

# MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

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HOUSE

NO. 126

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*House of Representatives, Feb. 6, 1917.*

*Referred to Committee on Legal Affairs and five hundred copies ordered printed. Sent up for concurrence. . .*

*W. R. ROIX, Clerk.*

*Presented by Mr. Buzzell of Belfast.*

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND SEVENTEEN

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AN ACT to establish the Police Court in the City of Belfast.

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

Section 1. A Police Court shall be and hereby is established in the City of Belfast in the County of Waldo to be denominated The Police Court of the City of Belfast, which shall be a court of record and have a seal and consist of one judge who shall be a member of the Waldo County Bar and reside in said Belfast and shall be appointed and commissioned in the manner provided in the constitution. Said court shall have original and exclusive jurisdiction in all civil actions wherein the debt or damages

10 do not exceed twenty dollars (except cases in which said  
11 judge is interested) in which the defendant or defendants,  
12 or the person or persons summoned as trustees shall be  
13 inhabitants of said Belfast, including prosecutions for  
14 penalties in which said City is interested, and actions of  
15 forcible entry and detainer and all violations of the by-laws  
16 of said City and concurrent jurisdiction with trial justices  
17 within said county, in all other civil matters which are by  
18 law within the jurisdiction of trial justices in said county;  
19 and shall also have original concurrent jurisdiction with the  
20 Supreme Judicial Court in all personal actions in which the  
21 debt or damages do not exceed one hundred dollars and are  
22 over twenty dollars and the defendant or defendants, or  
23 the person or persons summoned as trustees are residents  
24 of said county of Waldo, but this jurisdiction shall not in-  
25 clude proceedings under the divorce laws or complaints  
26 under the mill act, and shall have exclusive jurisdiction over  
27 all criminal offences within said City and concurrent juris-  
28 diction with trial justices within said county of all other  
29 criminal matters, which by law are within the jurisdiction  
30 of trial justices. And any person aggrieved by any judg-  
31 ment rendered by said Police Court may appeal therefrom  
32 to the Supreme Judicial Court for said county in like man-  
33 ner as from the judgment of trial justices.

Sect. 2. If any defendant in any action in said Police  
2 Court where the amount claimed in the writ exceeds twenty  
3 dollars, or his agent or attorney, shall on the return day of

4 said writ file in said Police Court an affidavit that he has  
5 a good defence to said action and intends in good faith to  
6 make such defence and claim a jury trial, and shall at the  
7 same time file his plea and deposit with the judge one dollar  
8 and fifty cents for copies to be taxed in his costs if he pre-  
9 vails, the said action shall be removed into the Supreme  
10 Judicial Court for said county and the judge shall forth-  
11 with cause certified copies of the writ, officer's return and  
12 defendant's affidavit and plea to be filed in the office of the  
13 clerk of said Supreme Judicial Court and said action shall  
14 be entered on the docket of the term next preceeding said  
15 filing. If no such affidavit is filed said Police Court shall  
16 proceed to determine said action subject to the right of  
17 appeal in either party as now provided by law. The plead-  
18 ings in such cases shall be the same as in the Supreme  
19 Judicial Court.

Sect. 3. It shall be the duty of said Police Court to keep  
2 its own records, which records shall be such as would be  
3 legal records in a trial justice court; and certified copies of  
4 the records of said Police Court under the seal thereof shall  
5 be evidence in the courts of this State. Said court shall  
6 be holden on the first and third Mondays of each month  
7 at ten of the clock in the forenoon, for the transaction of  
8 civil business, at such place in the City of Belfast as said  
9 City shall provide for the purpose, and all civil processes  
10 shall be made returnable accordingly. In all actions wherein  
11 the debt or damages claimed in the writ do not exceed

12 twenty dollars the fees and costs shall be the same as are  
13 legally taxable by trial justices, except that when the plain-  
14 tiff prevails he shall recover two dollars and fifty cents for  
15 his writ and the defendant when he prevails shall recover  
16 one dollar and fifty cents for his pleadings, and in all  
17 actions wherein the debt or damage recovered by the plain-  
18 tiff, or wherein the amount claimed in the writ if the de-  
19 fendant prevails, exceeds twenty dollars, the fees of the  
20 court, parties and witnesses shall be the same as allowed  
21 by law in the Supreme Judicial Court, except that there  
22 may be taxed for the trial of an issue the same fee as is  
23 legally taxable by trial justices, provided that the price of  
24 blank writs and summonses signed by the judge of said  
25 court, shall be four cents and no more. In criminal mat-  
26 ters the fees and costs shall be the same as are legally tax-  
27 able by trial justices, except that there may be taxed one  
28 dollar for issuing a warrant and two dollars for arraigning  
29 prisoner and trial of issue. There may also be taxed for  
30 appeal copies, civil and criminal, two dollars and fifty cents  
31 including the seal, and a like amount for copies in libel  
32 cases. All fines, penalties and costs received by said judge  
33 in criminal cases shall be accounted for and paid over by  
34 him in the same manner as required of trial justices.

Sect. 4. In case said judge shall be unable by reason of  
2 sickness, absence from said city, or other disability, to at-  
3 tend at the time and place provided in the preceding section  
4 for the transaction of civil business, said court shall stand  
5 adjourned until the next term, and so from term to term,

6 without costs to either party, until the said judge is able  
7 to attend, and during such absence or disability of said  
8 judge, trial justices in said county shall have authority to  
9 exercise in all criminal matters the powers conferred by  
10 this act upon said judge.

Sect. 5. The City of Belfast shall have power and it shall  
2 be its duty to provide a suitable room in which to hold said  
3 court and suitably furnish the same. Said judge shall re-  
4 ceive for his services a salary of six hundred dollars per  
5 annum, to be paid by the county of Waldo in monthly pay-  
6 ments, and said judge shall account for and pay into the  
7 treasury of said county all fees and costs received by him  
8 in criminal matters, except for copies. All blanks, dockets,  
9 books of record, stationery, seal and other supplies neces-  
10 sary for said court in the transaction of its business shall  
11 be provided by the county of Waldo and paid for out of its  
12 treasury.

Sect. 6. All actions, suits, matters and things which may  
2 be pending in the Belfast Municipal Court and all writs,  
3 executions, warrants, recognizances and processes return-  
4 able to said Belfast Municipal Court when this act takes  
5 effect, shall be transferred and returnable to and entered,  
6 prosecuted, determined and executed in and by The Police  
7 Court of the City of Belfast established by this act, the  
8 same as if originating therein. And the said court hereby  
9 established shall be the depository of all records of the  
10 police and municipal courts heretofore existing in said city,  
11 and shall have full power and authority to issue and renew

12 executions and carry into effect any judgment of, and to  
13 complete all processes and proceedings commenced in or  
14 by the courts aforesaid, and to certify and duly authenticate  
15 the records of said courts as effectually in all respects as  
16 said courts heretofore existing could have done had this act  
17 not been passed; provided, however, that this clause shall not  
18 apply to such records, matters and things as were transferred  
19 and made subject to the authority and control of the  
20 Supreme Judicial Court for the County of Waldo by Sec. 6  
21 of Chap. 180 of the private and special laws of A. D. 1879.

Sect. 7. Writs returnable to said Police Court wherein  
2 the debt or damages do not exceed twenty dollars shall be  
3 duly served not less than seven days nor more than sixty  
4 days before the return day, and where the debt or damages  
5 exceed twenty dollars, not less than fourteen days, nor more  
6 than sixty days before the return day.

Sect. 8. In all cases where the title to real estate is  
2 raised by the pleadings, the same proceedings shall be had  
3 as before trial justices.

Sect. 9. Chapter 254 of the private and special laws of  
2 nineteen hundred and eleven relating to the Belfast  
3 Municipal Court is hereby repealed.

Sect. 10. Trial justices are hereby restricted from exer-  
2 cising any jurisdiction within said City of Belfast, over any  
3 criminal matter, except as provided in this act.

Sect. 11. When the office of judge of said court shall be  
2 vacant by death, resignation, or removal of the residence of

3 said judge from said city, trial justices of said county of  
4 Waldo may perform within said city all acts and duties ap-  
5 pertaining to the office of trial justice; and all proceedings  
6 commenced during such vacancy shall be finally determined  
7 by the trial justice before whom the same were commenced,  
8 or by some other trial justice within said county. And in  
9 case of such vacancy, all proceedings pending in said court  
10 shall stand continued to the term of said court next holden  
11 after such vacancy is filled.