

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-SECOND LEGISLATURE

H. P. No. 1182

H. D. No. 402

House of Representatives, March 16, 1925.

Reeported by Mr. Fuller from Committee on Legal Affairs
and laid on table to be printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

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

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. Section one of the private and special laws of
2 nineteen hundred and eleven, chapter two hundred and fifty-
3 four as amended by chapter one hundred and twenty-six of
4 the private and special laws of nineteen hundred and twenty-
5 one, is hereby amended, so that the same shall read as
6 follows:

'A Municipal Court shall be and hereby is established
2 in and for the City of Belfast in the County of Waldo,
3 which shall be a court of record and have a seal and consist
4 of one judge, who shall be an attorney-at-law and reside in

5 Belfast; said judge to be appointed and commissioned as in
6 the constitution provided. Said judge shall receive a salary
7 of ten hundred dollars per year for his services in criminal
8 cases to be paid from the treasury of the county of Waldo
9 in monthly payments on the last day of each month. All
10 fines, costs, and fees collected by said judge in criminal
11 cases except for copies, shall be paid by him to the treasurer
12 of the county of Waldo unless otherwise provided by law.
13 Said court shall exercise jurisdiction over all such matters
14 and things civil and criminal within the county of Waldo
15 as trial justices and justices of the peace may exercise and
16 may administer oaths, render judgments, issue executions,
17 certify copies of its records, punish for contempt, and com-
18 pel attendance as in the supreme judicial court, and may
19 make all rules and regulations not repugnant to law that
20 may be necessary for the prompt administration of justice
21 and for the carrying into effect the provisions of this act
22 and shall have exclusive jurisdiction over all offenses com-
23 mitted against the ordinances or by-laws of the City of
24 Belfast, and over all such criminal offenses committed with-
25 in the limits of the same as are cognizable by trial justices.

‘Said court shall have concurrent jurisdiction with the
2 supreme judicial court in all personal actions where the
3 debt or damage demanded, exclusive of costs, is over twenty
4 dollars and not over three hundred dollars, and in all actions
5 of replevin under chapter one hundred and one of the re-
6 vised statutes when the sum demanded for the penalty, for-

7 feiture or damages, or the value of the goods or chattels
8 replevined, does not exceed three hundred dollars, in which
9 any person summoned as trustee resides within Waldo
10 county, or, if a corporation, has an established place of
11 business within said county or, in which, in any actions not
12 commenced by trustee process, any defendant resides in said
13 county or if no defendant resides within the limits of this
14 state and defendant is served with process in said county,
15 or the personal property of any defendant is found within
16 said county and is attached on the original writ; but this
17 jurisdiction shall not include proceedings under the divorce
18 laws or complaints under the mill act, so-called, nor juris-
19 diction over actions, in which the title to real estate, accord-
20 ing to the pleadings filed in the case by either party is in
21 question, except as provided in sections six and seven of
22 chapter ninety-nine of the revised statutes.'

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

'Sect. 3. Changes in the Schedule of Fees. Said mu-
2 nicipal court shall keep its own records such as would be
3 legal records in trial justice court and certified copies of
4 such records shall be legal evidence in the courts of this
5 state. Said Court shall be holden on the first and third

6 Mondays of each month at ten o'clock in the forenoon at
7 such place in the city of Belfast as said city shall provide,
8 for the transaction of civil business, and all processes shall
9 be made accordingly, and may remain in session one or
10 more days as justice and convenience may require, and said
11 court may adjourn from time to time as justice and con-
12 venience may require. No writ or other civil process shall
13 be entered after twelve o'clock on any of said term days
14 unless by special leave of court. When a defendant legally
15 served, fails to enter his appearance, by himself or his at-
16 torney by twelve o'clock on the first day of the return term
17 he may be defaulted, but if he afterward appear during the
18 term the court may for sufficient cause permit the default to
19 be taken off. But it cannot be taken off after the first term
20 without consent of the plaintiff, unless the judge shall make
21 a special order to that effect after notice to and an oppor-
22 tunity for a hearing of the plaintiff. Pleas and motions in
23 abatement must be filed on the first day of the term to
24 which the action is returnable. The defendant may file his
25 pleadings in bar at any time after the writ is entered, and
26 must file them before he can ask that a day be set for trial.
27 If at any term the plaintiff files a motion asking that the
28 defendant be ordered to file his pleadings, the judge shall
29 order the defendant to file them accordingly, and shall notify
30 the defendant thereof in such a manner as he deems proper.
31 If the defendant in such case does not file his pleadings on
32 or before the first day of the next term he shall be defaulted,

33 unless the court for good cause enlarge the time for which
34 it may impose reasonable terms. Actions of forcible entry
35 and detainer seasonably answered to shall be in order for
36 trial at the return term, and shall remain so until tried or
37 otherwise disposed of finally, unless continued by consent,
38 or on motion of either party for good cause shown, in which
39 latter case the court may make such terms as it deems
40 reasonable. Actions in which the plaintiff has given to the
41 defendant thirty days' written notice or the defendant has
42 given the plaintiff ten days' written notice that a trial will
43 be demanded at the return term, on proving such notice,
44 shall be in order for trial at such term, but all other actions
45 except actions of forcible entry and detainer shall be con-
46 tinued as of course to the next term. Actions shall be
47 assigned for trial as follows: At any term either party may
48 ask the court to assign the action for trial at the next or
49 some other term. The party asking the earlier assignment
50 shall have it granted, unless there is some good reason for
51 the contrary, and the court shall notify the other party of
52 the time set for trial as he deems proper. Any party may
53 appear on the first day of a term, and by motion show
54 cause for a continuance, which the judge may grant with or
55 without terms, as he deems right or may refuse. To serve
56 the best interests of the parties, trials may be had at any
57 time in or out of term time, and at any place within said
58 judicial district, by the consent of the parties thereto, or on
59 motion by either party on hearing granted by the court, or

60 by order of the court. In all actions wherein the debt or
61 damages claimed by the plaintiff exceeds twenty dollars, the
62 fees to be taxed and retained by the court, and the fees of
63 the parties and witnesses shall be the same as allowed by law
64 in the supreme judicial court, except that there may be taxed
65 for the trial of an issue the sum of five dollars per day.

‘And in any and all actions wherein the debt or damage
2 claimed by the plaintiff does not exceed twenty dollars, the
3 fees to be taxed and retained by the court, and the fees of
4 the parties and witnesses shall be the same as allowed by
5 law in trial justice courts, except that the fee for taxation
6 of costs shall be twenty-five cents, and the plaintiff if he
7 prevails shall recover two dollars for his writ and the de-
8 fendant if he prevails shall recover one dollar for his
9 pleadings.

‘In criminal matters the fees shall be the same as are le-
2 gally taxable by trial justices, except that there may be taxed
3 one dollar and fifty cents for issuing a warrant, and twenty-
4 five cents for each copy of bill of costs certified to the su-
5 preme judicial court or to the county commissioners court,
6 which said sum shall be retained by the judge so certifying
7 the same, and also two dollars and fifty cents for copies
8 civil and criminal for the Supreme Judicial Court, including
9 the seal, and a like amount in libel cases.

‘All expenses of said court including the blank books of
2 record, dockets, blanks, and all other stationery and supplies
3 necessary for the use of said court, shall be paid from the

4 treasury of the county of Waldo. The price of blank writs
5 and summonses signed by the judge or recorder shall be
6 four cents, and two cents for each additional summons.

'The Judge of the court may designate in writing under
2 seal of said court some trial justice in the City of Belfast
3 who shall be an attorney at law, who shall exercise all the
4 powers, criminal and civil, of said judge in case said judge
5 is prevented by absence from the court-room, sickness or
6 other cause, from exercising his duties as judge and the
7 signature of said trial justice, so designated on any warrant
8 or other precept, process or paper from said court, shall
9 be sufficient evidence of his authority to act in the premises
10 without any recital therein of the provisions of this act. In
11 case said judge shall be absent from said city or otherwise
12 unable to attend to his duties as judge, except in case of
13 sickness, for more than two consecutive weeks, he shall
14 personally pay said trial justice for his services in criminal
15 cases at the same rate established by the schedule of fees
16 provided in this act; unless the same be taxed and collected
17 of the respondents tried in said cases.

'In case the office of judge be vacant trial justices in Bel-
2 fast may exercise all the powers conferred on them by the
3 general law until said vacancy be filled and may hear and
4 finally dispose of all matters then pending before them when
5 said vacancy is filled.'

Sect. 3. Trial justices are hereby deprived of jurisdiction

2 over any and all civil and criminal matters within the City
3 of Belfast except as provided in this act.

Sect. 4. All acts or parts of acts relating to the Belfast
2 Municipal Court inconsistent with this act are hereby re-
3 pealed.