

MAINE STATE LEGISLATURE

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

Legislative Document

No. 54

S. P. 91

In Senate, January 19, 1939.

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

ROYDEN V. BROWN, Secretary.

Presented by Senator Burns of Aroostook.

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

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

AN ACT to Establish the Van Buren Municipal Court.

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

Sec. 1. Municipal court, established; judge; recorder. A municipal court is hereby established in and for the northern part of the county of Aroostook, which shall be called the Van Buren Municipal Court, and which shall be a court of record with a seal.

Said court shall consist of one judge, who shall be a member of the bar of this state, who shall be an inhabitant residing during his continuance in said office within the limits of the said Van Buren Municipal Court District as hereinafter defined, and who shall be appointed, qualified, and hold his office as provided by the constitution of this state, and of a recorder, who shall be appointed by the governor, by and with the advice of the council and shall hold his office for the term of 4 years, and be duly commissioned and qualified.

All original processes issuing from said court shall be under the teste of said judge, or of the recorder thereof, and signed by said judge or recorder thereof, and shall have the seal of said court affixed.

Sec. 2. Concurrent jurisdiction. The said Van Buren Municipal Court and the Northern Aroostook Municipal Court, within the territorial limits

of said courts, shall have original and exclusive jurisdiction of all crimes and offenses not punishable by imprisonment in the state prison, concurrent with the superior court and with any other municipal court in the county of Aroostook, and the said courts may for such crimes and offenses impose any of the fines or sentences provided by law to be imposed therefor. Said court shall have concurrent jurisdiction with the superior court in all personal actions where the debt or damage demanded, exclusive of costs, is over \$20, and not over \$300 and in all actions of replevin under chapter 110 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 \$300, in which any person summoned as trustee resides within the territorial jurisdiction district of said court, as hereinafter defined, or, if a corporation, has an established place of business in said district; or, in which, in any actions not commenced by trustee process, any defendant resides in said district or if no defendant resides within the limits of this state, any defendant is served with process in said district, or the goods, estates or effects of any defendant are found within said district and are 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, according to the pleadings filed in the case by either party is in question, except as provided in chapter 148, sections 6 and 7, of the revised statutes of 1930.

Sec. 3. Territorial jurisdiction. The territorial jurisdiction of said court, in civil actions shall comprise all that portion of Aroostook county which is included and which composes the Northern Aroostook Registry District.

Sec. 4. Appeal. Any party may appeal from any judgment or sentence of said court to the superior court, in the same manner as from a sentence or judgment of a trial justice.

Sec. 5. Certified copies to be made; pleadings. If any defendant, his agent or attorney, in any civil action, in said court, in which the debt or damage demanded or claimed in his writ exceeds \$20, shall, on the 1st day of the second term of said action file in said court a motion for the removal of said action to the superior court, and deposit with the judge or recorder the sum of \$2 for copies and entry fee in said superior court, the said action shall be removed into the superior court for said county, and the judge or recorder shall forthwith cause certified copies of the writ, officer's return, and defendant's motion and all other papers in the case to be filed in the clerk's office of said superior court, and shall pay the entry fee thereof,

and said action shall be entered on the docket of the term next preceding said filing, unless said court shall then be in session in which case, it shall be entered forthwith. If no such motion is filed, the said municipal court shall proceed and determine said action, subject to the right of appeal in either party as now provided by law. The pleading in such cases shall be the same as in the superior court.

Sec. 6. Costs. In any action in this court, in which the plaintiff recovers for the penalty, forfeiture, debt or damage, not over \$20, or property, the value of which does not exceed \$20, the costs shall be taxed and allowed as in similar actions before trial justices, except that the plaintiff shall have \$2 for his writ. Where the defendant prevails in any action in which the sum claimed in the writ is not over \$20, or property, the value of which does not exceed \$20, he shall recover \$1 for his pleadings and other costs as in similar actions before trial justices.

In actions where the amount recovered by the plaintiff, exclusive of costs, exceeds \$20 or property, the value of which exceeds \$20, or the amount claimed, or the value of the property recovered exceeds \$20 where the defendant prevails, the costs of the parties, trustees and witnesses shall be the same as in the superior court.

Sec. 7. Referee; exceptions. Actions pending in this court may be referred to one referee in the same manner as in the superior court, and on the report of the referee to said court, judgment may be rendered in the same manner, and with like effect as in the superior court.

Exceptions may be alleged, and cases certified on an agreed statement of facts, or upon evidence reported by the judge in all civil actions, as in the superior court, and the same shall be entered, heard and determined in the law term thereof, as if the same had originated in the superior court for the county of Aroostook; and decisions of the law court in such cases shall be certified to the judge of said municipal court for final disposition with the same effect as in cases originating in said superior court.

Sec. 8. Attachment. All the provisions of the statutes of this state, relative to the attachment of real and personal property, and the levy of executions, shall be applicable to actions in this court, provided that property may be attached equal in value double the ad damnum, and provided also that no execution shall be levied on real estate, unless the debt or damage therein exceed the sum of \$20.

Sec. 9. Powers, rules and regulations. Said court is hereby authorized to administer oaths, render judgments, issue executions, certify copies of its records, punish for contempt, and compel attendance as in the superior

court, and to make all such rules and regulations, not repugnant to law, as may be necessary for the prompt administration of justice and for the carrying into effect in sections 5 and 6. All writs and processes in civil matters shall be in the name of the state, be served in time and manner as now provided by the law in case of writs issued by trial justices, except that writs in which the debt or damage demanded exceed \$20, shall be served in time and manner as similar writs returnable to the superior court, and no writ shall be made returnable at a term of the court to begin more than 3 months after the commencement of the action.

Sec. 10. Terms. The terms of said court for the transaction of civil business shall be held in the town of Van Buren on the 2nd Tuesday of each calendar month, at 10 o'clock in the forenoon, and said court may adjourn from time to time. All civil actions in said court shall be entered on the 1st day of the term and not afterward, except by special permission; and they shall be in order for trial, except actions of forcible entry and detainer and at the next regular monthly term after the entry if not otherwise disposed of. When a defendant legally summoned fails to enter his appearance by himself or by his attorney before 12 o'clock noon, on the 1st day of the return term, he shall be defaulted; but if he afterward appear during said term the court may for sufficient cause permit the default to be taken off. Judgment in such actions may be entered on the day when the same are defaulted, or heard and determined; and also, that for the cognizance of criminal offenses, said court shall be considered in constant session. Pleadings shall be the same as in the superior court, and all provisions of law relative to the practice and proceedings in civil actions, in the supreme judicial court, except so far as they are modified by the provisions of this act.

Sec. 11. Vacancies; how filled. When the judge is absent from the court room, or is interested, it shall be the duty of the recorder and he shall have the authority to exercise all the powers of the judge.

In case of the absence of the recorder, or a vacancy in his said office, the judge may appoint a recorder who shall be sworn by said judge, and act during his absence, or until the vacancy is filled.

Sec. 12. Powers of recorder. The recorder shall record the doings of said court and shall have the power to administer oaths; he shall hear complaints and sign warrants, take bail and make and sign processes of commitment, but the same shall be heard and determined as now provided by law; such bail may be taken by the judge, and such complaints, accusations, warrants, and processes of commitment, drawn and signed by the judge of said court, shall be equally valid.

All processes issued by said recorder or said judge in criminal matters shall have the seal of said court and may be signed by said recorder and have the same authority as if issued and signed by said judge.

Sec. 13. County commissioners to provide quarters; expenses. Said court shall be held in the said town of Van Buren at such places and in such quarters as shall be provided by the county commissioners of said county of Aroostook, at the expense of said county, and all expenses of said court, including blank books of record, dockets and blanks necessary for the use of said court shall be paid from the treasury of the county of Aroostook.

Sec. 14. Salaries. The judge of said court shall receive as compensation a salary of \$1200 a year; and the recorder shall receive a salary of \$300 a year to be paid quarterly from the treasury of the county of Aroostook. A condition precedent to the payment of said salaries as aforesaid shall be the rendering by said judge and recorder to the county treasurer, of all fees both civil and criminal, collected by said court for preceding quarter or fractional part thereof.

Sec. 15. Fines, penalties, costs, fees; exception. All fines, penalties and costs paid into said court, upon convictions and sentences in criminal matters, together with all fees allowed by law in the transaction of criminal and civil business, shall be paid to said judge or recorder; and all costs in criminal cases shall be taxed the same as in trial justice courts, except that every warrant issued by said courts shall be taxed at \$1.

Sec. 16. Payment of fees to county treasury. All fines and forfeitures and fees of the judge and recorder of said court, imposed and collected by said court, in all criminal cases, and all fees of said judge and recorder of said court in civil and criminal cases received by either or both, shall be accounted for and paid over quarterly into the treasury of said county of Aroostook, for the use of said county; and all fees of said court paid after any commitment to any jailer shall be paid by him monthly into said treasury.

Sec. 17. Repealing clause. So much of the act establishing the Northern Aroostook Municipal Court as shall be inconsistent with the act establishing the said Van Buren Municipal Court is hereby repealed.