

MAINE STATE LEGISLATURE

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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. 879

S. P. 482

In Senate, March 30, 1943.

Reported by Senator Farris of Kennebec from Committee on Judiciary and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-THREE

AN ACT Relating to the Municipal Court of the Town of Farmington.

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

Sec. 1. P. & S. L., 1878, c. 93, § 1, amended. Section 1 of chapter 93 of the private and special laws of 1878, as amended, is hereby further amended to read as follows:

'Sec. 1. Franklin municipal court, established. ~~A municipal court is hereby established in and for the town of Farmington, to be denominated~~ The municipal court of the town of Farmington, as heretofore established, shall be denominated and known as the Franklin municipal court, which shall be a court of record, have a seal, and shall consist of one judge, who shall be an inhabitant of the county of Franklin, ~~of sobriety of manners and learned in the law,~~ and who shall be appointed as provided in the constitution, and who shall have and exercise concurrent authority and jurisdiction with trial justices, justices of the peace, and justices of the peace and of the quorum, over all matters and things by law within their jurisdiction, and such authority and jurisdiction additional thereto as is conferred upon him by this act.

The judge of the aforesaid municipal court of the town of Farmington shall continue in office as judge of the Franklin municipal court by virtue of his present commission.'

Sec. 2. P. & S. L., 1878, c. 93, amended. Sections 2 to 13, inclusive, of chapter 93 of the private and special laws of 1878, as amended, are hereby repealed and the following enacted in place thereof:

'Sec. 2. Salary of judge; court expenses; fees; records. The judge of the Franklin municipal court shall receive an annual salary of \$800 and such additional sum, not exceeding \$400, as the county commissioners may approve for necessary traveling expenses, payable on the 1st day of each month from the treasury of the county of Franklin. 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.

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. Civil terms. Said Franklin municipal 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 and all civil processes shall be made returnable accordingly, except that said court shall be held on every Tuesday for the entry and trial of actions of forcible entry and detainer and judgment may be entered on the return day thereof and writs of possession issue forthwith unless such actions are continued for good cause. Said judge may, by agreement of the parties, hold court at any place within the county of Franklin for the trial of any cause, civil or criminal. Said court may be adjourned by the judge from time to time in his discretion, and if the judge is prevented by any cause from attending at the time said court is to be held for civil business, it may be adjourned by a constable, the sheriff of the county of Franklin 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. 4. Proceedings. Actions in said Franklin municipal 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 in 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. 5. 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.

All provisions of the general law of this state relating to municipal courts shall apply to the "Franklin Municipal Court."

Sec. 6. Repealing clause. All private and special acts relating to the "Municipal Court of the Town of Farmington," which are not specifically mentioned in this act, are hereby repealed.