

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

EIGHTIETH LEGISLATURE

HOUSE

NO. 183

House of Representatives, February 18, 1921.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Buzzell of Belfast.

STATE OF MAINE

**IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND TWENTY-ONE**

AN ACT Amending the Charter of the Belfast Municipal
Court.

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

Section 1. Chapter eighteen of the private and special
2 laws of nineteen hundred and fifteen is hereby repealed.

Sect. 2. Chapter two hundred and fifty-four of the private
2 and special laws of nineteen hundred and eleven is hereby
3 amended by striking out all of said chapter and enacting
4 in place thereof the following:

'Section 1. A municipal court is hereby established in
2 the city of Belfast, in the county of Waldo, which shall be

3 denominated the Belfast municipal court, which shall have
4 a seal and shall be a court of record.

Said court shall consist of one judge, who shall be a mem-
2 ber of the bar of this state, who shall reside during his con-
3 tinuance in office in said city of Belfast, and who shall be
4 appointed and commissioned as provided by the constitu-
5 tion of this state. The clerk of the supreme judicial court
6 for the county of Waldo shall be ex-officio recorder of this
7 court.

Sect. 2. Said court shall exercise jurisdiction over all
2 such matters and things, civil and criminal, within the coun-
3 ty of Waldo, as trial justices, justices of the peace and jus-
4 tices of the peace and quorum may exercise and under sim-
5 ilar restrictions and limitations and concurrent jurisdiction
6 with trial justices in cases of forcible entry and detainer;
7 and exclusive jurisdiction over all offenses committed against
8 the ordinances or by-laws of the city of Belfast; and over
9 all such criminal offenses committed within the limits of
10 the same as are cognizable by trial justices; and no trial
11 justice or justice of the peace shall take cognizance over
12 any crime or offense committed within the limits of the
13 city of Belfast, or any civil action over which said court has
14 exclusive jurisdiction; and shall have original jurisdiction
15 concurrent with the supreme judicial court, of all other
16 crimes, offenses and misdemeanors committed in said coun-
17 ty of Waldo, which are by law punishable by fine not ex-
18 ceeding fifty dollars and by imprisonment not exceeding
19 three months and where the property in question or in-

20 jury done is not alleged to exceed thirty dollars in value.
21 Said court shall have concurrent jurisdiction with the su-
22 preme judicial court in all personal actions where the debt
23 or damage demanded, exclusive of costs, is over twenty
24 dollars, and not over two hundred dollars and in all actions
25 of replevin under chapter one hundred and one of the re-
26 vised statutes when the sum demanded for the penalty, for-
27 feiture or damages, or the value of the goods or chattels,
28 replevined does not exceed two hundred dollars, in which
29 any person summoned as trustee resides within Waldo coun-
30 ty, or, if a corporation, has an established place of business
31 in said county, or, in which, in any actions not commenced
32 by trustee process, any defendant resides in said county or
33 if no defendant resides within the limits of this state and de-
34 fendant is served with process in said county, or the goods,
35 estates or effects of any defendant are found within said
36 county and are attached on the original writ; but this jur-
37 isdiction shall not include proceedings under the divorce
38 laws or complaints under the mill act, so-called, nor jurisdic-
39 tion over actions, in which the title to real estate, accord-
40 ing to the pleadings filed in the case by either party is in
41 question, except as provided in chapter ninety-nine, sections
42 six and seven, of the revised statutes.

Sect. 3. Any party may appeal from any judgment or
2 sentence of said court to the supreme judicial court, in the
3 same manner as from a sentence or judgment of a trial
4 justice.

Approved and passed by the House of Representatives, this 10th day of March, 1881.

Sect. 4. If any defendant, his agent or attorney, in any
2 civil action, in said court, in which the debt or damage de-
3 manded or claimed in his writ exceeds twenty dollars, shall,
4 on or before the return day of the writ in said action file
5 in said court a motion for the removal of said action to the
6 supreme judicial court, and deposit with the judge or re-
7 corder the sum of sixty-five cents for entry fee in said su-
8 preme court, the said action shall be removed into the su-
9 preme judicial court for said county, and the judge or re-
10 corder shall forthwith cause certified copies of the writ,
11 officer's return, and defendant's motion and all other pa-
12 pers in the case to be filed in the clerk's office of said su-
13 preme judicial court, and shall pay the entry fee thereof,
14 and said action shall be entered on the docket of the term
15 next preceding said filing, unless said court shall then be in
16 session, in which case, it shall be entered forthwith. If no
17 such motion is filed, the said municipal court shall proceed
18 and determine said action, subject to the right of appeal in
19 either party as now provided by law. The pleading in such
20 cases shall be the same as in the supreme judicial court.

Sect. 5. In any action in this court, in which the plaintiff
2 recovers for the penalty, forfeiture, debt or damage, not
3 over twenty dollars, or property, the value of which does
4 not exceed twenty dollars, the costs shall be taxed and al-
5 lowed as in similar actions before trial justices, except that
6 the plaintiff shall have two dollars for his writ. Where
7 the defendant prevails in any action in which the sum
8 claimed in the writ is not over twenty dollars, or property,

9 the value of which does not exceed twenty dollars, he shall
10 recover one dollar for his pleadings and other costs as in
11 similar actions before trial justices. In actions where the
12 amount recovered by the plaintiff, exclusive of costs, ex-
13 ceeds twenty dollars, or property, the value of which ex-
14 ceeds twenty dollars, or the amount claimed, or the value of
15 the property recovered exceeds twenty dollars where the
16 defendant prevails, the costs of the parties, trustees and wit-
17 nesses shall be the same as in the supreme judicial court.

Sect. 6. Actions pending in this court may be referred to
2 one referee in the same manner as in the supreme judicial
3 court, and on report of the referee to said court, judgment
4 may be rendered in the same manner, and with like effect
5 as in the supreme judicial court.

Exceptions may be alleged, and cases certified on an agreed
2 statement of facts, or upon evidence reported by the judge
3 in all civil actions, as in the supreme judicial court, and
4 the same shall be entered, heard and determined in the law
5 term thereof, as if the same had originated in the supreme
6 judicial court for the county of Waldo; and decisions of
7 the law court in such cases shall be certified to the judge of
8 said municipal court for final disposition, with the same ef-
9 fect as in cases originating in said supreme judicial court.

Sect. 7. All the provisions of the statutes of this state,
2 relative to the attachment of real and personal property,
3 and the levy of executions, shall be applicable to actions in
4 this court, provided that property may be attached equal
5 in value to double the ad damnum, and provided also that

6 no execution shall be levied on real estate, unless the debt
7 or damage therein exceed the sum of twenty dollars.

Sect. 8. Said court is hereby authorized to administer
2 oaths, render judgments, issue executions, certify copies
3 of its records; punish for contempt, and compel attendance,
4 as in the supreme judicial court, and to make all such rules
5 and regulations not repugnant to law, as may be necessary
6 for the prompt administration of justice and for the carry-
7 ing into effect of the provisions of this act.

Sect. 9. The price of blank writs with the seal of the
2 court signed by the recorder, shall be four cents and all
3 other fees in civil cases shall be the same as are taxable by
4 a trial justice except as otherwise provided in sections four
5 and five.

All writs and processes in civil matters shall be in the
2 name of the state, bear the teste of said judge, under the
3 seal of said court, and signed by the judge or recorder, be
4 served in time and manner as now provided by law in case
5 of writs issued by trial justices, except that writs in which
6 the debt or damage demanded exceed twenty dollars, shall
7 be served in time and manner as similar writs returnable
8 to the supreme judicial court, and no writ shall be made re-
9 turnable at a term of the court to begin more than sixty-five
10 days after the commencement of the action.

Sect. 10. A term of said court for the transaction of civil
2 business be held on the first and third Mondays of each
3 month at nine o'clock in the forenoon and said court may
4 adjourn from time to time, provided, however, that said

5 court shall be held on every Monday of each month, for
6 the entry and trial of actions of forcible entry and detainer,
7 which shall be in order for trial at the return term thereof
8 and judgment in such actions may be entered on the day
9 when the same are defaulted, or heard and determined; and
10 provided also, that for the cognizance of criminal offenses,
11 said court shall be considered in constant session. Plead-
12 ings shall be the same as in the supreme judicial court, and
13 all provisions of law relative to the practice and proceed-
14 ings in civil actions, in the supreme judicial court, are hereby
15 made applicable and extended to this court, except so far
16 as they are modified by the provisions of this act.

Sect. 11. When the judge is absent from the court room,
2 or is interested, it shall be the duty of the recorder, and
3 he shall have authority to exercise all the powers of the
4 judge.

In case of the absence of the recorder, or a vacancy in
2 his said office, the judge may appoint a recorder who shall
3 be sworn by said judge, and act during the recorder's ab-
4 sence, or until the vacancy is filled.

If the judge and the recorder are both necessarily absent,
2 the judge may designate some trial justice in said county
3 to perform the duties of the recorder; and if said judge
4 shall not so designate a trial justice, the recorder may desig-
5 nate one.

Sect. 12. The recorder shall record the doings of said
2 court and shall have the power to administer oaths; he shall
3 hear complaints in all criminal matters and in accusations

4 in bastardy, draw all complaints and sign all warrants, take
5 bail and make and sign all processes of commitment, but
6 the same shall be heard and determined as now provided
7 by law; provided that any duty or power imposed upon or
8 granted to the recorder may be performed or exercised by
9 said judge, with equal validity.

All processes issued by said recorder in criminal matters
2 shall have the seal of said court and be signed by said re-
3 corder and have the same authority as if issued and signed
4 by said judge.

Sect. 13. 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 for the use of said court, and to furnish a seal for
4 said court. All other expenses of said court, including
5 blank books of records, dockets and blanks necessary for
6 the use of said court and necessary expenses incurred by
7 the judge and recorder in the performance of their duties,
8 shall be paid from the treasury of the county of Waldo.

Sect. 14. The judge of said court shall receive an annual
2 salary of the nine hundred dollars and the recorder of said
3 court shall receive an annual salary of one hundred dollars,
4 both salaries to be paid quarterly, to wit: March thirty-first,
5 June thirtieth, September thirtieth and December thir-
6 first of each year, from the treasury of the county of Waldo.

The said judge and recorder shall quarterly render a cor-
2 rect statement to the county commissioners of said county
3 of Waldo, of all fees, both civil and criminal, collected by
4 said court during the then present quarter and shall exhibit

5 to the said commissioners a receipt showing that all fees
6 collected to the use of said county of Waldo, have been paid
7 to the treasurer of said county.

Sect. 15. All fines, penalties and costs paid into said court,
2 upon convictions and sentences in criminal matters, together
3 with all fees allowed by law in the transaction of criminal
4 and civil business, shall be taxed the same as in trial justice
5 courts, except that in civil matters not within the general
6 jurisdiction of trial justices the fees allowed shall be taxed
7 the same as in the supreme judicial court and that every
8 warrant issued by said court shall be taxed at one dollar.

Sect. 16. All fines and forfeitures and fees of the judge
2 and recorder of said court, imposed and collected by said
3 court, in all criminal cases, and all fees of said judge and
4 recorder in civil cases received by either or both, shall be
5 paid over quarterly into the treasury of said county of Waldo
6 for the use of said county; and all fees of said court paid
7 after any commitment to any jailer shall be paid by him
8 monthly into said treasury.

Sect. 17. Trial justices in said city of Belfast are hereby
2 prohibited from exercising any jurisdiction in said city over
3 any matters, civil or criminal, except such as are within
4 the jurisdiction of justices of the peace. Nothing in this
5 act shall be construed to interfere with such actions return-
6 able before a trial justice as shall be commenced before this
7 act takes effect.

Sect. 18. All acts relating to and creating the police court
2 of the city of Belfast are hereby repealed and all powers

3 and duties conferred or imposed upon the police court of
4 the city of Belfast, are hereby conferred and imposed upon
5 the Belfast municipal court, which shall have full power to
6 complete any act now pending before said police court and
7 to act in its place in every way.

Sect. 19. Before entering upon the duties of his office, the
2 recorder shall give a bond to the county of Waldo in the
3 sum of five hundred dollars, to be approved by the county
4 commissioners of said county. The condition of said bond
5 shall be the faithful performance of the duties of his office.'