

# MAINE STATE LEGISLATURE

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(NEW DRAFT)

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**EIGHTIETH LEGISLATURE**

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**HOUSE**

**NO. 425**

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House of Representatives, March 30, 1921.

Reported by Mr. Buzzell from Committee on Judiciary and ordered printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

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**STATE OF MAINE**

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

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AN ACT Amending the Charter of the Belfast Municipal Court.

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

Section 1. Section one of chapter two hundred fifty-four of the private and special laws of nineteen hundred eleven is hereby amended so that the same shall read as follows:

'Section 1. A municipal court shall be and hereby is established in and for the city of Belfast in the county of Waldo, to be denominated the Belfast municipal court, which shall be a court of record and have a seal and consist of one judge, who shall be an attorney at law and reside in Belfast and be appointed and commissioned as in the constitution provided.

Said court shall exercise jurisdiction over all such matters and things, civil and criminal, within the county of Waldo, as trial justices, justices of the peace and justices of the peace and quorum may exercise and under similar restrictions and limitations, and exclusive jurisdiction over all offenses committed against the ordinances or by-laws of the city of Belfast, and over all such criminal offenses committed within the limits of the same as are cognizable by trial justices.

Said court shall have concurrent jurisdiction with the supreme judicial court in all personal actions where the debt or damage demanded, exclusive of costs, is over twenty dollars and not over one hundred dollars, and in all actions of replevin under chapter one hundred and one of the revised statutes when the sum demanded for the penalty, forfeiture or damages, or the value of the goods or chattels replevined, does not exceed one hundred dollars, in which any person summoned as trustee resides within Waldo county, or, if a corporation, has an established place of business within said county, or, in which, in any actions not commenced by trustee process, any defendant resides in said county or if no defendant resides within the limits of this state and defendant is served with process in said county, or the personal property of any defendant is found within said county and is attached on the original writ; but this jurisdiction shall not include proceedings under the divorce laws or complaints under the mill act, so-called, nor jurisdiction over actions, in which the title to real estate, ac-

20 cording to the pleadings filed in the case by either party is  
21 in question, except as provided in sections six and seven  
22 of chapter ninety-nine of the revised statutes.'

Sect. 2. Section two of chapter two hundred and fifty-  
2 four of the private and special laws of nineteen hundred  
3 and eleven is hereby amended so that the same shall read  
4 as follows:

'Sect. 2. Any defendant, in a civil action, where his ac-  
2 tion is for twenty dollars or more may file a motion on the  
3 return day of the writ claiming a jury trial and file his plea  
4 and pay the judge two dollars and fifty cents, for copies,  
5 to be taxed in his costs if he prevails. Thereupon the said  
6 action shall be removed into the supreme judicial court for  
7 said county, and the judge shall forthwith cause certified  
8 copies of the writ, officer's return, and defendant's motion  
9 and all other papers in the case to be filed in the clerk's  
10 office of the supreme judicial court, and said action shall  
11 be entered on the docket of the term next preceding said  
12 filing, unless said court shall then be in session, in which  
13 case, it shall be entered forthwith. If no such motion is  
14 filed, the said municipal court shall proceed and determine  
15 said action, subject to the right of appeal in either party,  
16 as now provided by law. The pleadings in such cases shall  
17 be the same as in the supreme judicial court.'

Sect. 3. Section three of chapter two hundred and fifty-  
2 four of the private and special laws of nineteen hundred  
3 and eleven is hereby amended so that the same shall read  
4 as follows:

Sect. 3. Said municipal court shall keep its own records  
2 such as would be legal records in the trial justice court and  
3 certified copies of said records shall be legal evidence in  
4 the courts of this state.

Said court shall be holden on the first and third Mondays  
2 of each month at nine o'clock in the forenoon, at such place  
3 in the city of Belfast as said city shall provide for the trans-  
4 action of civil business and all processes shall be made ac-  
5 cordingly.

And in all actions wherein the debt or damages recovered  
2 by the plaintiff, or wherein the amount claimed if the de-  
3 fendant prevails, exceeds twenty dollars, the fees of the  
4 court parties and witnesses shall be the same as allowed by  
5 law in the supreme judicial court, except that there may  
6 be taxed for the trial of an issue the same fee as is legally  
7 taxable by trial justices.

In criminal matters the fees shall be the same as are le-  
2 gally taxable by trial justices except that there may be  
3 taxed one dollar for issuing the warrant and two dollars for  
4 arraigning prisoner and trial of issue. There may also be  
5 taxed, for appeal copies, civil and criminal, two dollars and  
6 fifty cents including the seal and a like amount in libel cases.

The price of blank writs and summonses signed by the  
2 judge of said court shall be four cents and no more.

All fines, penalties and costs received by said judge in  
2 criminal cases shall be accounted for and paid over by  
3 said judge in the same manner as required of trial justices.'

Sect. 4. Section twelve of chapter two hundred and fifty-  
2 four of the private and special laws of nineteen hundred  
3 and eleven is hereby amended so that the same shall read  
4 as follows:

‘Sect. 12. When the office of judge of said court shall  
2 be vacant by death, resignation or removal of the residence  
3 of said judge from said city, trial justices of said county  
4 of Waldo may perform within said city all acts and duties  
5 appertaining to the office of trial justice; and all proceed-  
6 ings commenced during such vacancy shall be finally deter-  
7 mined by the trial justice, before whom they were com-  
8 menced, or by some other trial justice within said county;  
9 and in case of such vacancy all proceedings pending in said  
10 court shall stand continued to the term of said court next  
11 holden after such vacancy is filled.’