

MAINE STATE LEGISLATURE

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

Legislative Document

No. 989

H. P. 1636

House of Representatives, February 23, 1949.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Thompson of Brewer.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT to Establish the Brewer 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 Brewer, in the county of Penobscot, which shall be called the "Brewer 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 Penobscot county. He shall be appointed and shall give bond in accordance with the constitution and laws of this state. His salary shall be \$1,500 per year, to be paid monthly from the treasury of the county of Penobscot.

Sec. 2. Duties of judge as to records; to account for money paid in; give bond. The duties of the judge shall include such duties as are performed by clerks of the superior court, so far as applicable. He shall record the doings of the court in civil and criminal dockets, and he shall keep a separate docket of juvenile delinquency cases, or cause the same to be so made and recorded. Copies of said records, duly certified by said judge, shall be legal evidence in all courts. He shall be the custodian of all money paid into court, which he shall account for and pay over as required by law, and shall give bond to the county of Penobscot for the

faithful performance of his duties in such sum and with such surety or sureties as the county commissioners shall approve.

The judge shall have authority in criminal cases to hear and draft complaints and issue warrants, administer oaths, make examination, render judgment, 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.

When the judge is necessarily absent from the court room he may designate some other municipal court judge from within said county to perform the functions of the court for the time being, which said designated judge is hereby given authority to so act.

Sec. 3. Jurisdiction. This court shall have exclusive jurisdiction over all offenses committed against the ordinances of the city of Brewer, and jurisdiction over all other matters, civil and criminal, in the county of Penobscot, in accordance with the provisions of law which govern municipal courts in this state.

The court may administer all necessary oaths, render judgment, punish for contempt and compel attendance as is done in the superior court, and issue necessary writs and processes, which 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 Brewer municipal court.

Sec. 4. Terms. A civil term of this court shall be held 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. Writs 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 the court, or unless the court shall allow the same upon proof that the entry was prevented by inevitable accident or for other sufficient causes. The court shall be in constant session for the cognizance of criminal offenses. All pleadings shall be the same as in the superior court.

Sec. 5. Removal of actions to the superior court. In any 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 judge \$2, whereupon the judge shall cause certified copies of the writ, the officer's return, 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 preceding 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 the right of appeal in either party as provided by law.

Sec. 6. Location of court; expense of court. Said court shall be held at such place as the city of Brewer shall provide and said city shall have power and it shall be its duty to raise money to provide a proper place for said court and its officers and suitably warm and light the said court room. All other expenses of said court shall be paid from the treasury of the county of Penobscot.