

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

TRANSMITTED BY REVISOR OF STATUTES PURSUANT TO
JOINT ORDER

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

Legislative Document

No. 719

S. P. 421

In Senate, February 24, 1943.

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

ROYDEN V. BROWN, Secretary.

Presented by Senator Hall of Franklin by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-THREE

AN ACT Relating to the Farmington Municipal Court.

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

Sec. 1. Franklin municipal court established. A municipal court is hereby established in and for the county of Franklin to be known as the Franklin municipal court, which shall be a court of record, have a seal and shall consist of a judge who shall be appointed as provided in the constitution.

Sec. 2. Salary of judge; court expenses; fees; records. Said judge shall receive an annual salary of \$800 and such additional sum not exceeding \$400 for travel expense when necessary, upon approval of the county commissioners, payable on the 1st day of each month from the treasury of Franklin county. 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 said county of Franklin on vouchers approved by the county commissioners of said county, and said commissioners shall audit or cause to be audited all accounts of said judge annually on the last day of December, for the previous 1 year. All fees received by said court, both civil and criminal, shall be paid over monthly as required by statute.

It shall be the duty of the judge of said court to make and keep the records thereof, or cause the same to be made or kept, and to perform all other duties required of similar tribunals in this state, and copies of said records, duly certified by said judge, shall be legal evidence in all courts.

Sec. 3. Recorder. A recorder may be appointed in the manner provided by section 8 of Article V of the constitution, who, when the office of judge is vacant, or in the absence of said judge from the county, or at said judge's request, shall have and exercise all the powers, and perform all the duties required, of said judge in this act. Said recorder shall be a resident of Franklin county, hold office for the term of 4 years, and shall receive an annual salary of \$300.

Sec. 4. Civil terms. Said court shall be held on the 4th Tuesday of each month, at 10 o'clock in the forenoon, for the transaction of civil business, at the court house in the town of Farmington or at such place within said county as the judge shall determine, and all civil processes shall be made returnable accordingly, except that actions of forcible entry and detainer may be made returnable for entry and trial on any Tuesday in the year and said court shall be held on every Tuesday of each month at 10 o'clock in the forenoon for the entry and trial of cases of forcible entry and detainer, and judgment may be entered on the return day of such writs unless continued for good cause, and it may be adjourned from time to time by the judge, at his discretion; provided, that if said judge is prevented by any cause from attending at the time said court is to be held for civil business, it may be adjourned from day to day by a constable of the town, or the sheriff or one of his deputies, without detriment to any action then returnable or pending, until he can attend, when said actions may be entered or disposed of with the same effect as if it were the 1st day of the term; and it may be so adjourned without day when necessary, in which event pending actions shall be considered as continued, and actions then returnable may be returned and entered at the next term, with the same effect as if originally made returnable at said term.

Sec. 5. Proceedings. Actions in said court shall be entered on the 1st day of the term, and not afterwards, except by special permission. When a defendant, legally served, fails to enter his appearance, by himself or his attorney, on the 1st day of the return term, he shall be defaulted; but if he afterwards appear during the term, the court may, for sufficient cause, permit the default to be taken off. Pleas on abatement must be filed on or before the day of the entry of the action. The defendant may file his

pleadings, which shall be the general issue, with a brief statement of special matters of defense, on the return day of the writ, and must file them on or before the 1st day of the next term, or he shall be defaulted, unless the court, for good cause, enlarge the time, for which it may impose reasonable terms. Actions in which the defendant files his pleadings on the return day, and all actions of forcible entry and detainer seasonably answered to, shall be in order for trial at the return term, and shall remain so until tried or otherwise disposed of, unless continued by consent or on motion of either party, for good cause, in which latter case the court may impose such terms as it deems reasonable; but all other actions, unless defaulted or otherwise finally disposed of, shall be continued as of course, and be in order for trial at the next term.

Sec. 6. Saving clause. All criminal and civil processes, acts, suits, matters and things of whatsoever nature, which are pending before the "Municipal Court of the Town of Farmington" at the time this act shall take effect shall be transferred to the "Franklin Municipal Court," and shall be entered in said court, prosecuted, determined and executed the same as if they had originated therein. The "Franklin Municipal Court" shall have full power and authority to renew and issue executions and to carry into effect any judgment of the "Municipal Court of the Town of Farmington" and to certify and duly authenticate the records of said "Municipal Court of the Town of Farmington" as effectually in all respects as the said "Municipal Court of the Town of Farmington" could have done had this act not been passed.

The judge of the "Municipal Court of the Town of Farmington" shall continue in office as judge of the "Franklin Municipal Court" for the remainder of the term for which he was appointed as judge of the "Municipal Court of the Town of Farmington."

All provisions of the statutes relating to municipal courts shall apply to the "Franklin Municipal Court."

Sec. 7. Repealing clause. All private and special acts relating to the "Municipal Court of the Town of Farmington" are hereby repealed.