CHAPTER 401

APPEALS

SUBCHAPTER 1

GENERAL PROVISIONS

§1801. Original papers sent upon appeal; exceptions

In cases carried from a District Court to a higher court, all depositions and original papers, except the process by which the action was commenced, the return of service thereon and the pleadings shall be certified by the proper officer and carried up without leaving copies unless otherwise ordered by the court having original cognizance.

§1802. Appeal found to be frivolous

If an appeal to the law court or Superior Court is found by that court to have been frivolous and intended for delay, treble costs may be allowed to the prevailing party. [PL 2001, c. 81, §1 (AMD).]

SECTION HISTORY

PL 2001, c. 81, §1 (AMD).

§1803. No oral testimony on appeal; additional evidence

No witnesses shall be heard orally before the law court as a part of the case on appeal, but the court may, in such manner and on such terms as it deems proper, authorize additional evidence to be taken when the same has been omitted by accident or mistake or discovered after the hearing.

SUBCHAPTER 2

SUPERIOR COURT

§1851. Objections; appeals

For all purposes for which an exception has heretofore been necessary in civil cases, it is sufficient that a party, at the time the order or ruling of the court is made or sought, makes known to the court the action that the party desires the court to take or the party's objection to the action of the court and the grounds for the objection. If a party has no opportunity to object to a ruling or order, the absence of an objection does not thereafter prejudice that party. In any civil case any party aggrieved by any judgment, ruling or order may appeal therefrom to the law court. The time for taking the appeal and the manner and any conditions for the taking of the appeal are as the Supreme Judicial Court provides by rule. [PL 2001, c. 17, §2 (AMD).]

SECTION HISTORY

PL 2001, c. 17, §2 (AMD).

SUBCHAPTER 3

DISTRICT COURT

§1901. Supreme Judicial Court; exceptions

1. Appeals from District Court. Except as provided in subsection 3 or by court rule, an appeal may be taken from the District Court to the Supreme Judicial Court sitting as the Law Court. The time for taking the appeal and the manner and any conditions for the taking of the appeal are as the Supreme Judicial Court provides by rule.
[PL 2001, c. 17, §3 (AMD).]

2. Exceptions.

[PL 1999, c. 731, Pt. ZZZ, §7 (RP); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]

3. Exceptions. An appeal from the District Court is to the Superior Court in the case of:

A. An appeal in a forcible entry and detainer case, pursuant to section 6008 and the Maine Rules of Civil Procedure, Rule 80D(f); [PL 2005, c. 48, §2 (AMD).]

B. An appeal in a small claims case brought pursuant to chapter 738 and the Maine Rules of Civil Procedure, Rule 80L; and [PL 2005, c. 48, §2 (AMD).]

C. An appeal of an involuntary hospitalization brought pursuant to Title 34-B, section 3864, subsection 11. [PL 2005, c. 48, §2 (NEW).]
[PL 2005, c. 48, §2 (AMD).]

SECTION HISTORY

PL 1975, c. 552, §2 (AMD). PL 1993, c. 338, §1 (AMD). PL 1993, c. 675, §B10 (RPR). PL 1999, c. 731, §ZZZ7 (AMD). PL 1999, c. 731, §ZZZ42 (AFF). PL 2001, c. 17, §3 (AMD). PL 2005, c. 48, §2 (AMD).

§1902. Appeals without trial

In actions in a District Court, either party, after appearing and filing his pleadings, may waive a trial and give the adverse party judgment, and then appeal as if there had been an actual trial.

§1903. Appellant's recognizance

If so requested by the adverse party, the appellant shall within one week after notice of such request, or within such further time as may be allowed by the court, recognize to such adverse party in a reasonable sum, with condition to prosecute his appeal with effect and pay all costs arising after the appeal.

§1904. Production of copies and papers

When such appeal is completed, the clerk shall file in the appellate court, the record and the originals of all papers filed in the cause. [PL 1965, c. 19, §3 (AMD).]

SECTION HISTORY

PL 1965, c. 19, §3 (AMD).

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