMAUS  
for  
BOYS TRAINING CENTER

VS.

Fees

By virtue of the within precept, I have taken the person herein named, and delivered him  
to the officers of the Boys Training Center, at South Portland, for the purposes therein mentioned.

89.

19

OFFICER'S RETURN

# State of Maine

Juvenile Court for

..... DE.

..... District

Division of .....

To the Sheriff of the County of ..... or either of his Deputies,  
or either of the Constables of ..... in the said County,  
To the Superintendent of the Stevens School situated in the City of Hallowell in the County of  
Kennebec.

**Greetings:**

Whereas, ..... of ..... in the County of .....  
was brought before the Juvenile Court for .....  
by virtue of a Petition and Citation/Warrant (strike out inapplicable term) in due form of law,  
signed by ..... of .....  
in the County of ....., who therein represents that the said  
..... committed a juvenile offense in that:  
On the ..... day of .....

UPON which Petition and Citation/Warrant (strike out inapplicable term) hearing was had; and  
Whereas, after hearing the testimony of divers witnesses and the evidence in relation thereto and  
fully understanding the nature of the testimony and the evidence, and it then appearing that the  
said ..... had committed a juvenile offense as alleged and  
it further appearing that the said ..... was then and there  
a minor girl between the ages of nine and seventeen years, and that she was not then and there  
deaf, dumb or a proper subject for the Augusta State Hospital, the Bangor State Hospital or Pine-  
land Hospital and Training Center, after a full hearing it was then and there considered and  
ordered by the said Juvenile Court that the said ..... be committed  
to the Stevens School located in Hallowell in the County of Kennebec there to be rehabilitated or  
otherwise disposed of as provided by law during the time of her minority, to wit, until the  
..... day of ..... unless she shall sooner be  
discharged or otherwise disposed of by due course of law.

Therefore in the name of the State of Maine, you the said Sheriff, Deputy Sheriff and Constable  
are hereby commanded to convey the said ..... to said  
Stevens School and her there deliver to the Superintendent thereof together with this Mittimus  
and you, the said Superintendent, are hereby commanded to receive the said .....  
..... under your guardianship at said Stevens School and her  
there safely keep until the expiration of said term or until she be otherwise discharged or disposed  
of by due course of law.

It is hereby certified, as far as the particulars can be ascertained, that the said  
..... was born on the .....  
day of ..... that her birthplace was .....  
that her parents are named .....  
and at the time she appeared before this Court she resided in .....  
in the County of ....., State of Maine.

Witness: ..... Esquire, our said Judge, at  
..... aforesaid, this ..... day of .....  
in the year of our Lord one thousand nine hundred and .....

.....  
Judge of said Court

I certify that \_\_\_\_\_ of \_\_\_\_\_ County of \_\_\_\_\_ delivered the said \_\_\_\_\_ to the Superintendent of Stevens School by virtue of the authority set forth in the within mittimus.

.....  
*Superintendent*

VS.

MITTİMUS  
for  
STEVENS SCHOOL

.....  
Fees

By virtue of the within precept, I have taken the person herein named, and delivered her to the officers of the Stevens School, at Halliwell, for the purposes therein mentioned.

.....  
89.

.....  
19

OFFICER'S RETURN

STATE OF MAINE

District Court

88.

District
Division of

State of Maine

vs.

IN JUVENILE SESSION
ORDER OF PROBATION

A. D. 19

TO: of

Having been elted before this Court for a Juvenile offense, and after hearing, the Court having sentenced you to be committed to (Strike out inapplicable sentence)

having continued the matter for a period of , It is however, considered and ordered by this Court, for the purpose of giving you an opportunity to prove yourself capable of being a law-abiding person, that this sentence be suspended for a period of and that you be placed in the custody and control of the Probation-Parole Board of the State of Maine during said period. You are to report to a Probation-Parole Officer forthwith and thereafter as the Probation-Parole Board may direct. Your freedom from punishment for the offense for which you are elted depends on your good conduct, obedience of all laws of the State of Maine, and strict observance of this order, and of any special conditions hereinafter inserted.

The Probation-Parole Board will report to this Court from time to time whether or not your behavior is such as to warrant further leniency.

SPECIAL CONDITIONS:

ORDERED: The foregoing conditions are made part of the sentence, as if recited therein.

Judge District Court

Receipt in open Court of this written statement containing the conditions of my probation is hereby acknowledged.

Probationer

A. D. 19

Witness:

Probation-Parole Officer in Court

A True Copy, Attest:

Clerk of Court

Form #6

STATE OF MAINE

VS.

---

IN JUVENILE SESSION  
ORDER OF PROBATION

STATE OF MAINE

DISTRICT COURT  
District . . . . .  
Division of . . . . .  
Criminal Docket No. . . . .

, ss.

STATE OF MAINE

v.

REVOCAION OF PROBATION

On the . . . . . day of . . . . ., 19 . . . . ., the defendant appeared in person (and by counsel) to answer to the charge that the defendant had violated one or more of the conditions of probation attached to the judgment of this court in this case, dated . . . . ., 19 . . . . .

A hearing having been held,

It is adjudged that the defendant has violated one or more of the conditions of probation attached to said judgment in that: the defendant

It is ordered that the order of probation contained in the judgment of this court in this case, dated . . . . ., 19 . . . . . is hereby revoked and it is ordered that said judgment and the sentence therein be executed and that this order be attached to and made a part of said judgment.

Judge of the District Court

A True Copy

Attest  
Clerk

Date . . . . ., 19 . . . . .

No.

State of Maine  
DISTRICT COURT

vs.

REVOCATION OF PROBATION

# State of Maine

## DISTRICT COURT

, 88.

District  
Division of

To the Sheriff of  
other authorized officer:

County, or any of his Deputies, or any

GREETING:

of in the County of  
having been summoned (having been bailed) to appear before  
the District Court to be held at in the County of  
and the said having failed to appear,

WE COMMAND YOU, that immediately, without delay, you arrest the said  
, (if he may be found in your precinct) and him safely keep, so  
that you have him before our Judge of our District Court at  
within and for the County of, then and there in said Court, to answer  
to a complaint which charges that the said, did commit  
the crime of

as is more particularly set forth in said Complaint.

HEREOF FAIL NOT, and make return of this writ with your doings thereon.

WITNESS,  
the day of  
nine hundred and

Esquire, Judge of said District Court,  
in the year of our Lord one thousand

*District Judge*

State of Maine

, ss.

, A. D., 19

By virtue of the within Warrant I have arrested the within named  
and now have before said Court, as within commanded.

DISTRICT COURT

No.

WARRANT OF ARREST

STATE VS.

(Commitment of Juvenile Offender)  
STATE OF MAINE

\_\_\_\_\_  
, SS.

DISTRICT COURT

WHEREAS at a Juvenile Session of the \_\_\_\_\_ District Court,  
began and holden at \_\_\_\_\_ in said County on the \_\_\_\_\_ day  
of \_\_\_\_\_, A. D. 19\_\_\_\_, and

WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, a petition  
was signed by \_\_\_\_\_, a  
against \_\_\_\_\_ of \_\_\_\_\_,  
minor child of \_\_\_\_\_ of \_\_\_\_\_,  
and \_\_\_\_\_ of \_\_\_\_\_,  
alleging that said minor child was guilty of a juvenile offense, and

WHEREAS, after notice to \_\_\_\_\_  
parent (legal guardian \_\_\_\_\_ person having custody or control \_\_\_\_\_ nearest known relative) of  
said minor child, and

WHEREAS, after a hearing on said complaint, it appearing that the material allegations in said com-  
plaint are true, said child was adjudged guilty of a juvenile offense,

NOW, THEREFORE, in conformity with the provisions of Section 2011 of Title 15 of the Revised  
Statutes of 1961 and acts amendatory thereof and additional thereto,

IT IS HEREBY ORDERED that the above-named child be committed into the custody of the State De-  
partment of Health and Welfare, until further order of Court, but, in the event of no such further order of  
Court, not beyond the time when said child shall become eighteen years of age.

Given under my hand and the seal of said Court at \_\_\_\_\_  
in the County of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Judge of the \_\_\_\_\_ District Court

# State of Maine

....., SS.

DISTRICT COURT

District .....

Division of .....

.....

Docket No .....

STATE OF MAINE

vs.

NOTICE OF APPEAL

OFFENSE: \_\_\_\_\_

\_\_\_\_\_

Notice is hereby given that .....  
hereby appeals to the ..... County Superior Court from the judgment entered  
in these proceedings on the ..... day of ....., 19.....

Dated: .....

\_\_\_\_\_  
APPELLANT

\_\_\_\_\_  
ATTORNEY FOR APPELLANT

.....  
APPELLANT'S ADDRESS

.....  
PLACE OF CONFINEMENT (IF CONFINED)

State of Maine

DISTRICT COURT

County of \_\_\_\_\_, ss.

District \_\_\_\_\_

Division of \_\_\_\_\_

To \_\_\_\_\_, keeper of our jail, in said County:

Whereas \_\_\_\_\_, of \_\_\_\_\_, in the County of \_\_\_\_\_, and State of Maine, has been committed to your custody by the consideration of our Judge of our said \_\_\_\_\_ District Court, the said \_\_\_\_\_ having been convicted of the crime of \_\_\_\_\_

against the peace of the State and contrary to the form of the Statute in such case made and provided, our said Judge having ordered that said \_\_\_\_\_ be punished by \_\_\_\_\_

and mittimus thereupon having issued dated the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 19 \_\_\_\_\_ and the said \_\_\_\_\_ having within 10 days from the time of his commitment upon the aforesaid mittimus claimed an appeal in manner and form according to law; This is, therefore, in the name of the State of Maine, and in pursuance of the provisions of the statute in such case made and provided, to supersede the commitment of said \_\_\_\_\_ and you are hereby required forthwith to bring before our said Court the body of said \_\_\_\_\_ then and there to be dealt with according to law and justice.

Witness, \_\_\_\_\_, Esquire, Judge of our said District Court holden at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ A. D. one thousand nine hundred and \_\_\_\_\_

JUDGE.

DISTRICT COURT

No. \_\_\_\_\_

**SUPERSEDEAS**

STATE OF MAINE

vs.

A. D. 19\_\_\_\_

STATE OF MAINE

DISTRICT COURT

District

Division of

Criminal Docket No.

State of Maine

v.

APPEARANCE BOND

I, the undersigned, of in the County of and State of Maine, is held and firmly obliged and bound to pay to the State of Maine the sum of

The condition of this bond is such that whereas I have been charged with the offense of and said matter is now pending, I SHALL APPEAR IN THE DISTRICT COURT for the State of Maine, District, Division of, at on the day of 19 at O'clock in M. and if ordered in the Superior Court to be held in the County of at such time or times and in accordance with all orders and directions of any Judge of the District Court or any Justice of the Superior Court relating to my appearance in either said District Court or said Superior Court to answer to said charge, AND FURTHER THAT I SHALL ACCEPT AND COMPLY WITH THE CONDITION OR CONDITIONS OF RELEASE IMPOSED, if any, hereinbelow set forth; and if I appear in accordance with all orders and directions of either Court and comply with the condition or conditions of release, if any then this bond is to be void.

Optional - do not use if unnecessary, strike out all or any part. The factors outlined in Title 15 MRSA 942 as amended having been duly considered, it is determined that an unsecured bond will not reasonably assure the appearance of the said, and therefore, in addition thereto, the following condition or conditions of release are imposed and made a part of this recognizance:

- (A) That the said be and hereby is placed in the custody of and that he accept the supervision relating thereto;
(B) That the said shall not travel beyond the territorial confines of, nor associate with;
(C) That the said deposit with the Clerk of Courts the sum of dollars, said sum not being in excess of 10% of the amount of the recognizance;
(D) That the said return to custody daily on or before 8:00 P.M. and remain in such custody until 7:00 A.M. of the following day.

If I fail to perform the conditions of this bond hereinabove set forth, payment of this bond shall be due forthwith. If this bond is forfeited and the forfeiture is not set aside or remitted, judgment may be entered upon motion in the District Court of the State of Maine, District, Division of, or in the Superior Court held in said County of against me for the amount above stated together with interest and costs, and execution may be issued or payment secured as provided by the Maine District Court Criminal Rules, Maine Rules of Criminal Procedure, and by other laws of the State of Maine.

I HAVE BEEN FULLY ADVISED, AND I UNDERSTAND, THAT MY FAILURE TO APPEAR WITHOUT JUST CAUSE BEFORE ANY COURT OR JUDICIAL OFFICER AS REQUIRED, IS PUNISHABLE BY A FINE OF NOT MORE THAN THE MAXIMUM PROVIDED FOR THE OFFENSE WITH WHICH I AM CHARGED, OR BY IMPRISONMENT FOR NOT MORE THAN 6 MONTHS IF THE OFFENSE WITH WHICH I AM CHARGED IS A MISDEMEANOR, OR FOR NOT MORE THAN 5 YEARS IF THE OFFENSE WITH WHICH I AM CHARGED IS A FELONY, OR BY BOTH.

Date this day of at, Maine.

Signed and acknowledged before me this day of

Clerk, Judge, District Court

Hall Commissioner

Approved:

No. \_\_\_\_\_

STATE OF MAINE  
DISTRICT COURT

vs.

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APPEARANCE BOND

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ADMINISTRATION



Forms List

ADMINISTRATION

- 1 Notification to Expunge Record M.R.S.A. Title 16 §600  
(M-11B-74)
- 2 Cash Receipts Ledger
- 3 Statement of Income (Form 22)
- 4 Summary Charges and Distributions to State Departments also  
Summary of Fees Payable to Others (M3-A-74)
- 5 Criminal Cases for Month (M-7 Rev. 74)
- 6 Civil Cases for Month (M-6 Rev. 74)
- 7 Employees Report (M-7 Rev. 74)
- 8 Search Warrant
- 9 Subpoena duces-tecum
- 10 Marriage Waiver
- 11 Fee Schedule



## INTRODUCTION

### Expungement of Records in District Court 16 MRSA §600

"Any person having been acquitted of a crime in any court or having had a complaint, information, or indictment against him dismissed by any court shall be entitled to expungement of any records or recordings of any arrest and detention in connection with such charge, complaint, information or indictment.

The granting of an acquittal of a crime or the dismissal of a complaint, information or indictment shall mean that the person shall, for all purposes, be considered as never having been arrested for such charge or crime. No person, firm, corporation or employee shall use information concerning an offense for which an acquittal or dismissal has been granted in any manner to the detriment of the person who is acquitted or against whom charges have been dismissed." (16 MRSA §600)

The expungement law was enacted to protect any individual, acquitted of a criminal charge or offense, by causing all records pertaining to his case to be destroyed. These records could therefore never be used against him in the future.

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
I	<p><u>Note:</u></p> <p>A separate filing cabinet should be maintained by the District Court clerks for filing expunged cases. This filing cabinet should be located in the vault.</p> <p>Remove the record of the case from the Criminal Docket.</p>	No		<p><u>Note:</u> The Criminal Docket Sheet utilized by the District Courts contains information regarding more than one case on each docket page; therefore, the entire docket page cannot be removed.</p>	<p>a) With a black marker, <u>completely</u> block out the name and address of the person whose record is to be expunged. The name and address must be <u>completely</u> removed from both the docket page and the alphabetical index of the docket book.</p> <p>b) Stamp the case "Expunged."</p> <p>c) If a Central Case File is maintained, the index card containing information on the case must be removed from the card file and put with case papers. If more than one offense is listed on the card, simply block out <u>completely</u> the offense being expunged with a black marker.</p>	<p>a) Be careful not to allow ink to penetrate through docket sheet and destroy information pertaining to another case.</p>

STEP NO.	DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
II	Remove case from the Case File and stamp case papers "Expunged."	No				
III	Prepare <u>Notification to Expunge Record.</u>	Yes	I		<p>a) Complete <u>Notification to Expunge Record</u> form.</p> <p>b) Send this form to all law enforcement agencies, regulating or licensing agencies, correctional institutions, courts and any other officers known to have been involved with the case. The complaint and other case papers should contain the names of those people or agencies who must be notified to expunge their records. In cases involving motor vehicle violations be sure to notify the Secretary of State. In other criminal matters, the state Bureau of Identification must be notified.</p> <p>c) Maintain a copy of each notification form for your records and file with case in "Expunged Case File."</p>	<p>b) By law, the defendant should notify you of any persons or agencies which he believes have records of the case. However, even if the defendant fails to do this, you must notify all parties you know to have been involved with the case.</p> <p>Note: Cases which are transferred or appealed from District Court to Superior Court are not expunged in District Court until final disposition of the case in Superior Court. If the case is dismissed, or the defendant found not guilty in Superior Court, it is the responsibility of the Superior Court Clerk to notify the District Court Clerk to expunge the record.</p>
IV	Place expunged cases in vault.					



Administration

RECORDS/REPORTS

Records Management

One of the most important responsibilities of the clerk is to maintain accurate and timely financial and statistical records. From these records, monthly reports are prepared by the clerk for use in the administration of the district court system.

This section is concerned with identifying and discussing the critical elements of recordkeeping and report preparation in the District Courts.

Accounting Principles

The Clerk of the District Court is responsible for maintaining records of all receipts and disbursements. (4 MRSA §§556, 557)

Although there is no single procedure utilized by all clerks for maintaining financial records, there are accounting principles which are common to all courts.

They include:

- A. Maintenance of two (2) checking accounts, one for cash bail and one for a general fund.
- B. Disbursement of money by check to insure accuracy of "accounts payable" records.

- D. Issuance of receipts for all cash received.
- E. A method for generating a permanent record of all receipts and disbursements on a daily basis, with provision for accumulating daily, weekly, month-to-date and year-to-date totals by category.
- F. Daily bank deposits of all monies received for purposes of security.
- G. Responsibility for handling all financial transactions is delegated to specific individuals or handled personally by the clerk.

#### Types of Receipts

1. fines
2. filing fees
3. forms fees
4. court costs
5. cash bail

For recording and reporting purposes, these receipts should be recorded by major category. The categories currently in use are:

#### Categories of Receipts

- A. Criminal
- B. Civil
- C. Divorce

- D. Cash Bail
- E. Small Claims
- F. Sheriff fines

Types of Disbursements (Fees Payable)

1. Municipalities (ordinance fines)
2. Witness fees
3. Court appointed attorney fees
4. Complaint justice fees
5. Court appointed physicians fees (Mental Health)
6. Divorce (Service & Publication)
7. Court Appointed Attorneys fees (Mental Health)
8. Other transportation (Mental Health)
9. Court officers fees
10. Cash bail returned

Methods of Recording

Methods for recording receipts and disbursements vary between courts. In some of the larger courts, accounting machines are utilized. This type of machine is equipped with key selection and storage features which permit recording

transactions, accumulating totals, and issuing receipts all in one operation. In addition docket numbers can be assigned and recorded as fees are collected and receipts prepared. All transactions are recorded on a tape which provides a permanent record of the day's transactions.

Most district courts however do not have accounting machines. In those courts the same records are maintained; however, the recording of filing fees, the preparation of receipts and the assignment of docket numbers must be done manually. A cash receipts ledger is maintained and serves as a permanent record of daily, weekly and monthly transactions. Handwritten receipts are prepared and issued with payment of all fines or fees.

### Fines

No personal checks are accepted for payment of fines.

1. Clerk prepares and issues receipt to person paying the fine.
2. Clerk initials Complaint, notes fine paid and the date.
3. Clerk records docket number, date and amount in Cash Receipts Ledger.
4. Money is maintained in a secure place until end of the day when it is taken to the bank for deposit. Money is deposited to General Fund Account.

### Filing Fees and Form Fees

1. Clerk records docket number (when one exists) and name of attorney (if purchasing forms), date, completes explanation section as to nature of the receipt, and records amount of the transaction.
2. Clerk must prepare and issue receipt for payment.
3. Money is maintained in secure place until deposit at end of the day.

### Cash Bail

Note: Cash bail is maintained in a separate checking account. If cash bail is defaulted, it is transferred to the regular checking account and is included in the month end report as a receipt.

Note: If cash bail is returned, clerk should make out a check from the Cash Bail checking account (cash is never returned) for the amount of bail returned, and actual cash is deposited in Cash Bail account at the end of the day. The amount of the disbursement, name of respondent and date must be recorded in Cash Receipt Ledger. Do not simply return cash to the respondent.

### DISBURSEMENTS

#### Fines and Fees Payable to Municipalities and Other State Agencies

Fines and fees collected by the District Court, payable to municipalities or other state agencies, are transmitted to the appropriate municipality or agency

on a monthly basis. The procedure for collecting and recording these fines and fees is the same as previously outlined under Fines. However at the end of each month the clerk must total the amount of the fines and fees collected for each municipality or agency and forward a report on them to the State Treasurer.

#### Witness Fees

The clerk in the District Courts must maintain an accurate record of all fees which are payable to persons who appeared in court as witnesses. Witnesses are required to sign in on day of appearance in court. Usually a separate signature book is maintained by the clerk to record witness fees. The names and addresses of persons appearing, as well as the docket numbers of the case, and the amount due them as witnesses is recorded in this book.

#### Court Appointed Attorney Fees

In cases involving an indigent defendant, the court may appoint counsel to represent the defendant. In such cases, attorneys are reimbursed for their services. The amount of reimbursement varies depending upon the nature of the case. The amount paid to attorneys for court appointed service must be approved by the resident judge.

The clerk should maintain a separate record of fees due court appointed attorneys. This record should include attorney's name, address, date of appointment, docket number of case, and amount due as approved by the judge.

Complaint Justice Fees (4 MRSA §161)

Complaint Justices are appointed by the Chief Judge of the District Court. They must be attorneys-at-law and be licensed to practice in the State of Maine. In addition, Complaint Justices must also be justices of the peace.

Complaint Justices are authorized to issue process for arrest, search warrants and certificates of commitment of the mentally ill. They are authorized to charge fees for their services. (Fees are established by the Chief Judge.)

The clerk maintains a record of fees due each individual Complaint Justice. This record should contain name, address, type of service, date of service and amount of fee.

Court Appointed Physicians & Attorney Fees (Mental Health)

Most District Court clerks will not have to be concerned with recording fees for court appointed physicians and attorneys since Involuntary Admission to a

Mental Hospital is most often handled by the District Courts in Bangor and Augusta. However, in those two District Courts, the clerk must maintain a record of physicians (examiners) and attorney fees. The record should contain name and address of the physician, or attorney, docket number of case, date of examination or date assigned as counsel, and amount of fee.

#### Divorce Service & Publication

In divorce cases in which service of the complaint must be made by publication and indigency of the plaintiff is shown, the court may pay the cost of publication. In such instances, it is the responsibility of the clerk to maintain an adequate record of these costs. Bills for this service are received by the clerk and forwarded with the monthly report.

#### Court Officers Fees

The clerk is responsible for maintaining a record by individual officer as to number of days in court, dates served as court officer and amount due. Court officers assigned to traffic court are paid by the State Treasurer from the General Fund account.

Reports

Clerks in the District Courts have responsibility for preparing the following reports:

<u>Title of Report</u>	<u>Nature of Report</u>	<u>Frequency</u>	<u>Comments</u>
Criminal Cases	Statistical	monthly	<u>Note:</u> All reports are forwarded by the clerk to the Central Administrative Office in Bangor.
Civil Cases	Statistical	monthly	
Employees Report	Personnel	monthly	
Revenue Report*	Financial	daily	
Statement of Income	Financial	monthly	
Fees Payable to Agencies & Others	Financial	monthly	
Summary of Charges & Distribution to State Departments	Financial	monthly	
Summary of Fees Payable to Others	Financial	monthly	
Collections and Distribution of Receipts	Financial	monthly	

\*Not applicable to all courts--produced only in those courts which utilize an accounting machine.

### Statistical Reports

There are two (2) primary reports of a statistical nature which must be prepared by the clerk on a monthly basis. These reports provide an analysis of types and numbers of civil and criminal cases processed by each District Court.

It is important that these reports are completed on a timely basis and as accurately as possible. It is helpful if the clerk collects the data necessary to complete these reports daily. If the clerk maintains a running record, on a daily basis by category, a great deal of time and effort can be saved at the end of the month. Compiling the statistics on a daily basis eliminates searching back through dockets and files for the information.

### Financial Reports

Detailed instructions on how to complete these reports have been published by the Central Administrative Office in Bangor.

### Employees Time Report

At the end of each month this report is completed by the clerk for all part-time employees of the clerk's office, and when full-time clerical personnel are absent or take vacation time. The form is self-explanatory as to content.



Administration  
Press Relations

The following guidelines should be observed in relations with the news media.

- a) The representatives of the press are entitled to examine process after it has been acted upon by the judge.
- b) They are entitled to examine the dockets.
- c) In doing this they are not to interfere with your duties but you can make the material available to them within a reasonable length of time in the office or some other convenient place.
- d) You are not expected to do a newspaper man's work by "feeding them information over the telephone." Simply tell them that the information is available if they come to the court.
- e) Under no circumstances should you attempt to interpret the reason for any action taken by the judge.
- f) You should do nothing to withhold information to the press when requested by interested parties.
- g) No juvenile information should be released under any circumstances, except by direction of the judge.

MISCELLANEOUS

**CONTINUED**

**3 OF 4**

Administration  
Search Warrants  
15 MRSA 51 et seq.

Search Warrants

The only persons authorized to issue Search Warrants are Superior Court Judges, District Court Judges or Complaint Justices. The warrant is made returnable (within 10 days) to the judge who issued the warrant. Search Warrants are prepared by the District Attorney and must be signed by a judge or complaint justice.

The clerk's responsibilities with regard to Search Warrants are limited; however, they do include the following:

A. Search Warrants must be accompanied by an affidavit when issued. It is the clerk's responsibility to affix the seal of the court to the affidavit and warrant after it is signed by the judge.

B. An attested copy of both the warrant and the affidavit must be left with the person whose property is being searched. The clerk must prepare these attested copies.

C. If a Search Warrant is issued and involves a case which is pending in District Court, the clerk does not forward the warrant on to Superior Court when it is returned. The Search Warrant is docketed and filed with the case unless appealed to Superior Court.

The docket should reflect Search Warrant issued, date issued, date returned and (if case is appealed) the date on which warrant was forwarded to Superior Court. Upon Notice of Appeal, the clerk forwards the Search Warrant on to Superior Court along with the other case papers.

D. When the Search Warrant is returned to the judge, the judge initials and dates the warrant. The warrant is then given to the clerk who should immediately forward the warrant to Superior Court, except as noted in C. above.

#### Subpoena duces-tecum

This subpoena is issued most often in divorce suits and is used to bring forth evidence in a case. The form is secured from the clerk's office with the seal of the court and clerk's signature affixed. Responsibility for preparation and service rests with the plaintiff's attorney. When filed with the court, the clerk simply docket the subpoena as received, notes the date received, and files the subpoena with the case.

#### Marriage Waiver

19 MRSA §61 requires a five (5) day waiting period between the time a marriage license is issued and the time the marriage may be solemnized. Persons who desire to waive this five (5) day waiting period must obtain the permission of the court.

A Marriage Waiver form may be obtained from the District Court clerk for this purpose. This form must be signed by the judge. A ten dollar (\$10.00) fee is charged. (See Administration Forms List.) Both parties must appear in the presence of the clerk to sign the Marriage Waiver form. If both persons reside in the same town, an original and one (1) attested copy of the form is prepared. The original is filed in the clerk's office and the attested copy is given to the applicants. If the persons reside in different towns, the clerk prepares an original and two (2) attested copies of the Marriage Waiver. The original remains on file in the clerk's office and the two (2) attested copies are given to the applicants for filing with their town clerks.

#### Attestation of Documents

One of the primary responsibilities of the clerk is to attest copies of various court documents. This procedure is a simple one in which the clerk "attests to" (witnesses) the accuracy of the information contained in the document and to the judge's signature. The seal of the court and the clerk's signature appear on an attested copy.

#### Motions

There are numerous motions which may be filed by the participants in a civil or criminal action. These motions may be written or oral, vary in form and content and are prepared by the respective attorneys. Written motions received by the clerk should be filed and docketed as part of the court record.

### Fines to be Paid

Frequently, a fine may be ordered by the court which the defendant is unable to pay. In this instance, the court will allow the defendant a specified period of time in which to pay the fine.

The clerk is responsible for monitoring payment of the fine. Usually, a separate file is maintained by the clerk for "Fines to be Paid." Case papers (usually the complaint) are filed chronologically by the date the fine is due. The clerk reviews this file daily to identify any fine payments which are overdue. Such cases are brought to the attention of the judge for further action.

STATE OF MAINE

DISTRICT COURT  
DISTRICT \_\_\_\_\_  
Division of \_\_\_\_\_

STATE OF MAINE

Vs.

NOTIFICATION TO EXPUNGE RECORD  
M.R.S.A. TITLE 16 § 600

D.O.B. \_\_\_\_\_

OFFENSE: \_\_\_\_\_

DISTRICT COURT DOCKET NUMBER: \_\_\_\_\_

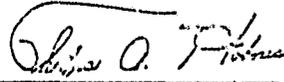
DISPOSITION \_\_\_\_\_

TO \_\_\_\_\_

As set forth in M.R.S.A. Title 16 § 600, you are hereby notified of the requirement to expunge all records relating to the above case. Any person who shall willfully violate a provision of this section shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than eleven months, or both.

Dated at \_\_\_\_\_, Maine this \_\_\_\_\_

day of \_\_\_\_\_, 19 \_\_\_\_\_.



CLERK

# CASH RECEIPTS

DATE	EXPLANATION	TOTAL RECEIVED	DEPOSIT	DATE OF DEPOSIT	FINES	CASH BAIL	CIVIL
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							
26							
Form #2							
							250

STATEMENT OF INCOME

DEPARTMENTAL STATEMENT NO

MAINE, \_\_\_\_\_ 19\_\_\_\_

TREASURER'S VOUCHER NO

TO THE TREASURER OF STATE:

IN ACCORDANCE WITH THE PROVISIONS OF TITLE 5 SECTIONS 130 AND 131 M.R.S. 1964 THERE IS SUBMITTED BELOW A DETAILED ACCOUNT OF STATE INCOME COLLECTED BY OR FOR THIS AGENCY

	BANK DEPOSITS- SLIPS ATTACHED	HELD BY STATE TREASURER	REMITTED HEREWITH	TOTALS
COIN	X X X X X	\$	\$	\$
BILLS	X X X X X			
CHECKS	X X X X X			
U S POSTAL MONEY ORDERS	X X X X X			
CANADIAN MONEY ORDERS	X X X X X			
TOTALS	\$	\$	\$	\$

DESCRIPTION OF INCOME ITEMS	APPROP OR ACCT NO	ACT. NO.	INCOME SOURCE	CHARACTER AND OBJECT	AMOUNT
					\$
					\$

USE REVERSE SIDE FOR LISTING DESCRIPTION OF CHECKS MONEY ORDERS NAMES OF BANKS IN WHICH COLLECTIONS WERE DEPOSITED ETC ALSO ANY OTHER ESSENTIAL INFORMATION

TOTAL \$ #

(DEPARTMENT, INSTITUTION OR AGENCY)

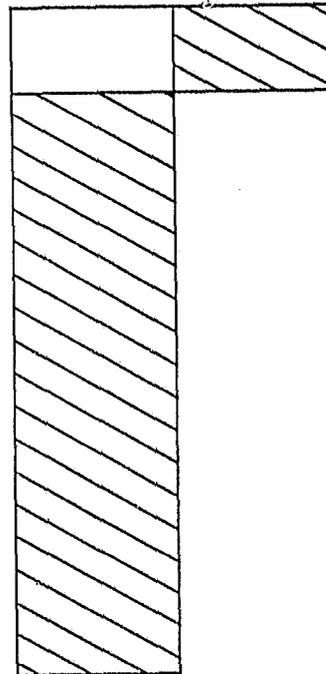
FORM

**1** TO STATE TREASURER WITH NO. 5 COPY, BANK DEPOSIT SLIPS AND/OR REMITTANCE.

BY \_\_\_\_\_  
TITLE

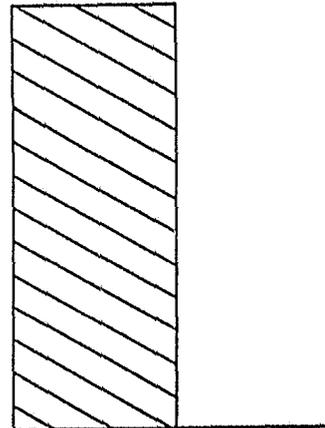
SUMMARY CHARGES AND DISTRIBUTIONS TO STATE DEPARTMENTS

DISTRICT COURT	91-10140-2001
DISTRICT COURT—MDOT	91-10140-2002
MARINE RESOURCES (SEA & SHORE)	38-10140-2001
FORESTRY DEPT.	88-10140-2636
MAINE DEPT. OF TRANS (FEES & FINES)	20140-2001
MAINE DEPT. OF TRANS (OVERLOADS)	20140-2002
AERONAUTICS	4006-5001-2001
AGRICULTURE	4111-6010-2001
WATERCRAFT & SAFETY	4179-1001-2001
FISH & GAME DEPT.	4223-1000-2001
PUBLIC HEALTH DEPT. (WITNESS FEES)	4301-2740-2636
ME. EMPLOYMENT SEC. COMM.	4444-1001-2001
BAXTER STATE PARK	4725-1000-2636
MAINE PUBLIC UTILITIES	5167-7001-2001



SUMMARY OF FEES PAYABLE TO OTHERS

MUNICIPALITIES (ORDINANCE FINES)	91-10140-2001
WITNESS FEES	91-10140-2636
COURT APPOINTED ATTORNEYS FEES	1079-10 -4040
COMPLAINT JUSTICE FEES	1079-10 -4042
COURT APPOINTED PHYSICIANS (M.H.)	1079-10 -4046
DIVORCE-SERVICE & PUBLICATION	1079-10 -4099
COURT APPOINTED ATTORNEYS FEES (M.H.)	1079-10 -4142
OTHER TRANSPORTATION (MENTAL HEALTH)	1079-10 -4271
COURT OFFICERS FEES	1079-10 -6331



TOTAL DISBURSEMENTS \_\_\_\_\_

BALANCE TO DISTRICT COURT FUND \_\_\_\_\_

APPROVED FOR PAYMENT \_\_\_\_\_

CRIMINAL CASES FOR MONTH ENDING \_\_\_\_\_ CITY/TOWN \_\_\_\_\_

	Pending 1st Day	Entries	Disposed of	Pending Last Day	Transfers to Superior Court	Filed	Expunged	Probable Cause	Probation	Prob. Revok.	Trial	Appeal
TRAFFIC OTHER THAN [O.U.I.]												
O.U.I.												
MISDEMEANOR												
FELONY												
CIVIL												
OTHER Example: Fugitive from Justice												
TOTALS												

Total

Last year

Increase

Decrease

\*Columns should total all cases for the month.

CIVIL CASES FOR MONTH ENDING \_\_\_\_\_ CITY/TOWN \_\_\_\_\_

	Pending 1st Day	Entered	Disposed	Pending Last Day	Judgment	Removed	Dismissed	Denied	Appeal	Trial	
ORDINARY CIVIL											
SMALL CLAIMS											
MONEY JUDGMENT											
MOTIONS OF DIVORCE											
JUDICIAL SEPARATION											
RECIPROCAL SUPPORT											
MENTAL HEALTH											
JUVENILES											
TOTAL											

Totals:

1st year

Increase

Decrease

\*Columns should total all cases.

M-6 Rev. 74

**EMPLOYEES REPORT**

MONTH ENDING \_\_\_\_\_

FULL TIME

PART TIME \_\_\_\_\_ DAYS WORKED \_\_\_\_\_

VACATION \_\_\_\_\_ DAYS \_\_\_\_\_

ILLNESS \_\_\_\_\_ DAYS OUT \_\_\_\_\_

OTHER \_\_\_\_\_ DAYS OUT \_\_\_\_\_

E. 1-72

EMPLOYEE \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF CLERK

DISTRICT \_\_\_\_\_

CITY/TOWN \_\_\_\_\_

REMARKS:

STATE OF MAINE

1985

DISTRICT COURT  
District of  
Division of

SEARCH WARRANT

To the Sheriff of \_\_\_\_\_ County, or any of his deputies or any other authorized officer:

Affidavit having been made before me by \_\_\_\_\_ that he has reason to believe that on the premises known as \_\_\_\_\_ located at \_\_\_\_\_ Street, in the City/Town of \_\_\_\_\_ County of \_\_\_\_\_ and State of Maine, said premises being owned/occupied by \_\_\_\_\_

\*said premises being owned/occupied by a person or persons to the complainant unknown, there is now being concealed certain person/property, to wit;

As I am satisfied that there is probable cause to believe that the property/person so described and used is being concealed on the premises above described, upon the following grounds:

You are hereby commanded to search the place named for the person/property specified, serving this warrant and making the search in the daytime and if the person/property be found there to seize it, prepare a written inventory of the person seized/property seized, and bring the person/property and the person in whose possession or custody the same was found before a District Judge, to wit Honorable \_\_\_\_\_

\*Being satisfied that the complainant is positive that the person/property is in the place to be searched and that it is necessary to prevent the removal of said person/property you are hereby authorized to search the place named in the nighttime.

DATED, this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

District Judge  
Complaint Justice

\* Delete Sections not applicable.

..... 85.

..... 19 .

By virtue of the within warrant, I have searched the premises named therein and there found

and I now have the same together with the said .....

In whose possession or custody they were found before the Court for examination.

DISTRICT COURT

STATE vs.

SEARCH WARRANT

No. \_\_\_\_\_

STATE OF MAINE

# State of Maine

Subpoena

To

**GREETINGS:**

You are ~~Hereby~~ **Required**, in the name of the State of Maine, to make your appearance before the Judge of the District Court, holden at , within and for the County of , on the day of A. D. 19 , at o'clock to give evidence of what you know relating to an Action then and there to be heard and tried betwixt

Plaintiff

and

Defendant

**And You are Likewise Required** to bring and produce at the time and place aforesaid,

now in your custody or under your control, and all other deeds, evidences and writings, which you have in your custody or power, concerning the premises.

~~Whereof Full Not~~, as you will answer your default under the pains and penalties of the law in that behalf made and provided.

Dated at , the day of A. D. 19

Clerk

# State of Maine

....., 19..

On the ..... day of ..... A. D. 19

I summoned the within-named .....

to appear as within directed, by .....

..... a true

and attested copy of this Subpoena, and at the same time I tendered and paid to .....

..... the sum of ..... dollars

and ..... cents as fees for travel and one day's attendance.

FEES:—Travel,       \$  
      Service,  
      Copy,  
      Witness fee,

Docket No. ....

**Subpoena duces tecum**

vs.

State of Maine

To the Honorable the Judge of the District Court in and for District ....., Division of .....

RESPECTFULLY REPRESENTS,

of ..... and .....  
of ..... that they desire to be married immediately, without giving the five day notice required by law. Wherefore they pray that this Court, after hearing the evidence presented, may grant a certificate in order that said marriage may be solemnized without delay.

Dated at ..... this ..... day of ..... A. D. 19.....

.....  
.....

State of Maine

....., ss.

District .....

Division of .....

On the foregoing petition: a hearing having been had, and it appearing that the allegations therein are true, it is the opinion of this Court that the intended marriage should be solemnized without delay.

Witness,  
said District Court, at said ....., this  
day of

Esquire, Judge of our

A. D. 19 .

..... Judge

FEE AND COST SCHEDULE

§174. Civil and criminal; overcharging costs

\* \* \* \* \*

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, return-

able before a Judge of a District Court, more than the costs and fees allowed in the preceding paragraphs of this section from the defendant, 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.

1965, c. 19, §2.

Amendments:

-----1965. Third paragraph from end of section beginning with words "If any attorney" amended by deleting words "or, in the taxation of costs, such judge taxes or allows more than that sum for the same."

§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 admitting to bail 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.

1965, c. 356, §6, eff. Dec. 1, 1965.

Amendments:

----1965. Section amended by substituting words "admitting to bail" for words "taking a recognizance" following words "entering an appeal."

----Effective date: See note set out under §57 of this Title.



#### GLOSSARY\*

**Abstract** - Synopsis or summary of facts, rather than table of contents of transcript. Abbreviated, accurate and authentic history of proceedings.

**Accusation** - A formal charge against a person, to the effect that he is guilty of a punishable offense, laid before a court or magistrate having jurisdiction to inquire into the alleged crime.

**Acquittal** - The legal and formal certifications of the innocence of a person who has been charged with crime; a deliverance or setting free of a person from a charge of guilt.

**Adjournment** - A putting off or postponement of business or of a session until another time or place; the act of a court, by which the session is dissolved, either temporarily or finally.

**Affidavit** - A written statement declaring certain facts to be true and confirmed by the oath of the person making the statement, (which oath is taken before an officer having authority to administer it).

**Alimony** - Allowance which (husband) (wife) by court order pays wife (husband) for maintenance while they are separated or after they are divorced.

**Allegation** - The assertion, declaration or statement of a party to an action, made in a pleading, setting out what he expects to prove.

**Annulment** - Act of making void. "Annulment" destroys existence of void or voidable marriage and everything appertaining thereto from the beginning.

**Answer** - Denotes a defense in writing made by a defendant to the allegation contained in a bill, indictment or complaint filed against him by a plaintiff. Under certain conditions and in certain proceedings the answer may be made verbally to the clerk.

**Appeal** - A complaint to a higher court asserting commission of an error of law in a trial, proceeding before a lower court, or sentence of a lower court, seeking rectification of the lower court's error.

**Appeal Bond** - The bond given on taking an appeal, by which the appellant and his sureties are bound to pay damages and costs if he fails to prosecute his appeal with effect.

**Appearance** - A coming into court as a party to a suit, whether as a plaintiff or defendant.

**Appellant** - The party who takes an appeal from one court or jurisdiction to another.

**Arraignment** - The arraignment of a prisoner consists of calling upon him by name, and reading to him the indictment, and demanding of him whether he be guilty or not guilty and entering his plea.

**Assignment** - A transfer by one person or corporation to a second person or corporation of the former's interest in property.

\*Compiled with the assistance of Raymond McGuire, Professor of Law, University of Maine, School of Law, Portland, Maine.

**Attachment** - The process whereby, on the authority of a court, property is brought within the custody of the court.

**Attestation** - The act of witnessing an instrument in writing at the request of the party making the same, and subscribing it as a witness.

**Bail (verb)** - To procure release of a person from legal custody and assuming responsibility for his appearance in court or any designated place.

**Bail (noun)** - The surety or sureties who procure the release of a person under arrest by becoming responsible for his appearance at the time and place designated. Those persons who become sureties for the appearance of the defendant in court.

**Bail Bond** - A guarantee by a corporate surety that a person will appear at a designated time and place, and a promise to pay a sum of money fixed by the court if the appearance is not made.

**Bail Commissioner** - Officer appointed to take recognizance of bail.

**Bench Warrant** - An order issued by the court "from the bench" for the arrest of a person.

**Bill of Indictment** - A formal written document accusing a person or persons named of having committed a felony or misdemeanor, lawfully laid before a grand jury for their action upon it.

**Bound-over** - The action whereby a lower court requires a person to appear for trial in a higher court after a probable cause hearing has been held in the lower court and probable cause has been found (see Probable cause).

**Brief** - A written document, summary or abstract of some larger document or of a series of papers, facts and circumstances or propositions.

**Capias** - A writ or order by the court directing an officer to take into custody the person named in the writ or order.

**Certify** - To testify in writing; to make known or establish as a fact.

**Change of Venue** - The removal of a suit begun in one county or district to another county or district for trial.

**Charge** - An accusatory allegation in legal form. A formal complaint, information or indictment.

**Chattels** - All property except real property; personal property.

**Civil Action** - A personal action which is instituted to compel payment or the doing of some other thing which is purely civil.

**Commitment** - The warrant or mittimus by which a court or magistrate directs an officer to take a person to prison. Authority for holding in prison one convicted of crime.

**Complaint (civil)** - The complaint is the first or initiatory pleading on the part of the plaintiff in a civil action.

**Complaint (criminal)** - A charge, preferred before a magistrate having jurisdiction, that a person named (or an unknown person) has committed a specific offense, with offer to prove the fact, to the end that a prosecution may be instituted.

**Concurrent** - At the same time, running together

**Consecutive** - Successive: succeeding one another in regular order.

**Contempt** - Willful disobedience of the lawful order of a court or administrative tribunal; generally referring to an order other than one to pay a sum of money.

**Contempt of Court** - Any act which is calculated to embarrass, hinder, or obstruct court in administration of justice, or which is calculated to lessen its authority or its dignity.

**Continuance** - The adjournment or postponement of an action pending in a court, to a subsequent day of the same or another term.

**Conviction** - The result of a criminal trial which ends in a judgment or sentence that the prisoner is guilty as charged.

**Costs** - A pecuniary allowance, made to the successful party (and recoverable from the losing party) for his expenses in prosecuting or defending a suit, or a distinct proceeding within a suit.

**Counterclaim** - A claim presented by a defendant in opposition to or deduction from the claim of the plaintiff.

**Cross-Claim** - A claim by one party to an action against a co-party, as by defendant against co-defendant or (rarely) by plaintiff against co-plaintiff.

**Cross-complaint** - An action brought by a defendant in a suit against the plaintiff in that suit upon a cause of action arising out of the same transaction in controversy. Or an action by one party to a suit against a co-party to the suit arising out of the same transaction, as plaintiff against co-plaintiff or (more frequently) defendant against co-defendant.

**Custody** - As applied to parental rights over children, embraces the sum of such rights with respect to the rearing of a child, including its care. With respect to a person in custody implies that he is detained on authority or kept in charge or control of another in some sort of restraint, so that he is not free to come and go at will.

**Damages** - A pecuniary compensation or indemnity, which may be recovered in the courts by any person who has suffered loss, detriment or injury, whether to his person, property or rights, through the unlawful act or omission or negligence of another.

**Declaration** - An unsworn statement or narrative of facts made by a party to the transaction, or by one who has an interest in the existence of the facts recounted.

**Declaratory Judgment** - A judgment which establishes the legal scope of the rights and duties of the parties, without more, following a proceeding brought in advance of the occurrence of actual injury to those parties.

**Decree** - A term whose meaning parallels "judgment" in a civil case. The judgments of certain specialized tribunals (particularly courts of equity and of admiralty) are called "decrees."

**Default** - Omission, neglect or failure of any party to fulfill a duty, observe a promise, discharge an obligation, or perform an agreement.

**Default Judgment** - A judgment rendered in favor of one party to a civil action based on the failure of the other party to enter an appearance and defend.

**Deposition** - The testimony of a witness taken upon interrogatories, not in open court, but in pursuance of a commission to take testimony issued by court, or under a general law on the subject, and reduced to writing and duly authenticated and intended to be used at trial of action in court.

**Designation** - An addition to a name, as of title, profession, trade or occupation, to distinguish the person from others.

**Discovery** - The disclosure by the defendant of facts, titles, documents or other things which are in his exclusive knowledge or possession, and which are necessary to the party seeking the discovery as a part of a cause of action pending or to be brought in another court, or as evidence of his rights or title in such proceeding.

**Dismissal** - An order disposing of an action by sending it out of court, though without trial of the issues involved. A dismissal may be so styled as to bar a new suit on the same grounds (Dismissal with Prejudice) or may be so styled as to permit a new suit on the same grounds (Dismissal without Prejudice).

**Divorce** - The legal separation of husband and wife effected, for cause, by the judgment of a court, and either dissolving the marriage relation or suspending its effects so far as concerns the cohabitation of the parties.

**Docket** - A book containing an entry in brief of all the important acts done in court in the conduct of each case, from its inception to its conclusion.

**Domicile** - That place where a man has his true, fixed, and permanent home and principal establishment and to which whenever he is absent he has the intention of returning.

**Equity** - A specialized body of jurisprudence chiefly specializing in fashioning a remedy for injustice where the payment of money damages will not prove to be adequate compensation.

**Evidence** - Any species of proof, or probative matter legally presented at the trial of an issue, by the act of the parties and through the medium of witnesses, records, documents, concrete objects, etc., for the purpose of inducing belief in the minds of the court or jury as to their contention.

**Execution** - An order directing an officer to fulfill the order of the court, either by imprisonment or release of an accused (in criminal cases), or by seizure of property to satisfy an order to pay money (in civil cases).

**Exhibits** - A paper, document or object produced and exhibited to a court during a trial or hearing, and on being accepted, is marked for identification or admitted in evidence.

**Expert Witness** - Person examined as a witness in a cause, who testifies in regard to some professional or technical matter arising in the case, and who is permitted to give his opinion as to such matter on account of his special training, skill, or familiarity with it.

**Expunge** - To blot out; to efface decisively; to obliterate; to strike out wholly.

**Extradition** - The surrender by one state to another of an individual accused or convicted of an offense outside its own territory and within the territorial jurisdiction of the other, which, being competent to try and punish him, demands the surrender.

**Facsimile** - An exact copy, preserving all the marks of the original.

**Fee** - A charge fixed by laws for service of public officers or for a privilege under government control. Also, the term by which many kinds of land ownership are known - particularly Fee Simple Absolute, ownership of 100% interest in land.

**Findings** - The result of the deliberations of a jury or court.

**Fine** - A sum of money paid at the end of a suit or prosecution. The fine is imposed upon a person(s) or corporation as a form of punishment.

**Garnishment** - A statutory proceeding whereby person's property, money, or credits in possession or under control of, or owing by, another are applied to payment of former's debt to a third person by proper statutory process against debtor and garnishee.

**Grand Jury** - A jury of inquiry who are summoned and returned by the sheriff to each session of the criminal courts, and whose duty is to receive complaints and accusations in criminal cases, hear the evidence presented on the part of the state, and find bills of indictment in cases where they are satisfied a trial ought to be had. They are first sworn and instructed by the court. This is called a "grand jury" because it comprises a greater number of jurors than the ordinary trial jury. In Maine the grand jury consists of not less than twelve nor more than twenty-three persons.

**Guardian** - A guardian is a person lawfully invested with the power and charged with the duty, of taking care of the person, and managing the property and rights of another person, who, for some peculiarity of status, or defect of age, understanding, or self-control, is considered incapable of administering his own affairs.

**Guardian Ad Litem** - A person appointed by a court of justice to prosecute or defend for an infant in any suit to which he may be a party.

**Habeas Corpus** - The proceeding which tests the legal validity of one person's detention of the person of another - particularly and most frequently used to test the validity of a criminal judgment leading to imprisonment.

**Hearing** - Proceeding of relative formality, generally public, with definite issues of fact or of law to be tried, in which parties proceeded against have a right to be heard.

**Hearsay** - A term applied to that species of testimony given by a witness who relates, not what he knows personally, but what others have told him, or what he has heard said.

**Incompetent Person** - The phrase "incompetent person," "incompetent" or "mentally incompetent" shall be construed to mean or refer to any person, whether insane or not, who by reason of old age, disease, weakness of mind, or other cause, is unable, unassisted, properly to manage and take care of himself or his property and by reason thereof is likely to be deceived or imposed upon by artful or designing persons.

**Indeterminate** - That which is uncertain, or not particularly designated.

**Indictment** - An accusation in writing found and presented by a grand jury, legally convoked and sworn, to the court in which it is impaneled charging that a person therein named has done some act, or been guilty of some omission, which, by law, is a public offense, punishable on indictment.

**Indigent** - Poor or needy.

**Information** - An accusation in the nature of an indictment from which it differs only in being presented by a competent public officer on his oath of office, instead of a grand jury on their oath.

**Interrogatories** - A series of written questions directed by a party to a suit to a different party or to a potential witness, which questions seek out potential evidence and call for written answers.

**Joinder** - The unification of two or more parties (joinder of parties) or of two or more demands for judicial action (joinder of causes) for legal action in a single proceeding.

**Judgment** - In civil cases, a judgment is a final determination of the rights and duties of the parties. In a criminal case, a judgment is the determination of guilt or innocence of the accused.

**Jurisdiction** - The competency of a particular court to hear a particular matter, measured by the kind of action involved, the subject matter of the action, the parties involved, or the like.

**Jury** - A certain number of men selected according to law, and sworn to inquire of certain matters of fact and declare the truth upon evidence to be laid before them.

**Lien** - A charge or security or incumbrance upon property.

**Lis Pendens** - A pending suit; jurisdiction, power or control which courts acquire over property in suit pending action and until final judgment.

**Mandamus** - This is the name of a writ which issues from a court of superior jurisdiction, and is directed to a private or municipal corporation, or any of its officers, or to an executive, administrative or judicial officer, or to an inferior court, commanding the performance of a particular act therein specified, and belonging to his or their public, official or administrative duty, or directing the restoration of the complainant to rights or privileges of which he has been illegally deprived.

**Minor** - An infant or person who is under the age of legal competence (under 21 years of age).

**Misdemeanor** - Offenses lower than felonies and generally those punishable by fine or imprisonment otherwise than in penitentiary.

**Mittimus Criminal** - The name of a precept in writing, issuing from a court or magistrate, directed to the sheriff or other officer, commanding him to convey to the prison the person named therein, and to the jailor, commanding him to receive and safely keep such person until he shall be delivered by due course of law.

**Motion** - A written or oral request to a court for a ruling of law during the course of legal proceedings.

**Negligence** - The omission to do something which a reasonable man, guided by those ordinary considerations which ordinarily regulate human affairs, would do, or the doing of something which a reasonable and prudent man would not do.

**New Trial** - A re-examination of an issue of fact in the same court after a trial and decision by a jury or court.

**Nolo contendere** - A plea in a criminal action having same legal effect as a plea of guilty for purposes of instant case, but may not be used as admission elsewhere.

**Notice - Legal Notice.** Such notification as is legally deemed reasonable to apprise the person to whom it is addressed of the initiation of legal proceedings against him or of some matter relating to legal proceedings to which he is a party.

**Notice of lis pendens** - A notice filed for the purpose of warning all persons that the title to certain property is in litigation, and that, if they purchase the defendant's claim to the same, they are in danger of being bound by an adverse judgment.

**Nullity of Marriage** - The entire invalidity of a supposed, pretended, or attempted marriage, by reason of relationship or incapacity of the parties.

**Oath** - Any form of attestation by which a person signifies that he is bound in conscience to perform an act faithfully and truthfully.

**Pardon** - An act of grace, proceeding from the power intrusted with the execution of laws which exempt an individual on whom it is bestowed, from the punishment the law inflicts for the crime he has committed.

**Parole** - A conditional release from a sentence to county jail or state prison; if prisoner makes good, he will receive an absolute discharge from balance of sentence, but if he does not, he will be returned to serve unexpired time.

**Parties** - The persons who take part in the performance of an act, or who are directly interested in any affair, contract, or conveyance, or who are actively concerned in the prosecution or defense of any legal proceeding.

**Partnership** - A voluntary contract between two or more competent persons to place their money, effects, labor, and skill, or some or all of them in lawful commerce or business, with the understanding that there shall be a proportional sharing of the profits and losses between them.

**Peremptory Challenges** - A challenge to a potential juror by a party to a case whereby that potential juror is not permitted to take his place on the jury. The challenging party need show no reason for exercise of his right to challenge a potential juror peremptorily.

**Petition** - A written application to the court requesting the court to exercise its authority in the redress of some wrong or requesting from the court some favor, privilege or license.

**Plaintiff** - A person who brings an action; the party who complains or sues in a personal action and is so named on the record.

**Plea** - The first pleading on part of defendant; the answer which defendant makes to the plaintiff's declaration.

**Pleadings** - The formal allegations by the parties of their respective claims and defenses for the judgment of the court.

**Polling the Jury** - A practice whereby the jurors are asked individually whether they assented, and still assent to the verdict.

**Preliminary Hearing** - Hearing by judge or magistrate given a person accused of crime to ascertain whether there is sufficient evidence to require the person to stand trial on the charge.

**Pre-sentence Report** - Following a criminal judgment of guilt, a trial court may in advance of passing a sentence, require of the proper government officials a Presentence Report to inform the court of those facts (beyond guilt of the particular crime) which may properly influence a sentencing decision.

**Probable Cause** - An apparent state of facts found to exist upon reasonable inquiry which would induce a reasonably intelligent and prudent man to believe, in a criminal case, that the accused person had committed the crime charged, or, in a civil case, that a cause of action existed.

**Probation** - Allowing a person convicted of some minor offense (particularly juvenile offenders) to go at large, under a suspension of sentence, during good behavior, and generally under the supervision of a probation office.

**Proceeding** - The name given the whole of the judicial business relating to a given case or controversy before a court.

**Process** - This word is generally defined to be the means of compelling the defendant in an action to appear in court; or a means whereby a court compels a compliance with its demands.

**Real Property (Realty)** - Land and structures erected on land and so attached to the land as to become part of it.

**Reciprocal Support** - The process by which a husband or wife pays alimony through the court.

**Recognizance** - An obligation of record, entered into before some court of record, or magistrate duly authorized, with condition to do some particular act; as to appear at assizes, or criminal court, to keep the peace, to pay a debt, or the like.

**Record** - A written account of some act, transaction or action, drawn up under authority of law, by a proper officer, and designed to remain as permanent evidence of the matters to which it relates.

**Remand** - The act of a higher court, after an appeal, in sending a case back to a lower court for action consistent with the decision and order of the higher court.

**Removal** - In a broad sense, the transfer of a person or thing from one place to another. More specifically, in law it means the transfer of a cause from one court to another; transfer of the jurisdiction and cognizance of an action commenced, but not finally determined, with all further proceedings therein, from one trial court to another trial court.

Remedy - The relief given by a court to secure to an injured party his rights.

Replevin - A personal action brought by one person to recover possession of property unlawfully held by another.

Sentence - The judgment formally pronounced by the court or judge upon the defendant after his conviction in a criminal prosecution, formally declaring to the defendant the legal consequences of his conviction. In civil cases the terms judgment, decision, award or finding are used.

Service - The delivery of a writ, notice, injunction, etc. by an authorized person, or in some instances by certified mail, officially notifying that person of some action or proceeding in which he is concerned.

Show Cause - An order, decree, execution to appear as directed, and present to the court such reasons and considerations as one has to offer why it should not be confirmed, take effect, be executed or as the case may be.

Stipulation - An agreement between counsel respecting business before the court.

Subpoena duces tecum - The process by which the attendance of a witness is required. It is a writ or order directed to a person and requiring his attendance at a particular time and place as a witness. Duces Tecum may also require him to bring books, documents, etc.

Summary Judgment - A judgment rendered on the basis of the pleadings and, if any, affidavits of the parties where an examination of the pleadings and affidavits reveals that there is no dispute regarding the facts material to the case.

Summons - An order directing an officer to notify the person named in the order of the commencement of an action against that person and of the duty of the person named to appear in court on a day specified and answer the complaint of the party initiating the action.

Surety - One who binds himself for the payment of a sum of money, or for the performance of some duty or promise for another.

Suspended sentence - Following the imposition of sentence in a criminal case, the court may suspend Execution of the sentence and release the accused conditionally, subject to good behavior, for a fixed time. If during that time the accused is again convicted of crime or otherwise violates the conditions governing suspension of sentence, the court may order Execution of the sentence at that time.

Title - Legal recognition of the ownership of property, perhaps evidenced by a document having legal force.

Transcript - An official copy of certain proceedings in a court.

Transfer - The removal of a cause from the jurisdiction of one court or judge to another by lawful authority.

Traverse Jury - A trial jury; a jury impaneled to try an action or prosecution, as distinguished from a grand jury.

**True Bill** - The endorsement by a grand jury upon a bill of indictment, when they find it sustained by the evidence and are satisfied with the truth of the accusation.

**Trustee** - A person appointed, or required by law to execute a trust; one in whom an estate, interest or power is vested, under an express or implied agreement to administer or exercise it for the benefit or to the use of another.

**Venue** - Venue defines the proper court in which an action is to be brought, usually by reference to the locale in which the conduct complained of is claimed to have taken place.

**Verdict** - The formal decision or finding made by a jury, impaneled or sworn for the trial of a cause, and reported to the court (and accepted by it) upon the matters and questions duly submitted to them upon the trial.

**Waiver** - The voluntary relinquishment of a known right.

**Ward** - A person, especially an infant, placed by authority of law under the care of a guardian.

**Warrant** - A written order issued and signed by a magistrate, directed to a peace officer or some other person specially named, and commanding him to arrest the body of a person named in it, who is accused of an offense.

**Writ** - A written document from a court to a person directing certain action of that person. A writ may issue either to commence an action or as an incident to an ongoing action, generally at the request of a party to the action under way or to be initiated.



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