

MAINE STATE LEGISLATURE

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N I N E T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 1322

H. P. 1167

House of Representatives, March 10, 1953.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Riley of Livermore Falls.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

AN ACT Relating to the Livermore Falls Municipal Court.

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

P. & S. L., 1899, c. 120, amended. Chapter 120 of the private and special laws of 1899, as amended, is hereby further amended to read as follows :

'Sec. 1. Livermore Falls municipal court established. A municipal court is hereby established at Livermore Falls in the county of Androscoggin to be denominated the Livermore Falls municipal court, which shall be a court of record and have a recorder and seal: said court shall consist of one judge and a recorder. The judge shall be a member of the bar of the state of Maine, and shall reside during his continuance in office in said Livermore Falls or in the town of Livermore or the town of Leeds, and who shall be appointed, qualified and hold office as provided in the constitution and laws of this state, and shall receive a salary of \$1200 a year to be paid weekly from the treasury of the county of Androscoggin.

The recorder shall be appointed by the governor, with the advice and the consent of the council, for a term of 4 years, and shall reside in one of said towns of Livermore Falls, Livermore or Leeds during his term of office, and his salary shall be \$500 a year, payable weekly from the treasury

of the county of Androscoggin. The recorder shall have authority to administer oaths, and shall perform such duties as are performed by the clerks of the superior court, so far as applicable; he shall hear complaints, sign warrants, take bail and make and sign processes of commitment which shall bear the seal of the court and shall keep a record of the doings of the court in civil and criminal dockets, and make and transmit such returns and copies thereof as are required by the county or any department of the state of Maine. He shall be the custodian of all money paid into court, which shall be accounted for and paid over according to law, and he shall give bond to the county of Androscoggin for the faithful performance of his duties in such sum and with such sureties as the county commissioners shall approve.

When the judge is absent from the court room, or is interested, or if the office of the judge is vacant, it shall be the duty of the recorder and he shall have the authority to exercise all the powers of the judge. In case of the absence of the recorder or of a vacancy in the office of recorder, the judge shall appoint a recorder who shall be sworn by the judge and act during such absence or until the vacancy is filled. If the judge and the recorder are both necessarily absent, either may designate some other municipal court judge, clerk or recorder to perform the functions of the court for the time being.

Sec. 2. Jurisdiction of court. This court shall have jurisdiction of all civil and criminal matters in said county of Androscoggin in accordance with the provisions of the laws governing municipal courts, and may administer all necessary oaths, render judgment and issue execution, punish for contempt and compel attendance as is done in the superior court. All writs and processes shall be in the name of the state and bear the teste of the judge or recorder. The rules of the superior court so far as applicable, when not otherwise limited by public law regulating municipal courts, shall be the rules of this court.

Sec. 3. Terms. The civil term of this court shall be held on the 3rd Tuesday of each month at 10 o'clock in the forenoon; provided, however, that a term shall be held every Tuesday at 10 o'clock in the forenoon for the entry and trial of actions of forcible entry and detainer, which shall be in order for trial on the return day. Writs shall be filed in court on or before the return day of each term, and no writ shall be entered after the 1st day of the term unless by consent of the adverse party and by leave of the court; or unless the court shall allow the same upon proof that the entry was prevented by inevitable accident or other sufficient cause. All pleadings shall be the same as in the superior court.

Sec. 4. Removal of actions to superior court. In any civil action in which the debt or damage demanded exceeds \$20, the defendant or his attorney, on or before the 2nd day of the return term thereof, may file in court a motion for the removal of said action to the superior court and deposit with the recorder \$2, whereupon the recorder shall cause certified copies of the writ, the officer's return and the defendant's motion and all other papers in the case to be filed immediately in the superior court, and shall pay the entry fee thereof. Such actions shall then be entered on the docket of the term next following such filing, unless the superior court is then in session, in which case the action shall be entered forthwith.

Sec. 5. County to provide court room, etc. The county commissioners shall provide a suitable place in Livermore Falls for the holding of the court, and all expense of said court, including blank books of record, dockets and blanks necessary for the use of said court, shall be paid from the treasury of the county of Androscoggin.

Sec. 6. Repealing clause. So much of the act establishing the Livermore Falls municipal court, chapter 120 of the private and special laws of 1899, as amended, as shall be inconsistent with this act, is hereby repealed.