

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1103

H. P. 861

House of Representatives, February 27, 1969

Referred to the Committee on Judiciary. Sent up for concurrence and 1,000 ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Hewes of Cape Elizabeth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Relating to Jurisdiction of Courts in Domestic Relations Matters.

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

Sec. 1. R. S., T. 4, § 105, amended. The first sentence of section 105 of Title 4 of the Revised Statutes is amended to read as follows:

The Superior Court, exclusive of the Supreme Judicial Court, shall have and exercise jurisdiction and have and exercise all of the powers, duties and authority necessary for exercising the jurisdiction in any and all matters either original or appellate, which were, prior to January 1, 1930, within the jurisdiction of the Supreme Judicial Court or any of the Superior Courts, whether cognizable at law or in equity, except as concurrent or **exclusive** jurisdiction is vested in the District Court, and except as provided in Title 14, section 5301, provided that it shall have and exercise none of the jurisdiction, powers, duties and authority of the Supreme Judicial Court sitting as a law court.

Sec. 2. R. S., T. 4, § 152, amended. The first sentence of section 152 of Title 4 of the Revised Statutes, as amended by chapter 236 of the public laws of 1965, is further amended to read as follows:

The District Court shall possess the civil and criminal jurisdiction exercised by all trial justices and municipal courts in the State on September 16, 1961, and in addition, original jurisdiction, concurrence with that of the Superior Court of all civil actions in which neither damages in excess of \$10,000 nor equitable relief is demanded, **exclusive jurisdiction** of actions for divorce or annulment of marriage and of proceedings under Title 19 and original jurisdiction, concurrent with that of the probate court, of actions for separation.

Sec. 3. R. S., T. 4, § 155, sub-§ 3, amended. The last 2 sentences of subsection 3 of section 155 of Title 4 of the Revised Statutes are repealed as follows:

~~Such action or proceeding may be removed to the Superior Court by the defendant. The rules of municipal courts now in effect for removal of actions to the Superior Court shall apply.~~

Sec. 4. R. S., T. 19, § 635, amended. Section 635 of Title 19 of the Revised Statutes is amended to read as follows:

§ 635. Jurisdiction

The District Court shall possess original jurisdiction ~~concurrent with the Superior Court~~ of actions for annulment of marriage under this subchapter.

Sec. 5. R. S., T. 19, § 664, amended. Section 664 of Title 19 of the Revised Statutes is amended to read as follows:

§ 664. Jurisdiction

The District Court shall possess original jurisdiction ~~concurrent with the Superior Court~~ of actions for divorce under this subchapter.

Sec. 6. R. S., T. 19, § 691, amended. The last sentence of the first paragraph of section 691 of Title 19 of the Revised Statutes is repealed as follows:

~~The Superior Court has jurisdiction of actions for divorce in all counties.~~

Sec. 7. R. S., T. 22, § 2803, amended. The first paragraph of section 2803 of Title 22 of the Revised Statutes is amended to read as follows:

~~The clerk of the Superior Court in each county and the~~ The clerk of the District Court in each judicial division shall file with the State Registrar of Vital Statistics a record of each divorce judgment or annulment issued in his jurisdiction within 45 days after judgment.

Sec. 8. Pending matters. All complaints for annulment of marriage or divorce pending in the Superior Courts on the effective date of this Act shall be transferred by the clerks thereof to an appropriate division of the District Court. The District Court shall accept jurisdiction and act upon such complaints even though they may be entitled in the Superior Court. The District Court shall have jurisdiction to hear, act upon and enforce any measures, orders or decrees relating to such pending complaints.

The Superior Court shall retain jurisdiction to handle any post divorce measures or other matters relating to annulments of marriage for divorces granted on or before the effective date of this Act.