

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 404**

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S. P. 248

In Senate, February 4, 1941.

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

ROYDEN V. BROWN, Secretary.

Presented by Senator Morse of Waldo.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-ONE

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**AN ACT in Regard to the Waldo County Municipal Court.**

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**Emergency preamble.** Whereas, there formerly existed at Belfast in the county of Waldo and state of Maine a municipal court known as the Belfast Municipal Court, and

Whereas, an attempt was made to change the name of said court to the Waldo County Municipal Court, and the legislature of the state of Maine passed an act which is known as chapter 22 of the private and special laws of 1939, and

Whereas, it has since been determined that said act instead of only changing the name of said court and allowing the same to continue to function as previously created a new court under the name of Waldo County Municipal Court, and

Whereas, there were certain writs and matters pending in said Belfast Municipal Court and since the passage of said act there has been no court to proceed with said actions or to renew executions on judgments rendered by said Belfast Municipal Court, and

Whereas, in the judgment of the legislature the foregoing facts create an emergency within the meaning of section 16 of Article XXXI of the

constitution and require the immediate passage of the following legislation as necessary for the preservation of the public peace, health and safety; now therefore,

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

**Sec. 1. General amending clause.** The former acts of the legislature of the state of Maine establishing and governing a court known as the Belfast Municipal Court and as the Waldo County Municipal Court are hereby amended and rearranged as follows, but nothing herein shall invalidate the court as now constituted, or alter or affect the appointment of the present judge as heretofore made, but the law governing said court hereafter, in addition to the provisions of the revised statutes and amendments thereof, shall be as follows:

**Sec. 2. Municipal court, established.** A municipal court shall be, and hereby is, established in and for the county of Waldo, to be located in the city of Belfast within and for said county, which shall be a court of record, have a seal, consist of one judge and one recorder, and each shall be an attorney at law and reside in Belfast, and each shall be appointed by the governor for a term of 4 years, said appointments to be made as in the constitution of this state provided. Said judge shall receive a salary of \$1400 per year and said recorder shall receive a salary of \$600 per year for all services in criminal and civil cases, to be paid from the treasury of the county of Waldo in monthly payments on the last day of each month. All fines, costs and fees collected by said court shall be paid to the treasurer of the county of Waldo or to the state department or official entitled by law to receive the same.

**Sec. 3. Jurisdiction.** Said court shall have jurisdiction of all matters civil and criminal in the county of Waldo as provided in the revised statutes of the state of Maine and acts additional thereto or amendatory thereof for municipal courts in this state, and may administer oaths, render judgments, issue executions, certify copies of its records, punish for contempt and compel attendance as the superior court and may make all rules and regulations not repugnant to law that it deems necessary for the prompt administration of justice, and shall have exclusive jurisdiction over all offenses committed against the ordinances or by-laws of the city of Belfast and over misdemeanors committed within the limits of said city. Trial justices are hereby deprived of jurisdiction over any and all criminal offenses committed within said city except in case of vacancy in both the office of judge and recorder of this court.

**Sec. 4. Removal of causes to superior court.** Any defendant or his attorney in any civil action wherein the debt or damage demanded in the writ, exclusive of costs, or the value of the goods and chattels replevied, exceeds \$20 may file a written motion on the return day of the writ, claiming a jury trial and asking that the cause be removed to the superior court, and deposit with this court the sum of \$2 for copies and in addition the amount of the entry fee in the superior court, to be taxed in his costs if he prevails, and thereupon the said action shall be removed into the superior court for said county, and the judge or recorder of this court shall forthwith cause certified copies of the writ, officer's return and defendant's motion to be filed in the office of the clerk of the superior court, and shall pay the entry fee therefor. Said action shall be entered on the docket of the following term of superior court, unless said court shall then be in session, when it shall be entered forthwith, and shall be in order for trial at that term. 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 provided by law. The pleadings in such cases shall be the same as in superior court.

**Sec. 5. Attachments.** 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 and executions on judgments rendered therein.

**Sec. 6. Fees and costs.** The price of blank writs and summons with the seal of the court and signed by the judge or recorder shall be 4c each and 2c for each additional summons. Costs in this court shall be taxed as provided by chapter 112 of the public laws of 1937 or amendments thereof.

**Sec. 7. Sessions.** The terms of said court for civil actions shall be holden on the 1st and 3rd Mondays of each month at 10 o'clock in the forenoon at such place in the county courthouse as the county commissioners shall provide and all processes shall be made accordingly. Said court may remain in session one or more days, or may adjourn from time to time, as justice and convenience may require. No writ or other civil process shall be entered after 12 o'clock on the opening day of any term unless by special leave of court. Every defendant and every person summoned as trustee shall have the 1st day of each term in which to enter his appearance. Pleas and motions in abatement must be filed on the first day of the term to which the action is returnable. Pleas in bar may be filed at any time after the action is entered and before trial, but must be

filed before defendant can ask that day be set for trial. Actions of forcible entry and detainer shall be in order for trial at the return term and shall remain so until tried or otherwise disposed of finally. Actions in which the plaintiff has given the defendant 30 days' notice in writing, or the defendant has given the plaintiff 10 days' notice in writing, that a trial will be demanded at the return term, on proving such notice, shall be in order for trial at such term. Other actions not above referred to shall be continued to the next term if the defendant or trustee enters his appearance personally or by attorney. Provided, however, that petitions or complaints under any child welfare law, complaints regarding disposing of diseased or disabled animals and applications by parties desiring to be married without delay, may be received by said court at any time and may be proceeded with and disposed of under such orders as said court may issue.

The city marshal of Belfast or one of the police or constables of said city, or the sheriff or any deputy sheriff of said county shall be in attendance on said court when requested to do so by the judge or recorder for the purpose of preserving order, and shall execute any legal order or process to him directed by this court.

**Sec. 8. Bonds; expense of maintenance.** The judge and recorder shall each give a bond to the county of Waldo, at the expense of said county, in such sum and with such surety or sureties as may be approved by the county commissioners of said county. All expenses of said court, including furniture and equipment of the municipal court room, light, heat, books of record, dockets, blanks, necessary stationery and postage, and any other necessary supplies for the use of said court shall be paid from the treasury of the county of Waldo.

**Sec. 9. Duties and authority of recorder.** The recorder of said court shall keep the records of said court, may administer oaths, and have such powers and perform such duties as provided under the general law of this state; shall have power to hear complaints in criminal matters and accusations in bastardy, for the purpose of issuing the warrant, power to draw all complaints, power to issue and sign all warrants, and power to draw and sign all commitments, but the same shall be heard and determined as now provided by law; but the judge of said court shall have authority to draw and sign all such complaints, warrants or processes of any kind in any matter in said court.

Whenever said judge shall be unable for any reason to hold court or the office of the judge shall be vacant said recorder shall have and exercise the same powers and perform the same duties as the judge is authorized

to perform in the transaction of criminal business including trial of cases within the jurisdiction of said court and the binding over or discharge of respondents charged with felonies and may sign all necessary processes as recorder acting in the absence of the judge. Whenever the judge is absent or unable to attend any civil term of said court the recorder may receive and enter any civil actions, receive and file pleas, motions or other papers and enter up judgments in defaulted actions and may adjourn the court to the next term or to such time as the judge may be able to attend. If the judge and recorder are both necessarily absent the judge may designate in writing some trial justice in said county to attend and perform the duties of the recorder until such time as the recorder is able to attend, and if the judge should not so designate a trial justice the recorder may so designate one.

**Sec. 10. Actions pending in Belfast municipal court.** All criminal processes, acts, suits, matters and things of whatsoever nature which were pending before the Belfast Municipal Court at the time chapter 22 of the private and special laws of 1939 became effective shall be transferred to the Waldo County Municipal Court and shall be entered in said court, prosecuted, determined and executed the same as if they originated therein. The said Waldo County Municipal Court shall have full power and authority to renew and issue executions and carry into effect any judgment of the Belfast Municipal Court and to complete all processes and proceedings commenced in or by said Belfast Municipal Court and to certify and duly authenticate the records of said Belfast Municipal Court as effectually in all respects as the said Belfast Municipal Court could have done had said act not been passed. The proceedings and decisions in all civil matters which have been heard or determined by the judge of the Waldo County Municipal Court between the date of his appointment as such judge and the effective date of this act are hereby declared to be valid and all judgments rendered during said period are hereby declared to be in full force and effect and all civil matters pending in said court at the effective date of this act may thereafter be heard and determined and judgments rendered on said matters or any other determination of said matters rendered in said court shall have full force and effect.