

MAINE STATE LEGISLATURE

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NINETY-FOURTH LEGISLATURE

Legislative Document

No. 290

H. P. 748

House of Representatives, February 2, 1949.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Ames of Vinalhaven.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT to Establish the Vinalhaven Municipal Court.

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

Sec. 1. Name; location; judge. A municipal court is hereby established at Vinalhaven, in the county of Knox, which shall be called the Vinalhaven Municipal Court. It shall be a court of record and have a seal. It shall consist of 1 judge.

The judge shall be a member of the bar and shall reside in Knox county. He shall be appointed and shall give bond in accordance with the constitution and laws of this state. His salary shall be \$500 a year, to be paid monthly from the treasury of the county of Knox.

The judge shall have authority in criminal cases to hear and draft complaints, administer oaths, take bail and sign all processes of commitment. All processes issued in criminal matters shall bear the seal of the court and be signed by the judge.

Sec. 2. Jurisdiction of court. This court shall have exclusive jurisdiction over all offenses committed against the ordinances of the towns of Vinalhaven and North Haven and jurisdiction over all other matters, civil and criminal, in the county of Knox in accordance with the provisions of law which govern municipal courts in this state.

The court may administer all necessary oaths, render judgment and issue execution, punish for contempt and compel attendance as is done in the superior court. All writs and processes shall be in the name of the state and bear the teste of the judge, under the seal of the court. The rules of the superior court as amended from time to time that relate to actions at law, and are not limited by the public laws regulating municipal courts or by the provisions of this act shall be the rules of the Vinalhaven Municipal Court.

Sec. 3. Terms. A civil term of this court shall be held on the 1st Monday of each month at 10 o'clock in the forenoon, and shall not be adjourned thereafter until at least 3 days have elapsed; provided, however, that a term shall be held every Monday at 10 o'clock in the forenoon for the entry and trial of actions of forcible entry and detainer, which shall be in order for trial at the return day. Writ shall be filed in court on or before noon of the 1st day of each term; and no civil action shall be entered thereafter, unless by consent of the adverse party and by leave of court, or unless the court shall allow the same upon proof that the entry was prevented by inevitable accident or for other sufficient cause. The court shall be in constant session for cognizance of criminal offenses. All pleadings shall be the same as in the superior court.

Sec. 4. Removal of actions to superior court. In any civil action in which the debt or damage demanded exceeds \$20 the defendant or his attorney may, on or before the 1st day of the 2nd term of said action, file in court a motion for the removal of said action to the superior court, and deposit with the recorder \$2, whereupon the judge shall cause certified copies of the writ, the officer's return and the defendant's motion and all other papers in the case to be filed immediately in the superior court, and shall pay the entry fee thereof. Such actions shall then be entered on the docket of the term next following such filing, unless the superior court is then in session, in which case the action shall be entered forthwith.

If no motion for removal is filed, the municipal court shall proceed to determine said action, subject to right of appeal in either party as provided by law.

Sec. 5. County to provide court room, etc. The county commissioners shall provide a suitable place in Vinalhaven for the holding of the court, and all expenses thereof shall be paid from the treasury of the county of Knox.