

MAINE STATE LEGISLATURE

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NEW DRAFT No. 2

EIGHTY-SECOND LEGISLATURE

H. P. No. 1294

H. D. No. 523

House of Representatives, April 7, 1925.

Reported by Mr. Beckett of Calais from Committee on Legal Affairs and laid on table to be printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

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

AN ACT Amending the Charter of the Belfast Municipal
Court.

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

Section 1. Section one of the private and special laws of
2 nineteen hundred and eleven, chapter two hundred and
3 fifty-four as amended by chapter one hundred and twenty-
4 six of the private and special laws of nineteen hundred and
5 twenty-one, is hereby amended, so that the same shall read
6 as follows:

'A Municipal Court shall be and hereby is established in
2 and for the City of Belfast in the County of Waldo, which
3 shall be a court of record and have a seal and consist of
4 one judge, who shall be an attorney-at-law and reside in

5 Belfast ; said judge to be appointed and commissioned as in
6 the constitution provided. Said judge shall receive a salary
7 of twelve hundred dollars per year for his services in crimi-
8 nal and civil cases to be paid from the treasury of the
9 county of Waldo in monthly payments on the last day of
10 each month. All fines, costs, and fees collected by said
11 judge in criminal and civil cases, shall be paid by him to
12 the treasurer of the county of Waldo, or to the proper
13 state or other department entitled to receive the same. Said
14 court shall exercise jurisdiction over all such matters and
15 things civil and criminal within the county of Waldo as
16 trial justices and justices of the peace may exercise and
17 may administer oaths, render judgments, issue executions,
18 certify copies of its records, punish for contempt, and com-
19 pel attendance as in the supreme judicial court, and may
20 make all rules and regulations not repugnant to law that
21 may be necessary for the prompt administration of justice
22 and for the carrying into effect the provisions of this act
23 and shall have exclusive jurisdiction over all offenses com-
24 mitted against the ordinances or by-laws of the City of
25 Belfast, and over all such criminal offenses committed with-
26 in the limits of the same as are cognizable by trial justices.

‘Said court shall have concurrent jurisdiction with the
2 supreme judicial court in all personal actions where the
3 debt or damage, exclusive of costs, is over twenty dollars
4 and not over three hundred dollars, and in all actions of
5 replevin under chapter one hundred and one of the revised

6 statutes when the sum demanded for the penalty, forfeiture
7 or damages, or the value of the goods or chattels replevined,
8 does not exceed three hundred dollars, in which any per-
9 son summoned as trustee resides within Waldo county, or,
10 if a corporation, has an established place of business within
11 said county or, in which, in any actions not commenced by
12 trustee process, any defendant resides in said county or
13 if no defendant resides within the limits of this state and
14 defendant is served with process in said county, or the per-
15 sonal property of any defendant is found within said county
16 and is attached on the original writ; but this jurisdiction
17 shall not include proceedings under the divorce laws or
18 complaints under the mill act, so-called, nor jurisdiction
19 over actions, in which the title to real estate, according to
20 the pleadings filed in the case by either party is in question,
21 except as provided in sections six and seven of chapter
22 ninety-nine of the revised statutes.'

Sect. 2. Section three of chapter two hundred and fifty-
2 four of the private and special laws of nineteen hundred
3 and eleven as amended by section three of chapter one
4 hundred and twenty-six of the private and special laws of
5 nineteen hundred and twenty-one, is hereby amended, so
6 that the same shall read as follows:

'Sect. 3. Said municipal court shall keep its own records
2 such as would be legal records in trial justice courts and
3 certified copies of such records shall be legal evidence in
4 the courts of this state. Said Court shall be holden on the

5 first and third Mondays of each month at ten o'clock in
6 the forenoon at such place in the city of Belfast as said
7 city shall provide, for the transaction of civil business, and
8 all processes shall be made accordingly, and may remain in
9 session one or more days as justice and convenience may
10 require, and said court may adjourn from time to time as
11 justice and convenience may require. No writ or other civil
12 process shall be entered after twelve o'clock on any of said
13 term days unless by special leave of court. When a defend-
14 ant legally served, fails to enter his appearance, by himself
15 or his attorney by twelve o'clock on the first day of the
16 return term he may be defaulted, but if he afterward appear
17 during the term the court may for sufficient cause permit
18 the default to be taken off. But it cannot be taken off after
19 the first term without consent of the plaintiff, unless the
20 judge shall make a special order to that effect after notice
21 to and an opportunity for a hearing of the plaintiff. Pleas
22 and motions in abatement must be filed on the first day of
23 the term to which the action is returnable. The defendant
24 may file his pleadings in bar at any time after the writ is
25 entered, and must file them before he can ask that a day
26 be set for trial. If at any term the plaintiff files a motion
27 asking that the defendant be ordered to file his pleadings,
28 the judge shall order the defendant to file them accordingly,
29 and shall notify the defendant thereof in such a manner as
30 he deems proper. If the defendant in such case does not
31 file his pleadings on or before the first day of the next term

32 he shall be defaulted, unless the court for good cause en-
33 large the time for which it may impose reasonable terms.
34 Actions of forcible entry and detainer seasonably answered
35 to shall be in order for trial at the return term, and shall
36 remain so until tried or otherwise disposed of finally, unless
37 continued by consent, or on motion of either party for good
38 cause shown, in which latter case the court may make such
39 terms as it deems reasonable. Actions in which the plain-
40 tiff has given to the defendant thirty days' written notice
41 or the defendant has given the plaintiff ten days' written
42 notice that a trial will be demanded at the return term, on
43 proving such notice, shall be in order for trial at such term,
44 but all other actions except actions of forcible entry and
45 detainer shall be continued as of course to the next term.
46 Actions shall be assigned for trial as follows: At any term
47 either party may ask the court to assign the action for trial
48 at the next or some other term. The party asking the
49 earlier assignment shall have it granted, unless there is
50 some good reason for the contrary, and the court shall
51 notify the other party of the time set for trial as he deems
52 proper. Any party may appear on the first day of a term,
53 and by motion show cause for a continuance, which the
54 judge may grant with or without terms, as he deems right
55 or may refuse. To serve the best interests of the parties,
56 trials may be had at any time in or out of term time and
57 at any place within said judicial district, by the consent of
58 the parties thereto, or on motion by either party on hearing

59 granted by the court, or by order of the court. In all actions
60 wherein the debt or damages claimed by the plaintiff ex-
61 ceeds twenty dollars, the fees of the parties and witnesses
62 shall be the same as allowed by law in the supreme judicial
63 court, except that there may be taxed for the trial of an
64 issue the same sum as in trial justice courts.

‘And in any and all actions wherein the debt or damage
2 claimed by the plaintiff does not exceed twenty dollars, the
3 fees to be taxed shall be the same as allowed by law in trial
4 justice courts, except that the plaintiff if he prevails shall
5 recover two dollars for his writ and the defendant if he
6 prevails shall recover one dollar for his pleadings.

‘In criminal matters the fees shall be the same as are
2 legally taxable by trial justices, except that there may be
3 taxed one dollar and fifty cents for issuing a warrant, and
4 twenty-five cents for each copy of bill of costs certified to
5 the supreme judicial court or to the county commissioners
6 court, and also two dollars and fifty cents for copies civil
7 and criminal for the Supreme Judicial Court, including the
8 seal, and a like amount in libel cases, which fees if collected
9 by the judge shall be paid to the County of Waldo.

‘All expenses of said court including the blank books of
2 record, dockets, blanks, and all other stationery and supplies
3 necessary for the use of said court, shall be paid from the
4 treasury of the county of Waldo. The price of blank writs
5 and summonses signed by the judge shall be four cents, and
6 two cents for each additional summons.

‘The Judge of the court may designate in writing under
2 seal of said court some trial justice in the City of Belfast
3 who shall be an attorney at law, who shall exercise all the
4 powers, criminal and civil, of said judge in case said judge is
5 prevented by absence from the court-room, sickness or other
6 cause, from exercising his duties as judge and the signature
7 of said trial justice so designated on any warrant or other
8 precept, process or paper from said court, shall be sufficient
9 evidence of his authority to act in the premises without any
10 recital therein of the provisions of this act. In case said
11 judge shall be absent from said city or otherwise unable
12 to attend to his duties as judge, except in case of sickness,
13 for more than two consecutive weeks, he shall personally
14 pay said trial justice for his services in criminal cases at
15 the same rate established by the schedule of fees provided
16 in this act; unless the same be taxed and collected of the
17 respondents tried in said cases.

‘In case the office of judge be vacant trial justices in Belfast
2 may exercise all the powers conferred on them by the
3 general law until said vacancy be filled and may hear and
4 finally dispose of all matters then pending before them when
5 said vacancy is filled.’

Sect. 3. Trial justices are hereby deprived of jurisdiction
2 over any and all criminal matters within the City of Belfast
3 except as provided in this act.

Sect. 4. All acts or parts of acts relating to the Belfast
2 Municipal Court inconsistent with this act are hereby re-
3 pealed.