

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 256

S. P. 85

In Senate, January 22, 1975

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Speers of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Confer Jurisdiction upon the District Court over Suits to Clear Title to Municipal Real Estate.

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

Sec. 1. 4 MRSA, § 152, first sentence of first ¶, as last amended by PL 1971, c. 544, § 6, is further amended to read:

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, concurrent with that of the Superior Court of all civil actions in which neither damages in excess of \$20,000 nor, **excepting actions for equitable relief under Title 36, section 946**, equitable relief is demanded, of proceedings under Title 14, sections 6651 to 6658 and 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. 2. 36 MRSA, § 946, sub-§ 3, is amended to read:

3. Jury. ~~At the trial of the cause~~ **If the cause is tried in the Superior Court**, issues of fact may be framed upon application of any party to be tried by a jury whose verdict shall have the same effect as the verdict of a jury in civil actions.

STATEMENT OF FACT

The purpose of this bill is to confer jurisdiction upon the District Court over equitable actions brought by municipalities in order to clear title to municipal real estate which has been acquired at a tax sale or by foreclosure of a tax lien mortgage. This Act would allow those suits to be brought in either District Court or in Superior Court.