

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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SEVENTY-NINTH LEGISLATURE

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SENATE

NO. 158

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In Senate, March 4, 1919.

Reported by Mr. Davies from Committee on Judiciary and  
laid on table to be printed under joint rules.

P. F. CRANE, Secretary.

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STATE OF MAINE

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

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AN ACT to Amend Chapter Four Hundred and Twenty-nine  
of the Private and Special Laws of Nineteen Hundred and  
One as Amended by Chapter Three Hundred and Fifty-six  
of the Private and Special Laws of Nineteen Hundred and  
Three, with reference to the Winthrop Municipal Court.

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

Section 1. Section two of chapter four hundred and twenty-nine of the private and special laws of nineteen hundred and one as amended by chapter three hundred and fifty-six of the private and special laws of nineteen hundred and three is hereby amended so as to read, as amended, as follows:

‘Sect. 2. Said court shall have additional jurisdiction as follows: exclusive jurisdiction of all such criminal offenses and misdemeanors committed within said towns of Winthrop, Monmouth and Wayne as are cognizable by trial justices, and concurrent jurisdiction with trial justices in the county of Kennebec of all like offenses and misdemeanors, not herein placed within its exclusive jurisdiction, when committed in said county outside the territory wherein some other municipal court has exclusive jurisdiction; original jurisdiction concurrent with the superior court of said county of the offenses described in sections one, six, eight and ten of chapter one hundred and twenty-two of the revised statutes, when the alleged value of the property exceeds twenty dollars but does not exceed fifty dollars; of the offense described in section seven of chapter one hundred and twenty-six of the revised statutes; of the offenses described in sections one, five and six of chapter one hundred and twenty-eight of the revised statutes, when the alleged value of the property fraudulently obtained, mortgaged or sold, or fraudulently removed or concealed, does not exceed fifty dollars, and on conviction may punish for either of said offenses by fine not exceeding one hundred dollars and by imprisonment in the county jail for not more than six months; and of all the offenses described in sections twenty-four and twenty-nine of chapter one hundred and thirty of the revised statutes, relating to tramps, and may punish as therein provided; exclusive

28 original jurisdiction of all civil actions wherein the debt  
29 or damages demanded do not exceed twenty dollars, and  
30 both parties, or any plaintiff, or any defendant, or any  
31 person summoned as trustee resides in either Winthrop,  
32 Monmouth or Wayne, including prosecutions for penalties  
33 in which either of said three mentioned towns are inter-  
34 ested, and actions of forcible entry and detainer arising  
35 therein; and concurrent jurisdiction with trial justices in  
36 said county of all other civil actions and other proceedings  
37 cognizant by them not within the exclusive jurisdiction  
38 of this court; provided that any action, civil or criminal,  
39 in which the judge may be interested, either as counsel  
40 or otherwise, or related to either of the parties by con-  
41 sanguinity or affinity within the sixth degree according to  
42 the rules of the civil law, or within the degree of second  
43 cousin inclusive, but which otherwise would be within the  
44 exclusive jurisdiction of said municipal court, may be  
45 brought before and disposed of in this court before said  
46 judge, if the parties thereto, by agreement, waive the ob-  
47 jection, or such actions in which the judge may be so in-  
48 terested or related to either party may be brought in and  
49 disposed of by any other municipal court in said county  
50 in the same manner and with like effect as other actions  
51 therein; original jurisdiction concurrent with the superior  
52 court in said county of all civil actions in which the debt  
53 or damages demanded exceed twenty dollars, but do not  
54 exceed three hundred dollars and the defendant, or any per-

55 son summoned as trustee resides, or has his last and usual  
56 place of abode in said county of Kennebec; provided, how-  
57 ever, that any action wherein the debt or damages de-  
58 manded exceed twenty dollars, brought in said court, shall  
59 be removed by order of the judge, or in his absence, by  
60 order of the recorder, into the superior court of said coun-  
61 ty, on motion of the defendant filed at the return term,  
62 if he files therewith, at the same time, an affidavit that  
63 he believes he has a good defense to said action, in whole  
64 or in part, and in good faith intends to make such defense,  
65 and deposits with said court the fee of the clerk above  
66 for entering said action therein; and when such removal  
67 has been ordered, the judge shall file in said superior court,  
68 at its next term in the county, the original writ and all  
69 other papers in the case and pay to the clerk of said court  
70 the fee for entering the same; in any action in which either  
71 the three towns mentioned in this section is a party, or  
72 is summoned as a trustee, this court shall not lose juris-  
73 diction by reason of the residence or ownership of prop-  
74 erty in such town by the judge or the recorder; but in  
75 such case, the action may, upon written motion of either  
76 party, filed at the return term, be removed to the superior  
77 court for said county.'

Sect. 2. Section five of said chapter four hundred and  
2 twenty-nine is hereby amended so as to read, as amended,  
3 as follows:

'Sect. 5. Writs in civil actions commenced in said court

2 shall be in the usual forms, and all such writs and all other  
3 precepts and processes, civil and criminal, issued by said  
4 court, shall bear teste of the judge under seal of said court,  
5 and be signed by the judge or by the recorder and be of  
6 equal force and validity when signed by either. To serve  
7 the best interests of the parties, trials may be had at any  
8 time in or out of term time, and at any place to be pro-  
9 vided by the parties thereto within either of the three  
10 towns mentioned in section one hereof, or in either of the  
11 towns of Readfield, Mount Vernon, Vienna or Belgrade,  
12 by consent of the parties thereto, or on motion of either  
13 party and hearing granted by the court, or by order of the  
14 court.'

Sect. 3. The judge of said court shall receive a salary  
2 of six hundred dollars yearly from the treasury of said  
3 county, payable quarterly, in full for all services, and all  
4 fees, civil and criminal, by him received shall be paid into  
5 the treasury of said county quarterly.

Sect. 4. All existing acts, public and private, inconsistent  
2 with this act, are hereby modified, so far as they relate  
3 to this act so as to conform to its provisions.