

## CHAPTER 13

### CLERKS OF JUDICIAL COURTS

#### **§551. Clerks of the judicial courts; appointments**

For each county, or if the Supreme Judicial Court has by rule established judicial regions, for each judicial region, the Chief Justice of the Superior Court shall appoint clerks as necessary to serve the Superior Court. A clerk of the District Court may also serve as the clerk of the Superior Court. If the business of any county or judicial region does not require the full-time service of a clerk, the Chief Justice of the Superior Court may appoint a part-time clerk for that county or region. Whenever a clerk is absent or temporarily unable to perform the duties of clerk and an existing or immediate session of the court requires it, the Chief Justice of the Superior Court may designate a clerk pro tempore who has the same powers and duties as the clerk. The clerks of the Superior Court shall also serve in their respective counties or judicial regions as clerks of the Supreme Judicial Court as needed. [PL 1995, c. 560, Pt. I, §15 (AMD).]

#### SECTION HISTORY

PL 1967, c. 419, §1 (RPR). PL 1969, c. 229 (RPR). PL 1975, c. 254, §1 (RPR). PL 1975, c. 408, §21 (RPR). PL 1975, c. 735, §7 (RP). PL 1975, c. 735, §§8,9 (AMD). PL 1983, c. 131, §2 (AMD). PL 1985, c. 68, §1 (AMD). PL 1995, c. 560, §115 (AMD).

#### **§552. Military or naval service**

**(REPEALED)**

#### SECTION HISTORY

PL 1975, c. 254, §2 (RP).

#### **§553. Bond**

**(REPEALED)**

#### SECTION HISTORY

PL 1973, c. 625, §12 (AMD). PL 1981, c. 470, §A5 (RP).

#### **§554. Accounting by clerks**

Clerks of judicial courts shall account monthly for all fees received by them or payable to them by virtue of their office, except those portions of fees collected for passports and naturalization proceedings that are payable to the Federal Government, specify the items and pay the whole amount of the same to the Treasurer of State at such times and in such manner as the Chief Justice of the Superior Court or the Chief Justice's designee from time to time specifies. [PL 2015, c. 44, §2 (AMD).]

#### SECTION HISTORY

PL 1965, c. 330 (AMD). PL 1971, c. 544, §9 (AMD). PL 1975, c. 254, §3 (RP). PL 1975, c. 383, §6 (AMD). PL 1975, c. 408, §23 (AMD). PL 1975, c. 735, §10 (RPR). PL 1985, c. 68, §2 (AMD). PL 1991, c. 132, §3 (AMD). PL 2015, c. 44, §2 (AMD).

#### **§555. Fee schedule**

The Supreme Judicial Court shall have the authority to prescribe rules establishing the fees of clerks of the judicial courts. [PL 1979, c. 663, §10 (RPR).]

#### SECTION HISTORY

PL 1965, c. 256 (AMD). PL 1973, c. 355 (AMD). PL 1979, c. 425, §2 (RPR). PL 1979, c. 541, §A13 (AMD). PL 1979, c. 663, §10 (RPR).

**§556. Account for moneys received; depository; accounts verified; deposits in name of court; forfeiture**

The clerk shall keep a true and exact account of all moneys that the clerk receives or is entitled to receive for services by virtue of the office as clerk of the Superior or Supreme Judicial Courts and shall pay the same to the Treasurer of State. All moneys belonging to the county or State respectively must be paid within 30 days after they are received by the clerk, in such manner as the Chief Justice or the Chief Justice's designee shall from time to time specify. If, in either case, the clerk neglects to do so, the clerk shall pay 25% interest thereon until paid. Upon the county treasurer's or Treasurer of State's notice of any known delinquency, the clerk's bond must then be sued. [PL 2019, c. 475, §47 (AMD).]

Proceeds of all sales of property made under the judgment or decree of the Supreme Judicial Court or of the Superior Court and any and all other sums of money from whatever source derived in civil proceedings coming into the custody of the Supreme Judicial Court or of the Superior Court shall be deposited in such depository as the court having custody of such money shall designate, and shall be withdrawn therefrom upon order of the clerk of courts, countersigned by any Justice of the Supreme Judicial Court or of the Superior Court. Any justice of either of the courts shall designate some proper depository for the funds referred to and such designation shall be minuted on the docket of the court. Clerks of courts in the several counties shall keep a regular record containing the account of such funds showing the deposits and all accumulations thereof and the amounts withdrawn therefrom, specifying the date of such withdrawal and the case to which such matters relate. All deposits shall be in the name of the beneficiary with the clerk of court designated as custodian. [PL 1989, c. 501, Pt. P, §4 (AMD).]

Whenever any of these funds are ordered by the courts to be paid to a person entitled to these funds, all accrued interest shall be paid to the claimant less a 5% fee based on the total proceeds, unless otherwise ordered by the court. Whenever any of these funds remain unclaimed for 20 years from the date when payable under the court judgment or decree, the clerk shall obtain an order from the court, under whose judgment or decree these funds were placed in the clerk's custody, that a comprehensive abstract of the facts be advertised for 3 weeks successively in a newspaper of general circulation published in the county, and if no one appears to claim these funds within 60 days after date of the last publication, the funds shall become forfeited to the State and be paid by the clerk to the Treasurer of State. That portion of this section providing for the forfeiture of unclaimed funds shall apply to funds held by the clerk of courts for 20 years or more prior to September 16, 1961. [PL 1989, c. 501, Pt. P, §5 (AMD).]

**SECTION HISTORY**

PL 1975, c. 383, §7 (AMD). PL 1975, c. 408, §24 (AMD). PL 1975, c. 735, §11 (AMD). PL 1989, c. 501, §§P4,P5 (AMD). PL 2019, c. 475, §47 (AMD).

**§557. Receipt and discharge of fines and costs voluntarily paid**

The clerk shall receive all fines, forfeitures and bills of costs imposed or accruing to the use of the State when paid or tendered to the clerk before a precept is issued to enforce collection, give discharges therefor and enter them of record. [RR 2021, c. 1, Pt. B, §15 (COR).]

**SECTION HISTORY**

RR 2021, c. 1, Pt. B, §15 (COR).

**§558. Administration of oaths**

Clerks of courts may administer oaths required by law unless another officer is specially required to do it.

**§559. Completion of records of deceased clerk**

Under direction of the Superior Court, the clerk shall complete unfinished records of a former clerk deceased, when from entries on the dockets and papers on file it sufficiently appears what judgment was rendered. Such record, when approved by the court, is valid.

**§560. Duties as to lists of magistrates, discharges of soldiers and seamen; files of state paper (REPEALED)**

SECTION HISTORY

PL 1979, c. 13, §5 (RP).

**§561. Taking illegal fees**

A clerk who exacts or receives more than that clerk's lawful fees commits a civil violation for which a fine of \$50 may be adjudged. [RR 2021, c. 1, Pt. B, §16 (COR).]

SECTION HISTORY

PL 1977, c. 696, §24 (RPR). RR 2021, c. 1, Pt. B, §16 (COR).

**§562. Deputies; oath and bond; clerk pro tempore (REPEALED)**

SECTION HISTORY

PL 1967, c. 544, §6 (AMD). PL 1969, c. 56 (AMD). PL 1969, c. 504, §§3-A (AMD). PL 1975, c. 254, §4 (RP). PL 1975, c. 383, §§8,9 (AMD). PL 1975, c. 408, §25 (AMD). PL 1975, c. 735, §12 (RP).

**§563. Record of civil cases**

After the rendition of final judgment or decree in any civil action, the clerk shall, as soon as may be, make such a record thereof in short form, except in such specific instances as the court by general rule or special order may direct. If either party files a request and tenders the fees therefor, a full, extended record shall be made. The court may establish the form of such short form record and full, extended record.

**§564. Record of criminal or traffic infraction cases; certain convictions or adjudications not criminal records**

In indictments, clerks shall make records of the process, proceedings, judgment and sentence as the Supreme Judicial Court may prescribe by rule. In criminal prosecutions or civil violation proceedings brought up by appeal from inferior courts, clerks shall make records of the process, proceedings, judgment and sentence as the Supreme Judicial Court may prescribe by rule. [PL 1977, c. 114, §13 (RPR).]

Convictions for violation of the fish and wildlife laws or motor vehicle traffic laws or municipal ordinances where the fine imposed does not exceed \$100 or adjudications for violations constituting traffic infractions shall not be deemed to constitute a criminal record against any person so convicted or adjudicated. This section shall not exempt any court from filing court abstracts as now required by law. [PL 1977, c. 114, §13 (RPR).]

SECTION HISTORY

PL 1975, c. 430, §19 (AMD). PL 1975, c. 731, §14 (AMD). PL 1977, c. 114, §13 (RPR).

**§565. Examination and correction of records**

The Chief Justice of the Superior Court may cause the records of each clerk to be examined and when found deficient, direct them to be immediately made or corrected, and when such order is not

obeyed, the fact of such deficiency shall be certified to the Treasurer of State, who shall cause the clerk's bond to be sued. [PL 1985, c. 68, §3 (AMD).]

#### SECTION HISTORY

PL 1985, c. 68, §3 (AMD).

#### **§566. Disposal of money collected by action on clerk's bond**

The money recovered in such action shall be applied under direction of the court, to complete the deficient records. If more than sufficient, the balance inures to the State. If not sufficient, the balance may be recovered by the Treasurer of State in an action founded on the bond and facts.

#### **§567. No recording officer to be attorney or sue in own court nor draft nor aid in drafting paper to be recorded**

A clerk, register or recording officer of any court of the State may not be attorney or counselor in any civil action or matter pending in that court; neither may that person commence actions to be entered therein, or draft or aid in drafting any document or paper that that person is by law required to record, in full or in part. Violation of this section is a civil violation for which a fine not to exceed \$100 may be adjudged. Notwithstanding provisions of this section, clerks may aid litigants in the preparation of small claims filings. Nothing prevents the clerk from rendering assistance of a general nature to the bar or the public. [RR 2021, c. 1, Pt. B, §17 (COR).]

#### SECTION HISTORY

PL 1975, c. 383, §10 (AMD). PL 1975, c. 408, §26 (AMD). PL 1977, c. 78, §3 (RPR). PL 1977, c. 696, §25 (AMD). RR 2021, c. 1, Pt. B, §17 (COR).

#### **§568. Duties of clerks as to records; fees**

All clerks of courts shall receive and safely keep all such records and papers lodged in their offices and give attested copies thereof, for which they shall receive the same fees as a notary. Such copies shall be as valid as if certified by notaries.

#### **§569. Clerks; taking of bail authorized**

**(REPEALED)**

#### SECTION HISTORY

PL 1965, c. 356, §7 (NEW). PL 1987, c. 758, §4 (RP).

#### **§570. Executive Clerk of the Supreme Judicial Court**

The Chief Justice of the Supreme Judicial Court shall appoint an executive clerk of that court, whose authority, functions and duties shall be prescribed from time to time by the Supreme Judicial Court by rule or administrative order. The executive clerk of the Supreme Judicial Court may administer oaths and may sign and issue summonses, writs and other process in the name of the State and under the seal of the court. [PL 1985, c. 68, §4 (NEW).]

#### SECTION HISTORY

PL 1985, c. 68, §4 (NEW).

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