

# MAINE STATE LEGISLATURE

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REVISED STATUTES  
OF THE  
STATE OF MAINE  
1954

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1961 CUMULATIVE SUPPLEMENT

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ANNOTATED

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IN FIVE VOLUMES

VOLUME 3

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**Discard Previous Pocket Part Supplement**

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THE MICHIE COMPANY  
CHARLOTTESVILLE, VIRGINIA  
1961

**III. Days and hours for holding court.** Fix the days and hours for holding court in each division;

**IV. Vacations.** Determine the times for the taking of vacations by all district judges;

**V. Assign judges.** Assign a judge to hold court for a temporary period in a district or division outside of his own district;

**VI. Records and reports.** Prescribe the records to be kept and destroyed and the reports to be made by each district judge;

**VII. Statistics.** Collect and publish such statistics pertaining to the business of the district court as he deems desirable;

**VIII. Budget.** Prepare and submit an annual budget for the district court;

**IX. Report.** Render to the chief justice of the supreme judicial court an annual report on the state of business in the district court and on the conferences held pursuant to subsection XI;

**X. Courtroom facilities.** Make necessary arrangements for proper courtroom facilities for all branches of the district court pursuant to section 12; establish his own headquarters with appropriate facilities; and establish quarters and facilities for the judges at large;

**XI. Conference of judges.** Convene at least once annually at such place as he may deem appropriate, a conference of district court judges to consider and take action upon or make recommendations with respect to current problems in the operation of the district court. The expenses of district court judges attending this conference shall be an expense of the district court;

**XII. Traffic violations bureau.** In addition to the above duties the chief judge may authorize for any division the establishment of a "traffic violations bureau" in accordance with the "model rules governing procedure in traffic cases" promulgated by the national conference of commissioners on uniform state laws in 1957. (1961, c. 386, § 1; c. 395, § 45.)

**Effect of amendment.**—P. L. 1961, c. 395. L. 1961, provides that § 45 of that act, deleted "at Augusta" preceding the second amending this section, shall become effective November 1, 1961.

**Effective date.**—Section 58 of c. 395, P.

## Chapter 109.

### Small Claims.

**Sec. 1. "Small claim" defined.**—A "small claim" is any right of action cognizable by a court of law not involving the title to real estate in which the debt or damage claimed does not exceed \$100. (1945, c. 307, 1957, c. 44. 1961, c. 39.)

**Effect of amendments.** — The 1957 claim from \$35 to \$50 and the 1961 amendment increased the amount of the claim from \$35 to \$50 and the 1961 amendment increased it from \$50 to \$100.

**Sec. 3. Process.** — A plaintiff or his authorized attorney shall state the substance of his claim to the judge, recorder or clerk of the municipal court having jurisdiction thereof who shall briefly record the notice of the claim and set a date for a hearing. The plaintiff or his authorized attorney shall at the same time pay an entry fee of \$3. (1945, c. 307. 1947, c. 3, § 2; c. 278, § 1. 1949, c. 349, § 124. 1957, c. 198, § 1.)

**Effect of amendment.** — The 1957 amendment increased the fee in the second sentence from \$2 to \$3.

**Sec. 4. Fees.**—Of the amount of the entry fee, the judge shall receive \$1. Of the \$2 remaining a sufficient sum shall be applied directly on the registered

or certified postage mentioned in section 6 and the balance shall be retained by the clerk or recorder, or in towns where there is no clerk or recorder, by the judge in addition to the \$1 fee mentioned above. (1945, c. 307, 1947, c. 3, § 3; c. 278, § 2. 1951, c. 266, § 113. 1957, c. 198, § 2; c. 281, § 1; c. 429, § 86.)

**Effect of amendments.**—The first 1957 amendment increased the amount of the fee received by the judge from 75¢ to \$1, increased the remaining amount of such fee from \$1.25 to \$2.25 and inserted the words “or certified” preceding the word “postage”. The second 1957 amendment, which did not refer to or give effect to the other changes of the first amendment, also inserted the words “or certified”. The third 1957 amendment, effective October 31, 1957, reduced the remaining amount from \$2.25 to \$2.00 but otherwise gave effect to the preceding amendments.

**Sec. 5.** Repealed by Public Laws 1957, c. 198, § 3.

**Sec. 6. Notice to defendant.**—The judge shall cause notice of the claim and the substance thereof to be given to the defendant by sending a written statement to the defendant by postpaid registered or certified mail addressed to the defendant at his last known post-office address. Delivery of said notice to be restricted to the defendant in person, and directing the defendant to appear at a time and place of hearing which shall be not less than 14 days from the date said notice is mailed to defendant. A return receipt showing that defendant has received the statement at least 7 days prior to the time set for the hearing shall constitute an essential part of the service. If service is not effected by registered or certified mail, then the court may direct that service on the defendant be completed as in other actions at law at the expense of the plaintiff. (1945, c. 307, 1947, c. 3, § 4; c. 278, § 1. 1949, c. 268; c. 349, § 125. 1957, c. 281, § 2.)

**Effect of amendment.** — The 1957 amendment inserted the words “or certified” following the word “registered” in both the first and last sentences.

## Chapter 110.

### Trial Justices. Justices of the Peace. Notaries Public.

Section 14. Actions against Executors or Administrators, etc.

#### Trial Justices.

**Sec. 3. Jurisdiction in civil actions.**—Every trial justice may hold a court in his county, as provided in this chapter, and have original and exclusive jurisdiction of all civil actions, including prosecutions for penalties in which his town is interested, when neither damages in excess of \$20 nor equitable relief is demanded, except those in which the title to real estate, according to the pleadings filed in the case of either party, is in question; and except that in those towns in which a municipal court is established, his jurisdiction is restricted to those cases in which jurisdiction was given to justices of the peace, in the act establishing such court, and to cases wherein jurisdiction is given to trial justices in like manner. (R. S. c. 97, § 2. 1959, c. 317, § 98.)

**Effect of amendment.**—The 1959 amendment substituted “neither damages in excess of \$20 nor equitable relief is demanded” for “the debt or damages demanded do not exceed \$20” and deleted the words “or brief statement,” formerly appearing after the word “pleadings” near the middle of the section.

**Effective date and applicability of Public Laws 1959, c. 317.** — Section 420, chapter 317, Public Laws 1959, provides as follows:

“This act shall become effective December 1, 1959. It shall apply to all actions brought after December 1, 1959 and also to all further proceedings in actions at law or suits in equity then pending, except to the extent that in the opinion of the court the application of this act in a particular action pending on December 1, 1959 would not be feasible or would work injustice, in which event the laws in effect prior to December 1, 1959 would prevail.”