

MAINE STATE LEGISLATURE

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E I G H T Y - T H I R D L E G I S L A T U R E

Senate Document

No. 236

S. P. 461

In Senate, March 10, 1927.

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

ROYDEN V. BROWN, Secretary.

Presented by Senator Maher of Kennebec.

S T A T E O F M A I N E

**I N T H E Y E A R O F O U R L O R D O N E T H O U S A N D N I N E
H U N D R E D A N D T W E N T Y - S E V E N**

**A N A C T t o C h a n g e t h e N a m e s o f t h e M u n i c i p a l a n d P o l i c e
C o u r t s i n t h e S t a t e o f M a i n e a n d t o E s t a b l i s h U n i f o r m
J u r i s d i c t i o n a n d P r o c e d u r e T h e r e i n .**

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

Section 1. All municipal and police courts within the state
2 shall continue as such in accordance with the several acts
3 establishing the same. The territorial jurisdiction shall
4 continue as established by such acts and they shall be held
5 as therein provided, but such courts may be known and
6 designated as district courts; the following sections shall
7 not be deemed to limit the jurisdiction or authority by said
8 establishing acts conferred upon said courts except as the
9 same is in conflict with these provisions.

Sect. 2. Said district courts shall be courts of record and
2 shall consist of one judge and a recorder or clerk. Each
3 of said courts shall have a seal which shall be affixed to
4 all processes issued by said courts which require a seal, and
5 said courts shall be in constant session for transaction of
6 general business. Said judges shall be appointed by the
7 governor with the consent of the council and shall hold
8 office for a term of four years. Said recorders or clerks
9 shall be appointed in the same manner in which said re-
10 corders and clerks are now appointed in the various acts
11 establishing the municipal and police courts.

Sect. 3. Said judges or their recorders or clerks while
2 exercising the functions of judge, may punish for contempt
3 in the same manner and to the same extent that the justices
4 of the supreme judicial court may do.

Sect. 4. A judge, recorder or clerk shall not be retained
2 or employed as attorney in action, complaint or proceeding
3 pending in his court, or which has been examined or tried
4 therein; nor shall a judge or recorder or clerk be retained
5 or employed as attorney in any matter or thing within the
6 exclusive jurisdiction of his court.

Sect. 5. District courts shall hold regular sessions for the
2 transaction of civil business on the first and third Monday
3 of each month except the Portland district court, which
4 shall hold said terms on Tuesday of each week, except for
5 forcible entry and detainer which may be entered and heard
6 on any Monday in any district court.

Sect. 6. District courts shall have original jurisdiction
2 exclusive of the supreme judicial court or superior court
3 of actions of contract, tort or replevin in which the debt
4 or damages demanded or the value of the property alleged
5 to be detained does not exceed twenty dollars, and all ac-
6 tions of forcible entry and detainer.

Sect. 7. District courts shall have original and concurrent
2 jurisdiction with the supreme judicial and superior court
3 in actions of contract, tort or replevin in which the debt or
4 damage demanded on the value of the property alleged to be
5 detained is more than twenty dollars and does not exceed
6 five hundred dollars, and all petitions to enforce liens in
7 which the amount of the claim does not exceed five hun-
8 dred dollars.

Sect. 8. The jurisdiction of said district courts shall ex-
2 clude the jurisdiction of trial justices of civil actions with-
3 in their respective districts.

Sect. 9. If any defendant in any civil action in said courts
2 in which the debt or damage demanded or claimed exceeds
3 twenty dollars shall at the return term of said action file
4 in said court a motion for the removal of said action to the
5 supreme judicial or superior court, and deposits with the
6 clerk the sum of sixty cents for entry fee in the said su-
7 preme judicial or superior court, the said action shall be
8 removed into the supreme judicial or superior court for
9 said county and the court shall forthwith cause certified
10 copies of the writ, officer's return and defendant's motion,

11 to be filed in the clerk's office for said supreme judicial or
12 superior court, and shall pay the entry fee thereof for said
13 action, and the said action shall be entered on the docket
14 of the term next succeeding said filing unless said court
15 shall then be in session in which case it shall be entered
16 forthwith. If no such motion is filed, the said district court
17 shall proceed and determine said action, subject to the right
18 to appeal in either party as now provided by law. The
19 pleading in such cases shall be the same as in the supreme
20 judicial court.

Sect. 10. In any action in a district court in which the
2 plaintiff recovers for the penalty, forfeiture, debt or damage
3 not over twenty dollars, or property the value of which
4 does not exceed twenty dollars, the costs shall be taxed and
5 allowed as in similar actions in trial justice courts except
6 that the plaintiff shall recover two dollars for his writ.
7 Where the defendant prevails in any such action he shall
8 recover one dollar for his pleadings and other costs as be-
9 fore trial justices. In all actions where the amount re-
10 covered in the plaintiff's writ exceeds twenty dollars, the
11 fees of the prevailing party shall be the same as in the su-
12 preme judicial court.

Sect. 11. Real estate may be attached on original writs,
2 or sold or levied on, on any execution from any district
3 court where the debt or damage exceeds twenty dollars.

Sect. 12. The price of blank writs with the seal of the
2 court shall be four cents and all other fees in civil cases

3 shall be the same as are taxable by trial justices except as
4 otherwise provided.

Sect. 13. All writs and processes in civil matters shall be
2 in the name of the state, bear the tests of said judges, be
3 under the seal of said courts and signed by the judge, re-
4 corder or clerk, be served in time and manner as now pro-
5 vided by law in cases of writs issued by trial justices, ex-
6 cept that writs in which the debt or damage demanded ex-
7 ceeds twenty dollars, shall be served in time and manner
8 as similar writs returnable to the supreme judicial or su-
9 perior courts, and no writs shall be made returnable at a
10 term of the court to begin more than ninety days after the
11 commencement of the action.

Sect. 14. In case of absence from the court room, or
2 sickness of the judge, or when the office of judge shall be
3 vacant, the recorder or clerk shall have and exercise all
4 the powers of the judge, and perform all the duties re-
5 quired of said judge by this act, and shall be empowered to
6 sign and issue all processes and papers, and to do all acts
7 as fully and with the same effect as the judge could do
8 were he acting in the premises; and the signature of the
9 recorder, as such, shall be sufficient evidence of the right
10 to act instead of the judge without any recital of the act
11 hereinbefore named authorizing him to act. In case of the
12 absence of the recorder or clerk, or in case there is no
13 recorder or clerk or a vacancy in the said office, the judge

14 may appoint a recorder who shall be duly sworn and shall
15 act during his absence or until the vacancy is filled.

Sect. 15. Any party aggrieved by the judgment of the
2 court may appeal to the next term of the supreme judicial
3 or superior court in the same county, and may note such
4 appeal at any time within twenty-four hours after the judg-
5 ment, Sunday not included; and in that case no execution
6 shall issue and the case shall be entered and determined in
7 the appellate court.

Sect. 16. The appellant shall, at the appellate court, pro-
2 cure a copy of the record and of all the papers filed in the
3 cause, except depositions or other written evidence or docu-
4 ments, the originals of which shall be produced; and if he
5 fails to produce such papers and enter and prosecute his
6 action, the court on complaint of the adverse party, may
7 affirm the former judgment with costs.

Sect. 17. Cases removed from the district court to the
2 supreme judicial or superior courts shall be placed on the
3 trial list of said court at the term next following the re-
4 ceipt of the record of such removal by the clerk of such
5 supreme judicial or superior courts, and if such removed
6 case is defaulted for want of defense, double costs shall
7 be imposed on the defendant unless the presiding justice
8 of the appellate court, for cause shown, permits such case
9 to be continued.

Sect. 18. Processes, civil and criminal, shall be valid when
2 issued by said courts or returnable thereto whether under

3 the name of municipal or police courts or as district courts.

Sect. 19. All executions from said courts shall be di-
2 rected to and may be executed by any duly qualified officer
3 in any court of the state.

Sect. 20. District courts shall have original jurisdiction
2 concurrent with the supreme judicial court and superior
3 court of all misdemeanors committed within their respective
4 counties, and unless otherwise expressly provided they may
5 impose the same penalties as the supreme judicial or su-
6 perior courts in like cases. All assaults and batteries not
7 of a high and aggravated nature and all larcenies and other
8 kindred crimes, when the value of the property alleged to
9 have been stolen or embezzled does not exceed one hun-
10 dred dollars in value, shall be misdemeanors. Trial jus-
11 tices within district court jurisdictions but outside of the
12 towns or cities of said district court's regular terms, when
13 said trial justices are not members of the bar, shall be ex-
14 cluded from hearing any criminal action where the maxi-
15 mum fine or penalty imposed by law exceeds ten dollars,
16 but said trial justices may hear complaints and issue war-
17 rants returnable in the district court in the district in which
18 the offense was committed.

Sect. 21. All expenses of conducting said courts, except
2 the salaries of the judge, recorder or clerk, shall be paid
3 in the same manner and from the same funds as is now
4 provided in the several special acts establishing the municipi-
5 pal and police courts in the state. All fines, forfeitures

6 and fees imposed and collected by said courts in all criminal cases and all fees of said court in civil and criminal cases, except those now directed by law to be paid to the state highway department, state highway police department, department of inland fisheries and game and the department of sea and shore fisheries, shall in the first instance be paid into the treasury of the county where said district courts are located. At the end of each fiscal year of each county, after deducting the actual costs of maintaining the district courts within said counties, the balance of said fines, fees, costs and forfeitures shall be paid forthwith by the treasurer of said county to the treasury of the state of Maine.

Sect. 22. The names of the municipal and police courts as now established and their new designations set opposite thereto, together with the respective salaries of all judges, recorders and clerks (when the office of clerk is synonymous with that of recorder) of such courts as the same are shown under each; (but this is not inclusive of appropriations for clerical work already fixed by law) shall be paid by the state of Maine in equal monthly instalments, payable on the last secular day of each month, and shall be as follows:

ANDROSCOGGIN COUNTY

<i>Present Name</i>	<i>New Designation</i>
Municipal Court of the City of Auburn	Auburn District Court Judge, \$2,000. Clerk, \$2,000.

Municipal Court for the City of Lewiston	Lewiston District Court Judge, \$2,500. Clerk, \$2,200.
Livermore Falls Municipal Court	Livermore Falls District Court Judge, \$1,200. Recorder, \$300.

AROOSTOOK COUNTY

Northern Aroostook Municipal Court	Northern Aroostook District Court Judge, \$1,000. Recorder, \$300.
Caribou Municipal Court	Caribou District Court Judge, \$1,300. Recorder, \$200.
Presque Isle Municipal Court	Presque Isle District Court Judge, \$1,300. Recorder, \$400.
Houlton Municipal Court	Houlton District Court Judge, \$1,500. Recorder, \$500.

CUMBERLAND COUNTY

Municipal Court for the City of Portland	Portland District Court Judge, \$2,500. Recorder, \$2,000.
South Portland Municipal Court	South Portland Municipal Court Judge, \$1,000. Recorder, \$200.
Municipal Court for the Town of Brunswick	Brunswick District Court Judge, \$1,500. Recorder, \$500.
Municipal Court of West- brook	Westbrook District Court Judge, \$1,000. Recorder, \$300.
Northern Cumberland Municipal Court	Northern Cumberland District Court Judge, \$1,200. Recorder, \$200.

FRANKLIN COUNTY

Municipal Court of the Farmington District Court
 Town of Farmington Judge, \$1,200. Recorder, \$400.

HANCOCK COUNTY

Ellsworth Municipal Court Ellsworth District Court
 Judge, \$1,200. Recorder, \$400.

Bar Harbor Municipal Bar Harbor District Court
 Court Judge, \$1,500. Recorder, \$400.

Western Hancock Muni- Western Hancock District Court
 pal Court Judge, \$1,000. Recorder, \$300.

KENNEBEC COUNTY

Municipal Court of the Augusta District Court
 City of Augusta Judge, \$2,000. Recorder, \$600.

Municipal Court of Water- Waterville District Court
 ville Judge, \$2,500. Recorder, \$500.

Winthrop Municipal Court Winthrop District Court
 Judge, \$1,000. Recorder, \$300.

Gardiner Municipal Court Gardiner District Court
 Judge, \$1,500. Recorder, \$500.

Municipal Court of the Hallowell District Court
 City of Hallowell Judge, \$1,000. Recorder, \$100.

KNOX COUNTY

Police Court for the City Rockland District Court
 of Rockland Judge, \$1,800. Recorder, \$1,000.

LINCOLN COUNTY

Lincoln Municipal Court Lincoln District Court
 Judge, \$1,200. Recorder, \$400.

OXFORD COUNTY

Rumford Falls Municipal Court	Rumford District Court
	Judge, \$1,800. Recorder, \$600.
Norway Municipal Court	Norway District Court
	Judge, \$1,200. Recorder, \$500.

PENOBSCOT COUNTY

Bangor Municipal Court	Bangor District Court
	Judge, \$2,500. Clerk, \$2,200.
Old Town Municipal Court	Old Town District Court
	Judge, \$1,200. Recorder, \$500.
Municipal Court of Newport	Newport District Court
	Judge, \$1,000. Recorder, \$300.
Municipal Court of Dexter	Dexter District Court
	Judge, \$1,400. Recorder, \$500.
Millinocket Municipal Court	Millinocket District Court
	Judge, \$1,500. Recorder, \$500.

PISCATAQUIS COUNTY

Piscataquis Municipal Court	Piscataquis District Court
	Judge, \$1,800. Recorder, \$600.

SAGADAHOC COUNTY

Bath Municipal Court	Bath District Court
	Judge, \$2,000. Recorder, \$375.

SOMERSET COUNTY

Municipal Court of Pittsfield	Pittsfield District Court
	Judge, \$800. Recorder, \$200.

WALDO COUNTY

Belfast Municipal Court	Belfast District Court
	Judge, \$1,800. Recorder, \$500.

WASHINGTON COUNTY

Calais Municipal Court	Calais District Court
	Judge, \$1,500. Recorder, \$300.
Eastport Municipal Court	Eastport District Court
	Judge, \$1,000. Recorder, \$300.
Western Washington Municipal Court	Western Washington District Court
	Judge, \$1,000. Recorder, \$300.

YORK COUNTY

Sanford Municipal Court	Sanford District Court
	Judge, \$1,500. Recorder, \$500.
Municipal Court of Biddeford	Biddeford District Court
	Judge, \$1,800. Recorder, \$500.
Municipal Court of the City of Saco	Saco District Court
	Judge, \$1,200. Recorder, \$500.
Kennebunk Municipal Court	Kennebunk District Court
	Judge, \$1,200. Recorder, \$500.
Yorkshire Municipal Court	Yorkshire District Court
	Judge, \$1,500. Recorder, \$500.