

# MAINE STATE LEGISLATURE

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District Court Injunctive Powers  
4 M.R.S.A. § 152

LD 1843

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AUGUSTA, MAINE 04333

June 9, 1977

Honorable Dana C. Devoe  
House of Representatives  
State House  
Augusta, Maine 04333

Dear Representative Devoe:

This responds to your request for advice regarding the provisions of L.D. 1843. Specifically, you ask the question as to whether, in light of the provisions of 4 M.R.S.A. § 152, the legislature may adopt the provisions of L.D. 1843 giving injunctive powers to the District Court in certain situations.

The District Court is entirely a creature of statute. Courts created by statute are limited in authority to that granted by statute, In re Hadlock, 142 Me. 117 (1946). However, courts created by statute may have their authority expanded by statute.

The current enabling legislation for the District Court, 4 M.R.S.A. §152, specifies that the District Court currently does not have jurisdiction in cases where: "equitable relief is demanded." L.D. 1843 would change this situation by amending 14 M.R.S.A. § 6021 to include a provision granting the District Court concurrent power with the Superior Court to issue injunctions in certain circumstances. Thus, the amendment of L.D. 1843 would revise and add to the District Court's power. As such, there would be no inconsistency with the provisions of 4 M.R.S.A. § 152. If the changes are adopted, the District Court would generally be prohibited from considering injunctions by the provisions of 4 M.R.S.A. §152 with the exception specified in 14 M.R.S.A. §6021-4-

I hope this information is helpful.

Sincerely,

DONALD G. ALEXANDER  
Deputy Attorney General

DGA:jg  
cc: Senator Samuel W. Collins, Jr.  
Representative Richard A. Spencer