

MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

SENATE

NO. 58

In Senate, Feb. 6, 1919.

Reported by Senator Thombs from Committee on Legal Affairs and laid on table to be printed under joint rules.

P. F. CRANE, Secretary.

Presented by Senator Parent of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND NINETEEN

AN ACT to Amend Section 2 of Chapter 194 of the Private and Special Laws of 1915 Amending the Act Establishing a Municipal Court for the City of Auburn.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Section 2 of chapter 194 of the private and special laws of 1915 is hereby repealed and the section herein following enacted in lieu thereof.

'Sect. 2. Said court shall have jurisdiction as follows:

'I. Exclusive jurisdiction of all offenses against the ordinances or by-laws of said city, and all such other criminal offenses committed therein as are cognizable by trial justices; and concurrent jurisdiction with trial justices in the

5 county of Androscoggin of all like offenses not herein
6 placed within its exclusive jurisdiction, when committed in
7 any town or city in said county except Lewiston.

II. Original jurisdiction concurrent with the superior
2 court, of the offenses described in sections one, six, seven,
3 eight and ten of chapter one hundred and twenty-two of
4 the revised statutes, when the alleged value of the property
5 does not exceed fifty dollars; of the offenses described in
6 section twenty-six of chapter one hundred and twenty of
7 the revised statutes; of the offense described in sections
8 one and five of chapter one hundred and twenty-eight of
9 the revised statutes, when the alleged value of the property
10 does not exceed fifty dollars, and on conviction may punish
11 for either of said offenses by fine not exceeding one hun-
12 dred dollars or by imprisonment for not more than six
13 months; and also of the offense described in section seven
14 of chapter one hundred and twenty-six of the revised stat-
15 utes, and on conviction may punish therefor by fine not
16 exceeding fifty dollars or by imprisonment for not more
17 than thirty days.

III. Exclusive original jurisdiction of all civil actions
2 wherein the debt or damages demanded do not exceed twen-
3 ty dollars, and both parties, or any plaintiff, and a person
4 summoned as a trustee, reside in the city of Auburn, in-
5 cluding prosecution for penalties in which said city is in-
6 terested, and actions of forcible entry and detainer arising
7 therein; and concurrent jurisdiction with trial justices in
8 said county of all other civil actions and other civil pro-

9 ceedings cognizant by them, not within the exclusive juris-
10 diction of said court or of the municipal court of the city
11 of Lewiston; provided, that any civil action in which the
12 judge or clerk is interested, but which otherwise would be
13 within the exclusive jurisdiction of said court, may be
14 brought in and disposed of by the Lewiston municipal court
15 in the same manner and with like effect as other actions
16 therein.

‘IV. Original jurisdiction concurrent with the superior
2 court and the municipal court of the city of Lewiston, of
3 all civil actions in which the debt or damages demanded,
4 exceed twenty dollars but do not exceed one hundred dol-
5 lars, and the defendant or a party summoned as trustee
6 resides within the county of Androscoggin; provided, how-
7 ever, that any action wherein the debt or damage demanded
8 exceeds twenty dollars, brought in said court, shall be re-
9 moved by order of the judge into the superior court, on
10 motion of the defendant, filed at the return term, if he files
11 therewith, at the same time, an affidavit that he believes
12 he has a good defense to said action, in whole or in part,
13 and in good faith intends to make such defense, and de-
14 posits with the clerk, the fee of the clerk of the court above
15 for entering said action therein; and when such removal
16 has been ordered, the clerk shall file in the superior court
17 at its next term in the county, an attested copy of the writ
18 in such action and of said motion and affidavit, and order
19 of court thereon, and pay to the clerk of said court the fee

20 for entering the same, for which services he shall be en-
21 titled to the same fees allowed for the necessary copies in
22 actions carried up by appeal, to be paid him by the defend-
23 ant and recovered by him with costs, if he prevail in the
24 suit.'

Sect. 2. Section 3 of said chapter 194 of the private and
2 special laws of 1915 is hereby amended by striking out the
3 words "supreme judicial" in the sixth line thereof and sub-
4 stituting therefor the word 'superior,' and by striking out
5 the word "eighty-five" in the eighth line thereof and sub-
6 stituting therefor the word 'eighty-eight,' so that the same
7 shall read as follows when amended:

'Sect. 3. Nothing in the foregoing section shall be con-
2 strued to give said court any authority exceeding that of
3 trial justices to hear and determine any civil action in which
4 the title to real estate, according to the pleadings or brief
5 statement filed therein by either party, is in question, but
6 all such actions shall be removed to the supreme judicial
7 court or the superior court in the county, or otherwise dis-
8 posed of as provided in section three of chapter eighty-
9 eight of the revised statutes.'

Sect. 3. Section twelve of said act establishing said mu-
2 nicipal court is hereby amended by striking out the words
3 "supreme judicial" in the second line of said section and
4 substituting therefor the word 'superior,' so that section
5 when amended, shall read as follows:

'Sect. 12. Any party may appeal from a judgment or
2 sentence of said court to the superior court, in the same

3 manner and subject to the same conditions as from a judg-
4 ment or sentence of a trial justice.'

Sect. 4. Section two of said chapter 194 of the private
2 and special laws of 1915 is further amended by adding the
3 following paragraph:

'V. Exceptions may be alleged and cases certified on
2 agreed statements of facts, or upon evidence reported by
3 the judge, in all civil cases, as in the supreme judicial court,
4 and the same shall be entered, heard and determined at the
5 next law term in the western district, or by agreement of
6 parties, may be certified at once to the chief justice of the
7 supreme judicial court, and when so certified, to be argued
8 in writing on both sides within thirty days; and the su-
9 preme judicial court, sitting as a court of law, shall have
10 the same jurisdiction of all questions of law arising on
11 said exceptions, statements and reports, as if they had
12 originated in the supreme judicial court for the county of
13 Androscoggin; and all provisions of law and rules of the
14 supreme judicial court relative to the transfer of actions
15 and other matters from the supreme judicial court for said
16 county, shall apply to the transfer of actions from said
17 municipal court to said law court. Decisions of the law
18 court on all questions from said municipal court shall be
19 certified to the judge of said municipal court with the same
20 effect as in cases originating in the supreme judicial court
21 in said county.'