

# MAINE STATE LEGISLATURE

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

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**Legislative Document**

**No. 1123**

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H. P. 791

House of Representatives, March 5, 1959

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

HARVEY R. PEASE, Clerk

Presented by Mr. Caron of Biddeford.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-NINE

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**AN ACT to Establish the Kittery Municipal Court.**

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

**Sec. 1. Kittery Municipal Court, location; judge; recorder.** A municipal court is hereby established at Kittery, in the County of York, which shall be called the "Kittery municipal court." It shall be a court of record and have a seal. It shall consist of one judge and one recorder. The judge and recorder shall be members of the bar and shall reside in York County. They shall be appointed and shall give bond in accordance with the Constitution and laws of this State. The salary of the judge shall be \$5,000 per year, and the salary of the recorder shall be \$3,000 per year, to be paid monthly from the treasury of the County of York.

**Sec. 2. Duties of judge; duties of recorder; to account for moneys 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, only certified by said judge, shall be legal evidence in all courts. He shall be the custodian of all moneys paid into court, which he shall account for and pay over as required by law, and shall give bond to the County of York for the faithful performance of his duties in such sum and with such surety or sureties as the county commissioners shall approved.

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.

The recorder shall, when requested by the judge, or when the judge is absent, or when the office of judge is vacant, have and exercise all the powers that the judge would have, and the signature of the recorder as such shall be sufficient evidence of his right to act instead of the judge without any recital of the provisions of this act authorizing him to act. He shall hold office for a period of 4 years.

**Sec. 3. Jurisdiction.** This court shall have exclusive jurisdiction over all offenses committed against the ordinances of the Town of Kittery, and jurisdiction over all other matters, civil and criminal, in the County of York, 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 Kittery municipal court.

**Sec. 4. Terms.** A civil term of this court shall be held on the first and 3rd Wednesday 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 Wednesday 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 first 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 first 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 \$3, 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 Town of Kittery shall provide and said town shall have power and it shall be its duty to raise money to provide a proper place for said court and its officers and suitable furnish, warm and light the said court room. All other expenses of said court shall be paid from the treasury of the County of York.