

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 232

H.P. 167

House of Representatives, February 16, 1989

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MARSANO of Belfast.

Cosponsored by Representative CONLEY of Portland and Representative HASTINGS of Fryeburg.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Grant the Power of Equitable Jurisdiction to the Maine
District Court.



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

3 Sec. 1. 4 MRSA §152, sub-§2, as repealed and replaced by PL
1983, c. 796, §1, is amended to read:

5
7 2. Civil actions with damages claimed which do not exceed
\$30,000. Original jurisdiction, concurrent with that of the
9 Superior Court, of all civil actions when ~~no equitable relief is~~
~~demanded~~ and the damages claimed do not exceed \$30,000;

11 Sec. 2. 4 MRSA §152, sub-§5, as amended by PL 1985, c. 293,
§§1 and 2, is further amended to read:

13
15 5. Other actions. Original jurisdiction, concurrent with
that of the Superior Court, of the following types of actions,
17 and in these actions as well as those described in Title 14,
section 6051, the District Court may grant equitable relief:

19 A. Actions for divorce, annulment of marriage or judicial
separation and of proceedings under Title 19;

21
23 B. Actions to quiet title to real estate under Title 14,
sections 6651 to 6658;

25 C. Actions to quiet title to real estate under Title 36,
section 946;

27
29 D. Actions for breach of implied warranty and covenant of
habitability under Title 14, section 6021;

31 E. Actions to foreclose mortgages under Title 14, chapter
713, subchapter VI;

33
35 F. Actions for restitution under Title 5, section 213; and

37 G. Actions for illegal evictions under Title 14, section
6014.

39 Sec. 3. 4 MRSA §152, last ¶, as repealed and replaced by PL
1983, c. 796, §1, is amended to read:

41
43 The District Court shall also possess, concurrent with the
Superior Court, original jurisdiction to receive pleas of guilty
45 in criminal cases in which the maximum term of imprisonment to
which the defendant may be sentenced upon conviction of that
47 crime is one year or more in which the defendant has in writing
waived his the defendant's right to indictment by grand jury and
49 his the defendant's right to appearance and trial in the Superior
Court and has indicated his the defendant's intention to enter a
plea of guilty to the charges pending against him the defendant.
51 When exercising such jurisdiction, the District Court shall
possess all of the powers of the Superior Court. That

1 jurisdiction shall be exercised in the manner which the Supreme
2 Judicial Court shall by rule provide. Any person sentenced under
3 this section shall be entitled to the rights provided by Title
4 15, chapter 306.

5

6 **Sec. 4. 4 MRSA §152**, as amended by PL 1987, c. 737, Pt. C,
7 §§2 and 106, is further amended by inserting at the end a new
8 paragraph to read:

9

10 This section shall not be construed to restrict the District
11 Court's authority to grant equitable relief under Title 14,
12 section 6051.

13

14 **Sec. 5. 14 MRSA §6051, first ¶** is amended to read:

15

16 The District Court and the Superior Court shall have
17 jurisdiction to grant appropriate equitable relief in the
18 following cases:

19

20

21 STATEMENT OF FACT

22

23 This bill expands the jurisdiction of the District Courts to
24 include the power to grant equitable relief.

25