

MAINE STATE LEGISLATURE

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EIGHTY-SECOND LEGISLATURE

H. P. No. 1132

H. D. No. 378

House of Representatives, Mar. 11, 1925.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Oakes of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-FIVE

AN ACT to Change the Jurisdiction of the Supreme Judicial
and Superior Courts.

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

Section 1. Chapter eighty-two, section forty-one of the
2 revised statutes, is hereby amended by striking out the
3 words, "When sitting as a court of law to determine ques-
4 tions of law, arising in suits at law and in equity, and in
5 criminal trials and proceedings, the court shall be composed
6 of five or more of the justices, who shall hear and deter-
7 mine such questions by the concurrence of five members,"
8 and inserting in place thereof, 'the chief justice, senior as-
9 sociate justice and three other associate justices of the su-
10 preme judicial court, which three other associate justices

11 the chief justice shall assign at the beginning of each calen-
12 dar year, shall sit as a court of law to determine questions
13 of law and in equity and in criminal trials and proceedings,
14 and shall hear and determine such questions by the con-
15 currence of three members.' And by adding to said section
16 the following words: 'the associate justices so assigned shall
17 be succeeded by the other associate justices of the supreme
18 judicial court in rotation. The associate justices not sitting
19 as a court of law shall be assigned by the chief justice to
20 preside at sessions of the superior court in the several
21 counties and have the same powers both at law and in
22 equity,' so that said section as amended shall read as fol-
23 lows:

'The chief justice, senior associate justice and three other
2 associate justices of the supreme judicial court, which three
3 other associate justices the chief justice shall assign at the
4 beginning of each calendar year, shall sit as a court of law
5 to determine questions of law and in equity and in criminal
6 trials and proceedings and shall hear and determine such
7 questions by the concurrence of three members; but when
8 any of them cannot act in a case by reason of interest or
9 other disqualification, a majority of the others is sufficient;
10 and in any civil action in which there is a subsisting ver-
11 dict, if a majority of the justices qualified to act in the case,
12 after mature consideration and consultation, do not concur
13 in granting a new trial, the court shall order judgment on
14 the verdict. The associate justices so assigned shall be

15 succeeded by the other associate justices of the supreme
16 judicial court in rotation. The associate justices not sitting
17 as a court of law shall be assigned by the chief justice to
18 preside at sessions of the superior court in the several coun-
19 ties and have the same powers both at law and in equity.'

Sect. 2. Chapter eighty-two, section seventy-nine of the
2 revised statutes, as amended by chapter eighty-four of the
3 laws of nineteen hundred and nineteen, chapter eighty-two,
4 section eighty-three of the revised statutes, chapter two
5 hundred and sixty, section one of the laws of nineteen hun-
6 dred and seventeen, and chapter nine, section one of the
7 laws of nineteen hundred and nineteen, are hereby amended
8 by striking out all of said sections and inserting in place
9 thereof the following:

'The superior court shall consist of six justices of sobriety
2 of manner and learned in the law, who shall be appointed,
3 commissioned and qualified according to the constitution
4 and of whom the chief justice of the supreme judicial court
5 shall act as chief justice.'

Sect. 3. Chapter eighty-two, section eighty of the revised
2 statutes, chapter eighty-two, section eighty-four of the re-
3 vised statutes, chapter two hundred and sixty, section three
4 of the laws of nineteen hundred and seventeen, and chapter
5 nine, sections three and four of the laws of nineteen hun-
6 dred and nineteen, are hereby amended by striking out all
7 of said sections and inserting in place thereof the following:

'The superior court shall have the same jurisdiction as the

2 supreme judicial court except as a court of law and any use
3 of the term supreme judicial court in the statutes and in
4 laws involving jurisdiction shall be construed hereafter to
5 include the superior court. All matters heretofore within
6 the jurisdiction of the supreme judicial court except when
7 sitting as a court of law shall hereafter be within the juris-
8 diction of the superior court exclusive of the supreme judi-
9 cial court.'

Sect. 4. All clerks and other officers of the supreme ju-
2 dicial court except the clerk of the law court shall hereafter
3 be known as officers of the superior court and all statutes
4 and laws of substance and procedure heretofore pertaining
5 to the supreme judicial court shall hereafter govern pro-
6 ceedings in the superior court. All writs and processes
7 shall issue under the seal of the superior court. Actions
8 shall be returnable as heretofore provided for the supreme
9 judicial court excepting that in Kennebec, Androscoggin and
10 Penobscot counties they shall be made returnable at one of
11 the next two terms of the superior court begun and held
12 after the commencement thereof and in Cumberland county
13 at one of the next three terms begun and held after the
14 commencement thereof. Nothing herein contained shall
15 interrupt the term of office of any officials of the supreme
16 judicial court or superior courts as now existing.

Sect. 5. Section fifty-one of chapter eighty-two of the
2 revised statutes as amended by chapter seventy-three, two
3 hundred and eleven and two hundred and twenty-seven,

4 as amended by chapter one hundred and eighty-one of laws
5 of nineteen hundred and twenty-one, chapter two hundred
6 and sixty, section six of the laws of nineteen hundred and
7 seventeen, chapter nine, section six of the laws of nineteen
8 hundred and nineteen and chapter eighty-two, section eighty-
9 five of the revised statutes and amended by chapter one
10 hundred and eleven of the laws of nineteen hundred and
11 twenty-one and chapter eighty-two, section eighty-one of
12 the revised statutes, are hereby amended by striking out all
13 of said sections and inserting in place thereof the following:

“The term of said superior court shall be held annually as
2 follows:

Androscoggin at Auburn on the first Tuesday of October,
2 February and June for the transaction of civil and criminal
3 business and on the first Tuesday of December, January
4 and April for the transaction of civil business.

Aroostook at Houlton on the first Tuesday of April, June
2 and November for the transaction of civil and criminal busi-
3 ness and at Caribou on the first Tuesday of September and
4 February for civil business.

Cumberland, at Portland on the first Tuesday of January,
2 February, March, April, May, September, October, Novem-
3 ber and December for the transaction of civil business and
4 also in said county a term on the first Tuesday of Septem-
5 ber, January and May for the transaction of criminal busi-
6 ness.

Franklin, at Farmington, on the first Tuesday of February

2 and October and on the third Tuesday of September for
3 the transaction of civil and criminal business.

Hancock, at Ellsworth, on the fourth Tuesday of October
2 and on the fourth Tuesday of April for the transaction of
3 civil and criminal business.

Kennebec, at Waterville, on the first Tuesday of April and
2 November for the transaction of civil business; at Augusta
3 on the first Tuesday of March and October for the transac-
4 tion of civil business and on the first Tuesday of January
5 and May and September for the transaction of civil and
6 criminal business.

Knox, at Rockland, on the second Tuesday of January and
2 on the fourth Tuesday of April and September for the
3 transaction of civil and criminal business.

Lincoln, at Wiscasset, on the fourth Tuesday of April and
2 October for the transaction of civil and criminal business.

Oxford, at South Paris, on the second Tuesday of Febru-
2 ary and October for the transaction of civil and criminal
3 business and at Rumford on the second Tuesday of May
4 for the transaction of civil and criminal business.

Penobscot, at Bangor, on the first Tuesday of March,
2 April, October and November for the transaction of civil
3 business and on the first Tuesday of January, May and
4 September for the transaction of civil and criminal business.

Piscataquis, at Dover-Foxcroft, on the second Tuesday of
2 March, and on the fourth Tuesday of September for the
3 transaction of civil and criminal business.

Sagadahoc, at Bath, on the fourth Tuesday of January,
2 the third Tuesday of May and the third Tuesday of Octo-
3 ber for the transaction of civil and criminal business and
4 on the second Tuesday of March for the transaction of civil
5 business.

Somerset, at Skowhegan, the fourth Tuesday of January,
2 the first Tuesday of April and the third Tuesday of Sep-
3 tember for the transaction of civil and criminal business.

Waldo, at Belfast, on the first Tuesday of January, the
2 third Tuesday of April and the fourth Tuesday of Septem-
3 ber for the transaction of civil and criminal business.

Washington, at Calais, on the first Tuesday of May and
2 at Machias on the second Tuesday of October for the trans-
3 action of civil and criminal business.

York, at Saco, on the first Tuesday of January, at Alfred
2 on the first Tuesday of May and the third Tuesday of Sep-
3 tember for the transaction of civil and criminal business.'