

MAINE STATE LEGISLATURE

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

Legislative Document

No. 538

H. P. 1515

House of Representatives, February 16, 1937.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Higgins of Ellsworth.

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

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

**AN ACT to Establish Uniform Jurisdiction and Practice in all Municipal
Courts of the State.**

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

Sec. 1. Judge and recorder. All municipal courts of the state shall have 1 judge and 1 recorder.

Sec. 2. Additional jurisdiction. The judges of the several courts shall continue to exercise the functions they now have with the additional jurisdiction herein conferred upon them.

Sec. 3. Absence of judge; duties interchangeable. The recorder shall act in the place of the judge and have all the authority of the judge in the absence or incapacity of the judge or when the judgeship is vacant.

The recorder shall in all cases keep the records of the court and sign and issue all criminal complaints and warrants; but the judge shall have authority to issue the same in the event of the absence, incapacity or vacancy in the office of recorder.

Sec. 4. Concurrent jurisdiction. All municipal courts of the state shall have exclusive original jurisdiction in all civil causes now subject to the

jurisdiction of municipal courts of the state in a sum not exceeding \$50; and concurrent jurisdiction with the superior court (within their several jurisdictions) in all such matters as are now cognizable by municipal courts, where the subject matter in issue does not exceed \$500.

Sec. 5. Removal to superior court. Either plaintiff or defendant in any municipal court may, at the return term of said civil process or writ file notice in writing that he waives the right of trial in said court in such cause, when the amount in issue exceeds \$50, and forthwith said cause shall be removed to the superior court at its next term in that county.

If however such plaintiff or defendant or both elect to go to trial on the facts in such municipal court, on any such cause not exceeding \$50 he, or they, shall thereby waive the right of appeal from the courts decision in the premises.

Sec. 6. Time of return of civil processes. All municipal courts shall convene at 9 of the clock in the morning on their respective return days for civil causes, and all civil processes shall be made returnable at that hour; and said court shall remain in session for the reception of writs for entry and likewise for the appearance of the defendant until 1 o'clock in the afternoon of such return day.

By special permission—for good cause—the judge or recorder may permit a plaintiff to enter his writ at a later hour not later than 5 o'clock in the afternoon of said return day—and likewise allow the defendant the same time for appearance—and special notice shall be given the defendant that he may seasonable appear in the event that a plaintiff writ is offered for entry after 1 o'clock in afternoon.

Sec. 7. Provision made when office of both judge and recorder is vacant. In the event of the absence or vacancy in both the office of judge and recorder of any court, any judge or recorder of any municipal court in the same or any adjoining county of the state, may be designated by the chief justice of the supreme judicial court of the state to hold court in such vacant jurisdiction until a judge or recorder has been appointed to act; and the acts and decisions of any such judge or recorder so designated by the chief justice shall be valid and of full force and effect as the regular incumbent. The judge or recorder thus designated to serve by the chief justice in such vacancy shall receive in addition to his regular salary, the proportional salary that a regular incumbent would receive for the same period of time.

Sec. 8. Fees and penalties. All fees and penalties now required by law to be paid to the different departments of the state by the municipal courts

from various causes in said municipal courts, shall be by said judge or recorder of the several courts—as the case may be—be paid direct to the county treasurer; and said county treasurer shall give the said court a voucher for the same and pay the same to the several parties or departments entitled to the money, under the law.

Sec. 9. Repealing clause. Such parts of the public or private and special laws of the state as conflict with the provisions of this act are hereby repealed.